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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

John Currie, Chairman
Jan Corning
Fedora DeLucia
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara

SOMERS PLANNING BOARD
AGENDA
JULY 13, 2016
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for May 11, 2016

TIME EXTENSION

1. **MERRITT PARK ESTATES AMENDED FINAL SUBDIVISION [TM: 5.20-1-1]**
   Request for a one year time extension for the Wetland, Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits from June 10, 2016 up to and including June 10, 2017 under Town Law Section 167-10 (B) (2), Section 148-8 (K) and Section 93-9 (G).

2. **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. [TM: 16.12-1-41, 42]**
   Request for a one year time extension for the Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits from August 13, 2016 up to and including August 13, 2017.

PUBLIC HEARING

3. **ANTHONY BONIELLO SUBDIVISION [TM: 47.16-1-31]**
   Application for Preliminary Subdivision Approval for property located at Moseman Avenue to subdivide one three acre lot out of an existing 23.5 acre lot. Consideration of a draft Preliminary Subdivision Resolution and possibly a Draft Final Subdivision Resolution.

4. **NYSMSA LLC D/B/A VERIZON WIRELESS [TM: 17.05-20-2]**
   APPLICATION FOR SPECIAL USE PERMIT
   Application for a co-location of public utility wireless telecommunication facility and extension to existing monopole for property located at 250 West Hill Drive, Heritage Hills in the DRD Zoning District
   Consideration of a Draft Resolution for Amended Special Use Permit.

5. **CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**
   Application for Site Plan Approval, Wetland and Stormwater Management and Erosion and Sediment Control Permits for property located on Route 6. The proposal is for a mixed use development consisting of a two-story 24,000 s.f. building with 12,000 s.f. of retail and 12,000 s.f. of professional office and 64 residential units.

CONTINUATION OF PUBLIC HEARING

6. **SOMERS CROSSING [17.15-1-15.1]**
   Application for Site Plan, Preliminary Subdivision Approval and Steep Slopes Permit for the development of 66 residential condo units accessed from Route 100, recreation building and a 19,000 s.f. grocery store. The property is located at NYS Route 100 and US Route 202.

PROJECT REVIEW

7. **WRIGHT'S COURT SITE "A" [TM: 17.11-1-18]**
   Application for Re-Grant of Amended Site Plan, Special Exception Use Permit for activities within a Groundwater Protection Overlay District and Stormwater Management and Erosion and Sediment Control Permit for property located at Scott Drive and Route 202 for the construction of two buildings, parking and associated improvements.
   Consideration of a Draft Re-Grant of Amended Site Plan and Special Exception Use Permit.

INFORMAL APPEARANCE WITH PLANS

8. **TOWNE CENTRE AT SOMERS [TM: 17.15-1-13]**
   Application for Informal Appearance to discuss proposal for improvements to the Towne Centre property. The improvements include functional and aesthetic changes to building facades as well as modifications to the site area between buildings "A" and "B"

Next Planning Board Meeting is Wednesday, August 10, 2016
Agenda information is also available at www.somersny.com

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

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HENRY M. HOCHERMAN
RETIRED

June 7, 2016

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

Re: Merritt Park Estates Subdivision
Town File No. 767
Request for Extension of Wetlands, Steep Slopes Permit and Stormwater Permit Approvals

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated June 10, 2015 (the "Resolution"), your Board granted Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits, and Stormwater Management Approval (the "Amended Approvals") for the Merritt Park Estates Subdivision in connection with modifying two conditions of the original Resolution of Approval. At the Board's May 11, 2016 meeting, it extended Amended Final Subdivision Approval to September 5, 2016. As you know, Mancini has been installing the infrastructure (road, drainage, and utilities) in the Subdivision in compliance with the Amended Approvals and one single-family residence is under construction. We are writing to request extension of the Steep Slopes and Wetland Permits and the Stormwater Management Approval for one year to and including June 10, 2017, as necessary to complete the construction of any outstanding infrastructure improvements and for the construction of improvements on the individual residential lots in the Subdivision.

According to Section 148-8(K) of the Town Code, the Steep Slope Permit expires one year from the date of the approval or on June 10, 2016. Under Section 167-10(B)(2) of the Town Code, the Wetlands Permit is supposed to expire on the date set forth in the Board's Resolution but no date is specified. Under Section 93-9(G) of the Town Code, the stormwater management approval expires upon completion of the acts specified or one year from the date of issuance, which would be June 10, 2016. Because the Subdivision is still under construction and we expect the individual lots will be built out over time, we are requesting that you extend the Steep Slopes and Wetlands Permits and the

Stormwater Management Approval for a period of one year, to and including June 10, 2017 in case any future construction activities are covered by such Permits or Approval. Should development activities associated with any of such Permits or Approvals be completed prior to that date, the particular Permit or Approval at issue will expire by its terms.[1]

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

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella

GNT:hc

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

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[1] We are not requesting extension of the Tree Removal Permit at this time because it is valid for 24 months from the date granted, or June 10, 2017.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

DATE: **June 27, 2016**

TO: **Planning Board**

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

RE: **Merritt Park Estate Subdivision Request for Extension of Wetlands, Steep Slopes Permits and Stormwater Permit Approvals**

Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits and Stormwater Management Approval for the Merritt Park Estates Subdivision were approved June 10, 2015. As a result, these approvals expired June 10, 2016 as per Section 148-8 (K) for Steep Slope Permit, with wetland's permit to expire on date set by Board's resolution (no date set), and Section 93-9 (G) for stormwater permit. The request, dated June 7, 2016 asks that the Steep Slopes, Wetland Permits and the Stormwater Management Approvals be extended for one year up to and including June 10, 2017. This would allow completion of any outstanding infrastructure improvements and improvements of the one individual house under construction approved by the amended resolution to continue...

Work is expected to continue as individual lots are built out over time, requiring extension of these permits. The Board will recall that pictures depicting progress of the subdivision and a copy of the plan were submitted in April when the applicant sought extension of the Final Amended Subdivision approval.

I have no problem with the Board extending these approvals since the request was made prior to their expiration.

cc: Geraldine Tortorella, Esq.
Richard Mancini
John Mancini
Roland Baroni
Steve Woefle
Joe Barbagallo

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BIBBO ASSOCIATES, L.L.P.
Consulting Engineers

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

CPB
TP

June 21, 2016

JUN 22 2016

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

Attn: Mr. John Currie, Chairman

Re: Ridgeview Designer Builders, Inc.
Resolution No. 2014-01
Environmental Permits

Dear Members of the Board:

Per Resolution No. 2014-01, Condition 11 (see attached), Ridgeview Designer Builders, Inc. /Susan Haft are requesting a one (1) year extension of the Stormwater Management & Sediment Control Permit and the Steep Slopes Protection Permit (expiration August 13, 2016).

The work required for the referenced permits is substantially complete. The requested extension would allow for the few outstanding items left to be completed.

We respectfully request this matter be placed on your July agenda for consideration of the extension.

Very truly yours,

Timothy S. Allen, P.E.

TSA/mme
Enclosure

cc: E. Moss
G. Tortorella, Esq.
File

Site Design • Environmental

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

PLANNING BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

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Planning Board Meeting Date of August 13, 2014

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2014-01
Granting of Amended Conditional Final Conservation Subdivision Approval, Steep Slopes Permit, Stormwater Management and Erosion and Sediment Control Permit and Tree Removal Permit
to

SUSAN F. HAFT AND RIDGEVIEW DESIGNER BUILDERS, INC.
Town Tax Number: Section 16.12, Block 1, Lot 41 and Section 16.12, Block 1, Lot 42

WHEREAS, on September 12, 2001, an application was made to the Planning Board of the Town of Somers for approval of a preliminary conservation subdivision plat by Eric Moss, Ridgeview Designer Builders, Inc., to divide 12.44 acres located on the east side of Lovell Street, generally north and easterly of Benjamin Green Lane and shown on the Town Tax Maps as Section 16.12 Block 1 Lots 41 and 42, into seven building lots with individual wells, septic systems and driveways to be serviced by approximately 1000 linear feet of a new town road off of Lovell Street; and

WHEREAS, the subject site is located in the R-40 Residence Zoning District of the Town of Somers; and

WHEREAS, the proposed preliminary conventional subdivision application was reviewed by the Planning Board on November 14, 2001, December 15, 2001 (site walk), July 10, 2002, August 14, 2002, January 8, 2003, February 26, 2003, May 14, 2003, May 28, 2003 and August 13, 2003, during which time the Planning Board received and considered correspondence from the public as well as Town staff, Town advisory boards, the Town Planning Consultant and other Involved Agencies, and established a maximum lot count of five building lots based upon a revised conventional subdivision plan in accordance with §276 & §278 of the New York State Town Law and Article IIIA, "Conservation Zoning" of the *Code of the Town of Somers*. Such maximum lot count was declared by the Planning Board in Resolution No. 2003-18 *Granting of Maximum 5-Lot Count Based on Conventional Subdivision Plan*; and

9. That construction activity shall be limited from 7:00a.m. to 6:00p.m., and that no construction activity shall occur on Sundays or legal New York State holidays.

10. That the Declaration of Covenants, Conditions, Restrictions and Easements in relation to the homeowners association, be filed simultaneously with the filing of the Section 1 Plat and recorded in the Office of the Westchester County Clerk, Division of Land Records. Such Declaration shall include covenants and restrictions for the Conservation Parcels memorializing the limitations on the use of such Parcels, the homeowners association's responsibility to monitor the Parcels and enforce the restrictions, the Town's right to enforce the covenants and restrictions should the homeowners association fail to do so, and the mechanism by which the Town will be able to recover its costs and expenses of enforcement in such event. Such Declaration will be subject to the review and approval of the Town Attorney.

11. That the Stormwater Management and Erosion and Sediment Control Permit, and the Steep Slopes Protection Permit be valid for a period of two (2) years from the date of this resolution. If the work has not been completed within the allotted timeframe, the applicant shall request an extension for each of the original permits prior to the expiration of the original permit.

12. A homeowner's association shall be formed prior to filing the Section I Plat. Membership in the homeowners association shall be mandatory for the owner of lots shown on any Section filed in the office of the Westchester County Clerk. Members of the homeowners association shall share all costs of the homeowners association including, without limitation, the costs of owning the Common Driveway and maintaining the Common Driveway and the Stormwater Management basins and facilities as described above.

13. The Conservation Lots shall be created at the time each section on which the Parcel is located is filed in the Westchester County Clerk's Office.

14. Maintenance and preservation of both Conservation Parcels shall be the responsibility of the homeowner's association as set forth in the covenants, easements and restrictions discussed in Condition #10 above.

15. The Planning Board will file a copy of the overall Subdivision Plat with the Town Clerk.

16. Section II of the Plat shall be filed no more than three years from the date of filing of the Section I Plat or the approval of Section II will lapse.

BE IT FURTHER RESOLVED that the Planning Board Chairman is authorized to sign the Section I Plat in accordance with the procedures and requirements specified in §150-14.D of the "Subdivision of Land" regulations of the Code of the Town of Somers, and §276 of Town Law. In accordance with §150-13.M of the Code of the Town of Somers, this conditional approval of the final subdivision plat shall expire on February 9, 2015, 180 days from the date of this resolution granting conditional approval, unless the above requirements have been certified as complete with respect to the Section Plats by the Planning Board's professional staff, or unless such time limit is extended by the Planning Board in accordance with §150-

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: June 27, 2016

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Ridgeview Designer Builders, Inc. Stormwater and Steep Slopes Permit Extensions

As part of the granting of Amended Conditional Final Conservation Subdivision Approval, Steep Slopes Permit and Stormwater Management and Erosion and Sediment Control Permit Approvals pursuant to Resolution 2014-01 of August 13, 2014 for Susan F. Haft and Ridgeview Designer Builders, Inc., Condition 11 indicated that these two permits would be valid for two years from the date of the resolution.

Due to that condition, Bibbo Associates has submitted a request by letter of June 21, 2016 that those two permits, set to expire August 13, 2016, be extended for one year, up to and including August 13, 2017.

As indicated in the letter, the work required for the permits is substantially complete. This is verified by the pictures presented to the Planning Board several months ago. Those pictures are attached again for current review by the Board.

I have no problem with the Board granting these extensions.

Cc: Tim Allen
Geraldine Tortorella
Susan Haft
Eric Moss

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OPEN SPACE COMMITTEE

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MICHAEL BARNHART
CHAIRMAN

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Anthony Boniello Subdivision

DATE: June 14, 2016

At our monthly meeting of June 9, 2016, the Committee reviewed and discussed the preliminary subdivision for the Anthony Boniello Subdivision. There were no comments.

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Syrette Dym, AICP
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Planning Board Meeting Date of July 13, 2015

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2016-05
Granting of Conditional Preliminary Subdivision Approval, Stormwater Management and Erosion and Sediment Control Permit and Steep Slopes Permit
to
Anthony Boniello
for the
Anthony Boniello Subdivision
Town Tax Number: Section 47.16, Block 1, Lot 31

WHEREAS, an application for Preliminary Subdivision Approval together with a Short Form EAF and associated materials and subdivision fee were received by the Planning and Engineering Department on February 23, 2016, by Anthony J. Boniello, Inc. on behalf of Anthony Boniello (Applicant) and included the following plans and materials:

1. Plan titled, "Proposed 2 Lot Subdivision Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-01, prepared by Anthony S., Pisarri, P.E., P.C., dated February 16, 2016;
2. Plan titled, "Integrated Plot Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-02, prepared by Anthony S., Pisarri, P.E., P.C., dated February 16, 2016;
3. Affidavit of Ownership

WHEREAS, the subject lands consist of a total area of 1,023,424 square feet or 23.4946 acres and are shown on the Town Tax Maps as Section 47.16, Block 1, Lot 31 located on Moseman Avenue; and

WHEREAS, the subject lands are zoned "Residence R-120 District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

WHEREAS, the Applicant proposed a two lot residential subdivision including one 129,971 square foot building lot and one 893,454square foot building lot to remain undisturbed and;

WHEREAS, by memorandum of March 18, 2016 from the Town of Somers Director of Planning and by memorandum of March 18, 2016 from the Consulting Town Engineer it was indicted that a Steep Slopes Protection Permit was likely needed and such determination, application and fee needed to be provided and that a Stormwater Management and Erosion and Sediment Control Permit was needed and such application and fee needed to be provided; and

WHEREAS, such letters from the Director of Planning and the Consulting Town Engineer specified other information that needed to be provided including but not limited to a bulk table and limits of disturbance line on the preliminary subdivision drawings and provision of an erosion & sediment control based Stormwater Pollution Prevention Plan; and

WHEREAS, the project was scheduled for review at the Planning Board meeting of March 23, 2016 at which time the Planning Board declared its intent to be lead agency and distributed the Lead agency notice dated March 23, 2016 indicating the project as an Unlisted Action to all interested and involved agencies, such involved agency thought only to be the Westchester County Department of Health; and

WHEREAS after such circulation, the Open Space Committee considered the project at its meeting of March 17, 2016 and had no comments and the Fire Prevention Bureau discussed the project at its meeting of April 21, 2016 and by memorandum of April 21, 2016 indicated that that decorative columns or pillars proposed for the entrance of the driveway must be reviewed and approved by the Bureau of Fire Prevention and must be at least 20' in width for adequate emergency vehicle access; and

WHEREAS, by letter of April 16, 2016 from Anthony S. Pisarri, P.E., AP.C. revised plans addressing comments from the Consulting Town Engineer and Director of Planning including the following were submitted to the Planning Board;

- Plan titled, "Proposed 2 Lot Subdivision Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-01, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016;
- Plan titled, "Integrated Plot Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-02, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016February 16, 2016; and
- Slope and Erosion Control Map or Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-03, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016;

WHEREAS, based on those revised plans it was determined that the proposed 129,971 square foot lot had a width at the front lot line of 209.32 feet when a minimum of 250 feet is required in the R120 Residence District and that an area variance would be required from the Somers Zoning Board of Appeals; and

WHEREAS. as a result of such determination, at the Planning Board meeting of May 11, 2016, a revised Notice of Intent to Act as Lead Agency dated May 11, 2016 that included the Zoning Board of Appeals as part of a coordinated SEQR review was approved for circulation; and

WHEREAS, the Planning Board referred the application to the Zoning Board for consideration of such variance indicating that the Zoning Board should not act on the variance until the Planning Board issued its Negative Declaration; and

WHEREAS, at its meeting of May 17, 2016, the Zoning Board of Appeals indicated the Planning Board should be lead agency and considered the requested area variance, and

WHEREAS, not aware of the procedure suggested by the Planning Board, voted to grant the requested 41 foot are variance for road frontage; and

WHEREAS, correspondence from the Westchester County Department of Health dated May 31, 2016 and received by the Planning Board on June 2, 2016, indicated that the Planning Board should act as lead agency; and

WHEREAS, at the Planning Board meeting of June 8, 2016, having heard from the two other potential involved agencies, the Planning Board accepted its role as lead agency, considered the potential impacts of the proposed two lot subdivision and determined that the proposed subdivision will not result in any significant adverse environmental impacts and issued a Negative Declaration of June 8, 2016; and

WHEREAS, at its meeting of June 8, 2016 the Planning Board referred the application back to the Zoning Board of Appeals for it to revote on the variance

now that SEQR was completed and set July 13, 2016 as the date for a public hearing on the Preliminary Subdivision Plan; and

WHEREAS, at its meeting of June 21, 2016, the Zoning Board of Appeals voted again to affirm its approval of the requested 41 foot area variance for road frontage; and

WHEREAS, the Planning Board received a letter dated June 7, 2010, received by the Planning Board on June 10, 2016, from New York City Department of Environmental Protection (NYC DEP) stating that a site plan was needed for it to complete its review and that although project disturbance is identified to be less than 1 acre, the project will require coverage under NYSDEC SPDES General Permit GP-0-15-002 for disturbance of greater than 5,000 square feet in the East of Hudson watershed; and

WHEREAS, such site plan was forwarded to DEP; and

WHEREAS, the Planning Board discussed the preliminary subdivision application at their meetings held on March 23, 2016, May 11, 2016 June 8, 2016 at which time a public hearing was scheduled for July 13, 2016; and

WHEREAS, a duly noticed public hearing on the preliminary subdivision was held on July 13, 2016, at which time all those wishing to be heard were given the opportunity to be heard and the hearing was voted to be closed; and

WHEREAS, the Town Consulting Engineer by letter of June 3, 2016 indicated agreement that all significant concerns had been addressed and identified that all outstanding concerns could be addressed as conditions of a Planning Board resolution for preliminary and final subdivision approvals; and

WHEREAS the proposed subdivision will require the disturbance of greater than 5,000 square feet land and in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity, also known as Permit No. GP-0-15-002, the Applicant is required to develop a Stormwater Pollution Prevention Plan (SWPPP) which considers erosion and sediment controls during construction in accordance with the provisions of Permit No. GP-0-15-002 and the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

WHEREAS, the proposed subdivision will require the disturbance of greater than 5,000 square feet of land and involves construction of a single family residential subdivision and in accordance §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*, the Applicant will be required to obtain a Stormwater Management and Erosion and Sediment Control

permit and address all necessary erosion and sediment control contents as for an acceptable erosion and sediment control based project SWPPP that is prepared in accordance the supplementary criteria prescribed by Town Code §93; and

WHEREAS, the majority of required project erosion and sediment controls, notes and construction details are illustrated on the drawing titled "Slope and Erosion Control Map", last revised April 16, 2016; and

WHEREAS, the provided "Slope and Erosion Control Map" drawing indicates that stormwater runoff from the proposed dwelling roof area will be conveyed to subsurface stormwater infiltration chambers; and

WHEREAS, the Applicant will be required to address remaining comments of the Consulting Town Engineer relating to an acceptable erosion and sediment control based SWPPP as conditions of Subdivision Plat approval; and

WHEREAS, the Planning Board has reviewed and is familiar with and has inspected the site and its surroundings; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, in accordance with §277(4) of the New York State Town Law and §150-24.A of the *Code of the Town of Somers*, the Planning Board has considered the relationship between the proposed subdivision and the potential recreational needs resulting therefrom; and

WHEREAS, the Planning Board finds that, given the creation of only one new lot and de minimus anticipated growth in the town population, the Planning Board does not find that a proper case exists for requiring that a park or parks be suitably located for playgrounds and other recreational facilities within the Town, however, does find that, due to use of townwide facilities by occupants of the proposed lot, the lot will be subject to a Town of Somers Recreation Fee as established by Chapter 55 of the Code of the Town of Somers Section; and

NOW, THEREFORE, BE IT RESOLVED, that the foregoing **WHEREAS** clauses are incorporated herein by reference and are fully adopted as part of this approval, including the SEQR Negative Declaration referenced therein; and

BE IT FURTHER RESOLVED, that the application for preliminary subdivision plat approval for the **ANTHONY BONIELLO PRELIMINARY CONDITIONAL SUBDIVISION, STEEP SLOPES AND STORMWATER MANAGEMENT AND**

EROSION AND SEDIMENT CONTROL PERMITS as shown and described by the materials enumerated herein, **IS HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and §150-12M "Planning Board Action" of the *Code of the Town of Somers*, **SUBJECT TO** the following modifications and conditions being fulfilled at the time of application for final subdivision plat approval, unless otherwise stated below:

1. Prepare and submit a final subdivision plat containing all required elements of §150-13 and 150-30 of the Code of the Town of Somers and Articles IV and V of the Code of the Town of Somers, and reflecting the conditions as stated herein and including:

    a. A note indicating that construction activity shall be limited from 7:00 a.m. to 6:00 p.m. and that no construction activity shall occur on Sundays or legal New York State holidays.

    b. A note that if blasting is to occur it shall be limited to occur between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday only.

    c. That three points be posted on the plat with northing and easting coordinates consistent with the NAD83 State Plane coordinate system.

    d. The Final Plat shall bear all other notations, legends and signature blocks as required by Town Code §150-30.

2. The final plat should be submitted to the Planning and Engineering Office for review prior to submission to the Westchester County Health Department for signature.

3. The Applicant shall address all remaining engineering concerns identified as conditions of resolution of approval as enumerated in memorandum from the Consulting Town Engineer, dated June 3, 2016.

4. Submission of detailed construction plans, in form satisfactory to the Consulting Town Engineer, containing all remaining provisions to address required contents for an acceptable erosion and sediment control SWPPP.

5. The Applicant shall obtain Realty Subdivision Approval of the proposed subdivision from the Westchester County Department of Health (WCDOH) and the Final Plat drawing shall bear such approval from the WCDOH, as required prior to signing of the Final Subdivision Plat by the Planning Board chairman.

DRAFT

6. The Applicant shall prepare a draft Notice of Intent to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharge from Construction Activities (Permit #GP-0-15-002) and draft MS4 Acceptance Form for review by the Consulting Town Engineer.

7. The Applicant shall prepare a construction cost estimate for proposed site work considering earthwork, erosion and sediment control practices, installation of utilities and hardscape and final restoration for consideration by the Town Principal Engineering Technician in consultation with the Consulting Town Engineer.

8. Submission of evidence of an application for a Stormwater and Erosion and Sediment Control Permit in accordance with §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers* and payment of associated fees shall be provided.

9. Submission of evidence of an application for a Steep Slopes Protection Permit in accordance with §148 Steep Slopes Protection of the *Code of the Town of Somers* and payment of associated fees shall be provided.

10. The Applicant shall pay the required recreation fee.

11. The Applicant shall reimburse the Town for any outstanding review fees, as applicable, consistent with Town Code as well as State and Local Environmental Quality Review laws.

12. That existing trees be preserved to the greatest extent practicable.

13. That the proposed dwelling be required to be located within the maximum clearing and grading limit lines and within the minimum buildable area, as shown on the plans.

14. That the easement and maintenance documents be filed at the same time as the final plat.

BE IT FURTHER RESOLVED, that the conditional granting of preliminary subdivision plat approval is also subject to compliance with the following conditions:

1. All references to "the Applicant" shall include the Applicant's successors and assigns.

2. Disturbance to Town regulated steep slope areas, as may be approved by this action, shall not exceed that which is depicted on the proposed plans that were used as the basis for the granting of preliminary conservation subdivision plat approval, unless otherwise determined through the permitting process

BE IT FURTHER RESOLVED that this conditional approval of the preliminary subdivision application shall expire on January 13, 2017, if no application for final subdivision approval is submitted, unless an extension of this time period is requested by the Applicant prior to the expiration date of the conditional approval, and approved by the Planning Board in accordance with §150-12.N of the *Code of the Town of Somers.*

This resolution shall have an effective date of July 13, 2016..

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2016-05 *adopted by the Town of Somers Planning Board granting Conditional Preliminary* Subdivision Approval, Steep Slopes Protection Permit and Stormwater Management and Erosion and Sediment Control Permit, subject to the modifications stated herein, to Anthony Boniello for the Anthony Boniello Subdivision at a regular meeting held on July 13, 2016. .

Syrette Dym, AICP **Date**
Director of Planning

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PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Syrette Dym, AICP
Director of Planning
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Planning Board Meeting Date of July 13, 2016

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2016-06
Granting of Conditional Final Subdivision Approval, Stormwater Management and Erosion and Sediment Control Permit and Steep Slopes Permit to
Anthony Boniello
for the
Anthony Boniello Subdivision
Town Tax Number: Section 47.16, Block 1, Lot 31

WHEREAS, an application for Preliminary Subdivision Approval together with a Short Form EAF and associated materials and subdivision fee were received by the Planning and Engineering Department on February 23, 2016, by Anthony J. Boniello, Inc. on behalf of Anthony Boniello (Applicant) and included the following plans and materials:

1. Plan titled, "Proposed 2 Lot Subdivision Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-01, prepared by Anthony S., Pisarri, P.E., P.C., dated February 16, 2016;
2. Plan titled, "Integrated Plot Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-02, prepared by Anthony S., Pisarri, P.E., P.C., dated February 16, 2016;
3. Affidavit of Ownership

WHEREAS, the subject lands consist of a total area of 1,023,424 square feet or 23.4946 acres and are shown on the Town Tax Maps as Section 47.16, Block 1, Lot 31 located on Moseman Avenue; and

WHEREAS, the subject lands are zoned "Residence R-120 District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

WHEREAS, the Applicant proposed a two lot residential subdivision including one 129,971 square foot building lot and one 893,454square foot building lot to remain undisturbed and;

WHEREAS, by memorandum of March 18, 2016 from the Town of Somers Director of Planning and by memorandum of March 18, 2016 from the Consulting Town Engineer it was indicted that a Steep Slopes Protection Permit was likely needed and such determination, application and fee needed to be provided and that a Stormwater Management and Erosion and Sediment Control Permit was needed and such application and fee needed to be provided; and

WHEREAS, such letters from the Director of Planning and the Consulting Town Engineer specified other information that needed to be provided including but not limited to a bulk table and limits of disturbance line on the preliminary subdivision drawings and provision of an erosion and sediment control based Stormwater Pollution Prevention Plan; and

WHEREAS, the project was scheduled for review at the Planning Board meeting of March 23, 2016 at which time the Planning Board declared its intent to be lead agency and distributed the Lead agency notice dated March 23, 2016 indicating the project as an Unlisted Action to all interested and involved agencies, such involved agency thought only to be the Westchester County Department of Health; and

WHEREAS after such circulation, the Open Space Committee considered the project at its meeting of March 17, 2016 and had no comments and the Fire Prevention Bureau discussed the project at its meeting of April 21, 2016 and by memorandum of April 21, 2016 indicated that that decorative columns or pillars proposed for the entrance of the driveway must be reviewed and approved by the Bureau of Fire Prevention and must be at least 20' in width for adequate emergency vehicle access; and

WHEREAS, by letter of April 16, 2016 from Anthony S. Pisarri, P.E., AP.C. revised plans addressing comments from the Consulting Town Engineer and Director of Planning including the following were submitted to the Planning Board;

- Plan titled, "Proposed 2 Lot Subdivision Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-01, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016;

- Plan titled, "Integrated Plot Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-02, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016; and
- Slope and Erosion Control Map or Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-03, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016;

WHEREAS, based on those revised plans it was determined that the proposed 129,971 square foot lot had a width at the front lot line of 209.32 feet when a minimum of 250 feet is required in the R120 Residence District and that an area variance would be required from the Somers Zoning Board of Appeals; and

WHEREAS. as a result of such determination, at the Planning Board meeting of May 11, 2016, a revised Notice of Intent to Act as Lead Agency dated May 11, 2016 that included the Zoning Board of Appeals as part of a coordinated SEQR review was approved for circulation; and

WHEREAS, the Planning Board referred the application to the Zoning Board for consideration of such variance indicating that the Zoning Board should not act on the variance until the Planning Board issued its Negative Declaration; and

WHEREAS, at its meeting of May 17, 2016, the Zoning Board of Appeals indicated the Planning Board should be lead agency and considered the requested area variance, and

WHEREAS, not aware of the procedure suggested by the Planning Board, voted to grant the requested 41 foot are variance for road frontage; and

WHEREAS, correspondence from the Westchester County Department of Health dated May 31, 2016 and received by the Planning Board on June 2, 2016, indicated that the Planning Board should act as lead agency; and

WHEREAS, at the Planning Board meeting of June 8, 2016, having heard from the two other potential involved agencies, the Planning Board accepted its role as lead agency, considered the potential impacts of the proposed two lot subdivision and determined that the proposed subdivision will not result in any significant adverse environmental impacts and issued a Negative Declaration of June 8, 2016; and

WHEREAS, at its meeting of June 8, 2016 the Planning Board referred the application back to the Zoning Board of Appeals for it to revote on the variance now that SEQR was completed and set July 13, 2016 as the date for a public hearing on the Preliminary Subdivision Plan; and

WHEREAS, at its meeting of June 21, 2016, the Zoning Board of Appeals voted again to affirm its approval of the requested 41 foot area variance for road frontage; and

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WHEREAS, the Planning Board received a letter dated June 7, 2010, received by the Planning Board on June 10, 2016, from New York City Department of Environmental Protection (NYC DEP) stating that a site plan was needed for it to complete its review and that although project disturbance is identified to be less than 1 acre, the project will require coverage under NYSDEC SPDES General Permit GP-0-15-002 for disturbance of greater than 5,000 square feet in the East of Hudson watershed; and

WHEREAS, such site plan was forwarded to DEP; and

WHEREAS, the Planning Board discussed the preliminary subdivision application at their meetings held on March 23, 2016, May 11, 2016 June 8, 2016 at which time a public hearing was scheduled for July 13, 2016; and

WHEREAS, a duly noticed public hearing on the preliminary subdivision was held on July 13, 2016, at which time all those wishing to be heard were given the opportunity to be heard and the hearing was voted to be closed; and

WHEREAS, the Town Consulting Engineer by letter of June 3, 2016 indicated agreement that all significant concerns had been addressed and identified that all outstanding concerns could be addressed as conditions of a Planning Board resolution for preliminary and final subdivision approvals; and

WHEREAS the proposed subdivision will require the disturbance of greater than 5,000 square feet land and in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity, also known as Permit No. GP-0-15-002, the Applicant is required to develop a Stormwater Pollution Prevention Plan which considers erosion and sediment controls during construction in accordance with the provisions of Permit No. GP-0-15-002 and the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

WHEREAS, the proposed subdivision will require the disturbance of greater than 5,000 square feet of land and involves construction of a single family residential subdivision and in accordance §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*, the Applicant will be required to obtain a Stormwater Management and Erosion and Sediment Control permit and address all necessary erosion and sediment control contents as for an acceptable erosion and sediment control based project SWPPP that is prepared in accordance the supplementary criteria prescribed by Town Code §93; and

WHEREAS, the majority of required project erosion and sediment controls, notes and construction details are illustrated on the drawing titled "Slope and Erosion Control Map", last revised April 16, 2016; and

WHEREAS, the provided "Slope and Erosion Control Map" drawing indicates that stormwater runoff from the proposed dwelling roof area will be conveyed to subsurface stormwater infiltration chambers; and

WHEREAS, the Applicant will be required to address remaining comments of the Consulting Town Engineer relating to an acceptable erosion and sediment control based SWPPP as conditions of Subdivision Plat approval; and

WHEREAS, the Planning Board has reviewed and is familiar with and has inspected the site and its surroundings; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, in accordance with §277(4) of the New York State Town Law and §150-24.A of the *Code of the Town of Somers*, the Planning Board has considered the relationship between the proposed subdivision and the potential recreational needs resulting therefrom; and

WHEREAS, the Planning Board finds that, given the creation of only one new lot and de minimus anticipated growth in the town population, the Planning Board does not find that a proper case exists for requiring that a park or parks be suitably located for playgrounds and other recreational facilities within the Town, however, does find that, due to use of townwide facilities by occupants of the proposed lot, the lot will be subject to a Town of Somers Recreation Fee as established by Chapter 55 of the Code of the Town of Somers Section; and

WHEREAS, by Resolution #2016-05, the Planning Board granted Conditional Preliminary Subdivision Approval; and

WHEREAS, the applicant has submitted a "Proposed 2 Lot Subdivision Plan " and "Integrated Plot Plan" both dated as revised April 16, 2016, by Anthony S. Pisarri, P.E., P.C.; and

WHEREAS, the applicant shall prepare a final subdivision plat in survey satisfactory to the Town Consulting Engineer and Town Director of Planning for signature of the Planning Board Chairman and submission to the County Clerk ; and

WHEREAS, the Subdivision Plat Application was found to be substantially complete and all required elements for environmental permit applications, as specified by the following sections of the Town Code have been submitted:

- § 93-6 relative to Stormwater Management and Erosion and Sediment Control Permit Application to the Planning Board.
- §148-8 relative to Steep Slopes Permit Application to the Planning Board.

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WHEREAS, the Consulting Town Engineer recommended to the Planning Board that the Subdivision Application and associated documents substantially meet all requirements for issuance of environmental permits by the Planning Board subject to the conditions of this Conditional Final Subdivision Plat Approval Resolution; and

WHEREAS, the Planning Board has reviewed and is familiar with the project and has inspected the site and its surroundings; and

WHEREAS, the Planning Board, based on the prior record and new information made available as part of this application review process, adopted a Negative Declaration under SEQRA with respect to this application on June 8, 2016; and

WHEREAS, on July 13, 2016, the Planning Board granted Conditional Preliminary Subdivision Plat Approval; and

WHEREAS, this being a two lot subdivision but one that is classified as an unlisted action under SEQRA, and, therefore is not eligible to be considered for an abbreviated subdivision approval under Section 150-15 of the Code of the Town of Somers; and

WHEREAS, the Final Subdivision Application was discussed at the Planning Board meeting held on July 13, 2016; and

WHEREAS, the Planning Board felt that all significant issues have been addressed and the final conditional subdivision approval could be processed at the same meeting as the preliminary conditional subdivision approval; and

WHEREAS, as permitted by Section 150-13F(2) of the Code of the Town of Somers, since the Planning Board deems the Anthony S. Pissarri, P.E., P.C. Proposed 2 Lot Subdivision Plan that will serve as the basis of the final subdivision plat to be in substantial agreement with the approved preliminary subdivision plat, the Planning Board waives the requirement for a public hearing; and

WHEREAS, the Anthony S. Pissarri, P.E., P.C. Proposed 2 Lot Subdivision Plan of Revised April 4, 2016, serving as the basis for the Final Subdivision Plat, and all associated subdivision drawings shall meet the conditions of Conditional Preliminary Subdivision Plat Approval granted on July 13, 2016 prior to signing of the final subdivision plat; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at meetings of the Board as well as those submitted separately in writing; and

NOW, THEREFORE, BE IT

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RESOLVED that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that the application for **Conditional Final Subdivision Plat Approval, including creation of two lots, and all other associated applications including, the Steep Slope Protection Permit (§148) and Stormwater Management and Erosion and Sediment Control Permit (§93), and the approval of the SWPPP, in accordance with §93-5(B), for the Anthony Boniello Subdivision** as shown and described by the materials enumerated herein, **ARE HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and in accordance with §150-13J "Planning Board Action" of the Code of the Town of Somers, **SUBJECT TO** the following modifications and conditions as stated below unless otherwise stated below:

Conditions Required Prior to Signing of Plat

1. Prepare and submit a final subdivision plat containing all required elements of §150-13 and 150-30 of the Code of the Town of Somers and Articles IV and V of the Code of the Town of Somers, and reflecting the conditions as stated herein and including:

    a. A note indicating that construction activity shall be limited from 7:00 a.m. to 6:00 p.m. and that no construction activity shall occur on Sundays or legal New York State holidays.

    b. A note that if blasting is to occur it shall be limited to occur between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday only.

    c. That three points be posted on the plat with northing and easting coordinates consistent with the NAD83 State Plane coordinate system.

    d. The Final Plat shall bear all other notations, legends and signature blocks as required by Town Code §150-30.

2. The Applicant shall address outstanding engineering concerns, as enumerated in Consulting Town Engineer letter, dated June 3, 2016 required to be addressed prior to signing of Final Subdivision Plat, including the following:

    a. Provide updated drawings and supplementary information that address the remaining required criteria for an acceptable erosion and sediment control based SWPPP.

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b. Provide an estimate of anticipated site earthwork as cut/fill volumes.

c. Provide field investigation data for feasibility testing (deep hole excavation and percolation test) collected at the proposed stormwater infiltration practice.

d. Address remaining technical comments related to the proposed subsurface infiltration practice design and layout.

e. Revise the plan to address required notes related to steep slopes disturbance.

3. Submission of payment of fees for a Stormwater and Erosion and Sediment Control Permit in accordance with §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*

4. Submission of payment of fees for a Steep Slopes Preservation Permit in accordance with §148 Steep Slopes Protection Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*.

5. Payment of the required recreation fee.

6. Prior to issuance of town environmental permits, a performance bond/security shall be posted to cover the cost of soil erosion and sedimentation control measures on the site during the course of construction. The above stated security shall be in an amount recommended by the Town Consulting Engineer and Principal Engineering Technician and shall be in form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.

7. Prior to issuance of town environmental permits, an engineering inspection fee for the Subdivision shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board. The amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements, as identified by the Town Consulting Engineer and Principal Engineering Technician.

8. The Applicant shall obtain Realty Subdivision Approval of the proposed subdivision from the Westchester County Department of Health and the Final Plat drawing shall bear such approval from the WCDOH, as required prior to signing of the Final Subdivision Plat by the Planning Board chairman.

9. The Applicant shall prepare a draft Notice of Intent to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharge from Construction Activities (Permit #GP-0-15-002) and draft MS4 Acceptance Form for review by the Consulting Town Engineer

10. The Applicant shall prepare a construction cost estimate for proposed site work considering earthwork, erosion and sediment control practices, installation of utilities and hardscape and final restoration for consideration by the Town Principal Engineering Technician in consultation with the Consulting Town Engineer.

11. The final construction drawings for the subdivision shall include the following note: "Construction Activities, with the exception of rock removal, shall be limited to Monday through Saturday from 7:00 am to 6:00 pm. Rock Removal activities shall be limited to Monday through Friday from 8:00 am to 5:00 pm. No construction activity shall occur on Sundays or legal holidays."

Ongoing Conditions Required After Signing of Plat

1. The Applicant shall obtain coverage under the NYSDEC General Permit No. GP-0-15-002 with a copy of the NOI MS4 Acceptance Form executed by the Consulting Town Engineer in accordance with the Town's MS4 manual, prior to issuance of a Building Permit. The Applicant shall implement construction activities in accordance with the approved SWPPP and the requirements of Permit No. GP-0-15-002.
2. The Applicant shall address remaining outstanding engineering concerns, as enumerated in Consulting Town Engineer letter, dated June 3, 2016 prior to issuance of a Building Permit, including the following:
    a. Provide field investigation data for feasibility testing (deep hole excavation and percolation test) collected at the proposed stormwater management practice area.
    b. Obtain a Highway Permit from the Town of Somers Highway Superintendent for the proposed driveway curb-cut.
    c. Submit documentation of WCDOH Construction Approvals for the proposed groundwater well and sanitary septic field area.
3. Appropriate erosion control measures satisfactory to the Department Engineering Technician shall be installed prior to starting the construction and maintained during the contract period, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, and the New York State Stormwater Management Design Manual, dated January 2015 (including all updates/or revisions).
4. If rock is encountered during construction, removal will first be accomplished by ripping, hammering or drilling, in accordance with §148-7.B (4)(k) of the Code. If blasting is to occur, all blast work shall be limited to occur between the hours of 8:00a.m. to 6:00 p.m. Monday through Friday only.

5. The Somers Engineering Department shall be notified (914-277-5366) prior to the beginning of any work on the site and also upon completion of the approved work.

6. The Applicant shall obtain a 'Highway Permit" approval by the Town of Somers Highway Superintendent.

7. Appropriate erosion control measures satisfactory to the Department Engineering Technician shall be installed prior to starting the construction and maintained during the contract period, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, and the New York State Stormwater Management Design Manual, dated January 2015 (including all updates/or revisions).

8. All drainage structures shall be inspected and approved by the Department Engineering Technician or Consulting Town Engineer before backfill, prior to issuance of a certificate of occupancy.

9. Work shall be undertaken consistent with Town of Somers regulations to the satisfaction of the Department Engineering Technician and the Consulting Town Engineer.

10. Field changes that do not change the intent of the design or are not significant, if required, may be approved by the Department Engineering Technician and the Consulting Town Engineer prior to implementation. Significant field changes or those that deviate from the intent of the design as approved by that Planning Board must be approved by the Planning Board.

11. All construction activities, with the exception of rock removal, shall be limited to occur Monday through Saturday, 7AM to 6PM. Rock removal shall be limited to Monday through Friday 8AM to 6PM. No construction activities shall occur on Sundays or legal holidays.

12. Following the substantial completion of all construction activity, the Applicant will be required to submit an as-built survey of all constructed site structures and utilities, prior to issuance of certificate of occupancy.

BE IT FURTHER RESOLVED that the Planning Board Chairman is authorized to sign the final subdivision plat in accordance with the procedures and requirements specified in §150-14.D of the "Subdivision of Land" regulations of the Code of the Town of Somers, and §276 of Town Law.

In accordance with §150-13.M of the Code of the Town of Somers, this conditional approval of the final subdivision plat shall expire on January 9, 2017, 180 days from the date of the resolution granting conditional approval, unless the

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above requirements have been certified as complete by the Planning Board's professional staff, or unless such time limit is extended by the Planning Board in accordance with §150-12.N of the Code of the Town of Somers for no more than two (2) additional periods of 90 days each. The request for time extension shall be made by the Applicant **prior to** expiration of the specific time period.

Once the requirements have been certified as completed by the endorsement of the plat by the Chairman of the Planning Board, the plat shall be filed with the Westchester County Clerk, Division of Land Records, within 62 days after the date of signing by the Planning Board, or approval shall expire. The Applicant shall submit seven (7) copies of the subdivision plat showing all signatures and acknowledgments of filing to the Planning Board Secretary within 30 days after the date of filing with the County. In addition, a copy of the filed plat drawing shall be provided on diskette to the Planning and Engineering Department.

No building permits will be issued on any lot shown on the subdivision plat until the required copies of the plat have been delivered to the Planning Board in accordance with §150-14.H of the *Code of the Town of Somers*. Upon completion of all improvements, the Applicant shall submit an as-built plan to the satisfaction of the Town Consulting Engineer.

Any change in the subdivision plat which is filed in the office of the Westchester County Clerk constitutes a "resub division" which is subject to the same procedure, rules and regulations applying to an original subdivision, as stated in §150-4, "Resub division", of the *Code of the Town of Somers*.

This resolution shall have an effective date of July 13, 2016..

BY ORDER OF THE PLANNING BOARD OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2016-06 adopted by the Town of Somers Planning Board granting of **Conditional Final Subdivision Plat Approval to Anthony Boniello for the Anthony Boniello Subdivision** at a meeting held on July 13, 2016..

_____ _____

Syrette Dym, AICP **Date**
Director of Planning

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PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Syrette Dym, AICP
Director of Planning
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Planning Board Meeting Date of July 13, 2016

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2016-06
Granting of Conditional Final Subdivision Approval, Stormwater Management and Erosion and Sediment Control Permit and Steep Slopes Permit to
Anthony Boniello
for the
Anthony Boniello Subdivision
Town Tax Number: Section 47.16, Block 1, Lot 31

WHEREAS, an application for Preliminary Subdivision Approval together with a Short Form EAF and associated materials and subdivision fee were received by the Planning and Engineering Department on February 23, 2016, by Anthony J. Boniello, Inc. on behalf of Anthony Boniello (Applicant) and included the following plans and materials:

1. Plan titled, "Proposed 2 Lot Subdivision Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-01, prepared by Anthony S., Pisarri, P.E., P.C., dated February 16, 2016;
2. Plan titled, "Integrated Plot Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-02, prepared by Anthony S., Pisarri, P.E., P.C., dated February 16, 2016;
3. Affidavit of Ownership

WHEREAS, the subject lands consist of a total area of 1,023,424 square feet or 23.4946 acres and are shown on the Town Tax Maps as Section 47.16, Block 1, Lot 31 located on Moseman Avenue; and

WHEREAS, the subject lands are zoned "Residence R-120 District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

WHEREAS, the Applicant proposed a two lot residential subdivision including one 129,971 square foot building lot and one 893,454square foot building lot to remain undisturbed and;

WHEREAS, by memorandum of March 18, 2016 from the Town of Somers Director of Planning and by memorandum of March 18, 2016 from the Consulting Town Engineer it was indicted that a Steep Slopes Protection Permit was likely needed and such determination, application and fee needed to be provided and that a Stormwater Management and Erosion and Sediment Control Permit was needed and such application and fee needed to be provided; and

WHEREAS, such letters from the Director of Planning and the Consulting Town Engineer specified other information that needed to be provided including but not limited to a bulk table and limits of disturbance line on the preliminary subdivision drawings and provision of an erosion and sediment control based Stormwater Pollution Prevention Plan; and

WHEREAS, the project was scheduled for review at the Planning Board meeting of March 23, 2016 at which time the Planning Board declared its intent to be lead agency and distributed the Lead agency notice dated March 23, 2016 indicating the project as an Unlisted Action to all interested and involved agencies, such involved agency thought only to be the Westchester County Department of Health; and

WHEREAS after such circulation, the Open Space Committee considered the project at its meeting of March 17, 2016 and had no comments and the Fire Prevention Bureau discussed the project at its meeting of April 21, 2016 and by memorandum of April 21, 2016 indicated that that decorative columns or pillars proposed for the entrance of the driveway must be reviewed and approved by the Bureau of Fire Prevention and must be at least 20' in width for adequate emergency vehicle access; and

WHEREAS, by letter of April 16, 2016 from Anthony S. Pisarri, P.E., AP.C. revised plans addressing comments from the Consulting Town Engineer and Director of Planning including the following were submitted to the Planning Board;

- Plan titled, "Proposed 2 Lot Subdivision Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-01, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016;

- Plan titled, "Integrated Plot Plan for Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-02, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016; and
- Slope and Erosion Control Map or Anthony Boniello - 43 Moseman Avenue, Somers, New York", Sheet 2016-03-03, prepared by Anthony S., Pisarri, P.E., P.C., dated April 16, 2016;

WHEREAS, based on those revised plans it was determined that the proposed 129,971 square foot lot had a width at the front lot line of 209.32 feet when a minimum of 250 feet is required in the R120 Residence District and that an area variance would be required from the Somers Zoning Board of Appeals; and

WHEREAS. as a result of such determination, at the Planning Board meeting of May 11, 2016, a revised Notice of Intent to Act as Lead Agency dated May 11, 2016 that included the Zoning Board of Appeals as part of a coordinated SEQR review was approved for circulation; and

WHEREAS, the Planning Board referred the application to the Zoning Board for consideration of such variance indicating that the Zoning Board should not act on the variance until the Planning Board issued its Negative Declaration; and

WHEREAS, at its meeting of May 17, 2016, the Zoning Board of Appeals indicated the Planning Board should be lead agency and considered the requested area variance, and

WHEREAS, not aware of the procedure suggested by the Planning Board, voted to grant the requested 41 foot are variance for road frontage; and

WHEREAS, correspondence from the Westchester County Department of Health dated May 31, 2016 and received by the Planning Board on June 2, 2016, indicated that the Planning Board should act as lead agency; and

WHEREAS, at the Planning Board meeting of June 8, 2016, having heard from the two other potential involved agencies, the Planning Board accepted its role as lead agency, considered the potential impacts of the proposed two lot subdivision and determined that the proposed subdivision will not result in any significant adverse environmental impacts and issued a Negative Declaration of June 8, 2016; and

WHEREAS, at its meeting of June 8, 2016 the Planning Board referred the application back to the Zoning Board of Appeals for it to revote on the variance now that SEQR was completed and set July 13, 2016 as the date for a public hearing on the Preliminary Subdivision Plan; and

WHEREAS, at its meeting of June 21, 2016, the Zoning Board of Appeals voted again to affirm its approval of the requested 41 foot area variance for road frontage; and

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WHEREAS, the Planning Board received a letter dated June 7, 2010, received by the Planning Board on June 10, 2016, from New York City Department of Environmental Protection (NYC DEP) stating that a site plan was needed for it to complete its review and that although project disturbance is identified to be less than 1 acre, the project will require coverage under NYSDEC SPDES General Permit GP-0-15-002 for disturbance of greater than 5,000 square feet in the East of Hudson watershed; and

WHEREAS, such site plan was forwarded to DEP; and

WHEREAS, the Planning Board discussed the preliminary subdivision application at their meetings held on March 23, 2016, May 11, 2016 June 8, 2016 at which time a public hearing was scheduled for July 13, 2016; and

WHEREAS, a duly noticed public hearing on the preliminary subdivision was held on July 13, 2016, at which time all those wishing to be heard were given the opportunity to be heard and the hearing was voted to be closed; and

WHEREAS, the Town Consulting Engineer by letter of June 3, 2016 indicated agreement that all significant concerns had been addressed and identified that all outstanding concerns could be addressed as conditions of a Planning Board resolution for preliminary and final subdivision approvals; and

WHEREAS the proposed subdivision will require the disturbance of greater than 5,000 square feet land and in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity, also known as Permit No. GP-0-15-002, the Applicant is required to develop a Stormwater Pollution Prevention Plan which considers erosion and sediment controls during construction in accordance with the provisions of Permit No. GP-0-15-002 and the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

WHEREAS, the proposed subdivision will require the disturbance of greater than 5,000 square feet of land and involves construction of a single family residential subdivision and in accordance §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*, the Applicant will be required to obtain a Stormwater Management and Erosion and Sediment Control permit and address all necessary erosion and sediment control contents as for an acceptable erosion and sediment control based project SWPPP that is prepared in accordance the supplementary criteria prescribed by Town Code §93; and

WHEREAS, the majority of required project erosion and sediment controls, notes and construction details are illustrated on the drawing titled "Slope and Erosion Control Map", last revised April 16, 2016; and

WHEREAS, the provided "Slope and Erosion Control Map" drawing indicates that stormwater runoff from the proposed dwelling roof area will be conveyed to subsurface stormwater infiltration chambers; and

WHEREAS, the Applicant will be required to address remaining comments of the Consulting Town Engineer relating to an acceptable erosion and sediment control based SWPPP as conditions of Subdivision Plat approval; and

WHEREAS, the Planning Board has reviewed and is familiar with and has inspected the site and its surroundings; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, in accordance with §277(4) of the New York State Town Law and §150-24.A of the *Code of the Town of Somers*, the Planning Board has considered the relationship between the proposed subdivision and the potential recreational needs resulting therefrom; and

WHEREAS, the Planning Board finds that, given the creation of only one new lot and de minimus anticipated growth in the town population, the Planning Board does not find that a proper case exists for requiring that a park or parks be suitably located for playgrounds and other recreational facilities within the Town, however, does find that, due to use of townwide facilities by occupants of the proposed lot, the lot will be subject to a Town of Somers Recreation Fee as established by Chapter 55 of the Code of the Town of Somers Section; and

WHEREAS, by Resolution #2016-05, the Planning Board granted Conditional Preliminary Subdivision Approval; and

WHEREAS, the applicant has submitted a "Proposed 2 Lot Subdivision Plan " and "Integrated Plot Plan" both dated as revised April 16, 2016, by Anthony S. Pisarri, P.E., P.C.; and

WHEREAS, the applicant shall prepare a final subdivision plat in survey satisfactory to the Town Consulting Engineer and Town Director of Planning for signature of the Planning Board Chairman and submission to the County Clerk ; and

WHEREAS, the Subdivision Plat Application was found to be substantially complete and all required elements for environmental permit applications, as specified by the following sections of the Town Code have been submitted:

- § 93-6 relative to Stormwater Management and Erosion and Sediment Control Permit Application to the Planning Board.
- §148-8 relative to Steep Slopes Permit Application to the Planning Board.

WHEREAS, the Consulting Town Engineer recommended to the Planning Board that the Subdivision Application and associated documents substantially meet all requirements for issuance of environmental permits by the Planning Board subject to the conditions of this Conditional Final Subdivision Plat Approval Resolution; and

WHEREAS, the Planning Board has reviewed and is familiar with the project and has inspected the site and its surroundings; and

WHEREAS, the Planning Board, based on the prior record and new information made available as part of this application review process, adopted a Negative Declaration under SEQRA with respect to this application on June 8, 2016; and

WHEREAS, on July 13, 2016, the Planning Board granted Conditional Preliminary Subdivision Plat Approval; and

WHEREAS, this being a two lot subdivision but one that is classified as an unlisted action under SEQRA, and, therefore is not eligible to be considered for an abbreviated subdivision approval under Section 150-15 of the Code of the Town of Somers; and

WHEREAS, the Final Subdivision Application was discussed at the Planning Board meeting held on July 13, 2016; and

WHEREAS, the Planning Board felt that all significant issues have been addressed and the final conditional subdivision approval could be processed at the same meeting as the preliminary conditional subdivision approval; and

WHEREAS, as permitted by Section 150-13F(2) of the Code of the Town of Somers, since the Planning Board deems the Anthony S. Pissarri, P.E., P.C. Proposed 2 Lot Subdivision Plan that will serve as the basis of the final subdivision plat to be in substantial agreement with the approved preliminary subdivision plat, the Planning Board waives the requirement for a public hearing; and

WHEREAS, the Anthony S. Pissarri, P.E., P.C. Proposed 2 Lot Subdivision Plan of Revised April 4, 2016, serving as the basis for the Final Subdivision Plat, and all associated subdivision drawings shall meet the conditions of Conditional Preliminary Subdivision Plat Approval granted on July 13, 2016 prior to signing of the final subdivision plat; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at meetings of the Board as well as those submitted separately in writing; and

NOW, THEREFORE, BE IT

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RESOLVED that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that the application for **Conditional Final Subdivision Plat Approval, including creation of two lots, and all other associated applications including, the Steep Slope Protection Permit (§148) and Stormwater Management and Erosion and Sediment Control Permit (§93), and the approval of the SWPPP, in accordance with §93-5(B), for the Anthony Boniello Subdivision** as shown and described by the materials enumerated herein, **ARE HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and in accordance with §150-13J "Planning Board Action" of the Code of the Town of Somers, **SUBJECT TO** the following modifications and conditions as stated below unless otherwise stated below:

Conditions Required Prior to Signing of Plat

1. Prepare and submit a final subdivision plat containing all required elements of §150-13 and 150-30 of the Code of the Town of Somers and Articles IV and V of the Code of the Town of Somers, and reflecting the conditions as stated herein and including:

    a. A note indicating that construction activity shall be limited from 7:00 a.m. to 6:00 p.m. and that no construction activity shall occur on Sundays or legal New York State holidays.

    b. A note that if blasting is to occur it shall be limited to occur between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday only.

    c. That three points be posted on the plat with northing and easting coordinates consistent with the NAD83 State Plane coordinate system.

    d. The Final Plat shall bear all other notations, legends and signature blocks as required by Town Code §150-30.

2. The Applicant shall address outstanding engineering concerns, as enumerated in Consulting Town Engineer letter, dated June 3, 2016 required to be addressed prior to signing of Final Subdivision Plat, including the following:

    a. Provide updated drawings and supplementary information that address the remaining required criteria for an acceptable erosion and sediment control based SWPPP.

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b. Provide an estimate of anticipated site earthwork as cut/fill volumes.

c. Provide field investigation data for feasibility testing (deep hole excavation and percolation test) collected at the proposed stormwater infiltration practice.

d. Address remaining technical comments related to the proposed subsurface infiltration practice design and layout.

e. Revise the plan to address required notes related to steep slopes disturbance.

3. Submission of payment of fees for a Stormwater and Erosion and Sediment Control Permit in accordance with §93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*

4. Submission of payment of fees for a Steep Slopes Preservation Permit in accordance with §148 Steep Slopes Protection Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers.*

5. Payment of the required recreation fee.

6. The Applicant shall obtain Realty Subdivision Approval of the proposed subdivision from the Westchester County Department of Health and the Final Plat drawing shall bear such approval from the WCDOH, as required prior to signing of the Final Subdivision Plat by the Planning Board chairman.

7. The Applicant shall prepare a draft Notice of Intent to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharge from Construction Activities (Permit #GP-0-15-002) and draft MS4 Acceptance Form for review by the Consulting Town Engineer

8. The Applicant shall prepare a construction cost estimate for proposed site work considering earthwork, erosion and sediment control practices, installation of utilities and hardscape and final restoration for consideration by the Town Principal Engineering Technician in consultation with the Consulting Town Engineer.

9. The final construction drawings for the subdivision shall include the following note: "Construction Activities, with the exception of rock removal, shall be limited to Monday through Saturday from 7:00 am to 6:00 pm. Rock Removal activities shall be limited to Monday through Friday from 8:00 am to 5:00 pm. No construction activity shall occur on Sundays or legal holidays."

Ongoing Conditions Required After Signing of Plat

1. The Applicant shall obtain coverage under the NYSDEC General Permit No. GP-0-15-002 with a copy of the NOI MS4 Acceptance Form executed by the Consulting Town Engineer in accordance with the Town's MS4 manual, prior to issuance of a Building Permit. The Applicant shall implement construction activities in accordance with the approved SWPPP and the requirements of Permit No. GP-0-15-002.

2. The Applicant shall address remaining outstanding engineering concerns, as enumerated in Consulting Town Engineer letter, dated June 3, 2016 prior to issuance of a Building Permit, including the following:

    a. Provide field investigation data for feasibility testing (deep hole excavation and percolation test) collected at the proposed stormwater management practice area.

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

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

3. Appropriate erosion control measures satisfactory to the Department Engineering Technician shall be installed prior to starting the construction and maintained during the contract period, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, and the New York State Stormwater Management Design Manual, dated January 2015 (including all updates/or revisions).

4. If rock is encountered during construction, removal will first be accomplished by ripping, hammering or drilling, in accordance with §148-7.B (4)(k) of the Code. If blasting is to occur, all blast work shall be limited to occur between the hours of 8:00a.m. to 6:00 p.m. Monday through Friday only.

5. Prior to issuance of town environmental permits, a performance bond/security shall be posted to cover the cost of soil erosion and sedimentation control measures on the site during the course of construction. The above stated security shall be in an amount recommended by the Town Consulting Engineer and Principal Engineering Technician and shall be in form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.

6. Prior to issuance of town environmental permits, an engineering inspection fee for the Subdivision shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board. The amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements, as identified by the Town Consulting Engineer and Principal Engineering Technician.

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7. The Somers Engineering Department shall be notified (914-277-5366) prior to the beginning of any work on the site and also upon completion of the approved work.

8. The Applicant shall obtain a 'Highway Permit" approval by the Town of Somers Highway Superintendent.

9. Appropriate erosion control measures satisfactory to the Department Engineering Technician shall be installed prior to starting the construction and maintained during the contract period, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, and the New York State Stormwater Management Design Manual, dated January 2015 (including all updates/or revisions).

10. All drainage structures shall be inspected and approved by the Department Engineering Technician or Consulting Town Engineer before backfill, prior to issuance of a certificate of occupancy.

11. Work shall be undertaken consistent with Town of Somers regulations to the satisfaction of the Department Engineering Technician and the Consulting Town Engineer.

12. Field changes that do not change the intent of the design or are not significant, if required, may be approved by the Department Engineering Technician and the Consulting Town Engineer prior to implementation. Significant field changes or those that deviate from the intent of the design as approved by that Planning Board must be approved by the Planning Board.

13. All construction activities, with the exception of rock removal, shall be limited to occur Monday through Saturday, 7AM to 6PM. Rock removal shall be limited to Monday through Friday 8AM to 6PM. No construction activities shall occur on Sundays or legal holidays.

14. Following the substantial completion of all construction activity, the Applicant will be required to submit an as-built survey of all constructed site structures and utilities, prior to issuance of certificate of occupancy.

BE IT FURTHER RESOLVED that the Planning Board Chairman is authorized to sign the final subdivision plat in accordance with the procedures and requirements specified in §150-14.D of the "Subdivision of Land" regulations of the Code of the Town of Somers, and §276 of Town Law.

In accordance with §150-13.M of the Code of the Town of Somers, this conditional approval of the final subdivision plat shall expire on January 9, 2017, 180 days from the date of the resolution granting conditional approval, unless the

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above requirements have been certified as complete by the Planning Board's professional staff, or unless such time limit is extended by the Planning Board in accordance with §150-12.N of the Code of the Town of Somers for no more than two (2) additional periods of 90 days each. The request for time extension shall be made by the Applicant **prior to** expiration of the specific time period.

Once the requirements have been certified as completed by the endorsement of the plat by the Chairman of the Planning Board, the plat shall be filed with the Westchester County Clerk, Division of Land Records, within 62 days after the date of signing by the Planning Board, or approval shall expire. The Applicant shall submit seven (7) copies of the subdivision plat showing all signatures and acknowledgments of filing to the Planning Board Secretary within 30 days after the date of filing with the County. In addition, a copy of the filed plat drawing shall be provided on diskette to the Planning and Engineering Department.

No building permits will be issued on any lot shown on the subdivision plat until the required copies of the plat have been delivered to the Planning Board in accordance with §150-14.H of the *Code of the Town of Somers*. Upon completion of all improvements, the Applicant shall submit an as-built plan to the satisfaction of the Town Consulting Engineer.

Any change in the subdivision plat which is filed in the office of the Westchester County Clerk constitutes a "resub division" which is subject to the same procedure, rules and regulations applying to an original subdivision, as stated in §150-4, "Resub division", of the *Code of the Town of Somers*.

This resolution shall have an effective date of July 13, 2016..

BY ORDER OF THE PLANNING BOARD OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2016-06 adopted by the Town of Somers Planning Board granting of **Conditional Final Subdivision Plat Approval to Anthony Boniello for the Anthony Boniello Subdivision** at a meeting held on July 13, 2016..

_____ _____

Syrette Dym, AICP **Date**
Director of Planning

DRAFT

CPB
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

RECEIVED
JUN 20 2016
PLANNING & ZONING

40 X

MEMO TO: Planning and Engineering

FROM: Bureau of Fire Prevention

RE: Verizon Wireless Co-Locator Heritage Hills

DATE: June 17, 2016

The Bureau received an updated plan for a Verizon Wireless Co-Locator at Heritage Hills. It was reviewed and discussed at our monthly meeting on June 15, 2016. There were no comments.

OPEN SPACE COMMITTEE

Telephone
(914) 277-5582
Fax
(914) 277-3790

MICHAEL BARNHART
CHAIRMAN

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Verizon Wireless Co-Locator (Heritage Hills)

DATE: June 14, 2016

At our monthly meeting of June 9, 2016, the Committee reviewed and discussed the submission for the Verizon Wireless Co-Locator (Heritage Hills). As the height of the pole will be increased by 15', we request that a sight line analysis be done.

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-
5366
Fax

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
Director of Planning
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Town Board

FROM: Town of Somers Planning Board

DATE: July 6, 2016

RE: Amendment to the Provisions of the NS Zoning District

In response to the referral by the Town Board of the Local Law to amend the provisions of the Town of Somers Zoning Code, Chapter 170, relating to the NS District as part of the Crossroads at Baldwin Place, the Planning Board made and approved a motion supporting such amendment because the Planning Board believes that commercial uses are not marketable in the rear of the property. With regard to the language of Section 1 of the Local Law, the Planning Board recommends that mixed commercial and affordable residential development projects located in separate buildings be built concurrently as part of a single project. A revised version including the Planning Board's recommendation has been attached.

Attachment

cc: Planning Board
Roland Baroni
Joe Barbagallo
Rob Wasp
Rich Williams
Ken Kearney
Charles Martabano

Local Law No. __ for the Year 2016

A LOCAL LAW TO AMEND THE PROVISIONS OF THE TOWN OF SOMERS ZONING CODE, CHAPTER 170, RELATING TO THE NS ZONING DISTRICT

Be it enacted by the Town Board of the Town of Somers as follows:

Section 1. § 170-20 of the Code of the Town of Somers is hereby amended to add a permitted use as follows:

I. Mixed commercial and affordable residential development projects, where commercial space and residential units may be located in separate buildings provided they are built concurrently as part of a single project, subject to compliance with the provisions of §170-20.4.C.

Section 2. § 170-20. 4. C. of the Code of the Town of Somers is hereby amended to add a new subsection C. as follows:

C. A mixed commercial and affordable residential development project may be located on any lot within the Neighborhood Shopping NS zoning district provided that the following conditions are met by the lot and the proposed project:

1. the lot shall have a minimum lot size of eight (8) acres;
2. the lot shall have frontage of less than 500 lineal feet on a major road;
3. the lot shall be serviced by public water and sewer;
4. the minimum ratio of commercial floor area to residential floor area shall be 0.27;
5. with respect to the residential component of the mixed commercial and affordable development project, the project shall include, at a minimum, residential units where at least 50% of the total number of residential units are considered affordable dwelling units as defined in § 170-3 of this chapter;
6. the maximum building footprint shall be 12,500 square feet;
7. where a previously developed parcel is proposed to be redeveloped for a mixed commercial and affordable residential development project meeting the requirements set forth above, the setback referred to in §170-20.3H may be reduced by the applicant to coincide with the previously existing front yard setback but may not be reduced beyond existing conditions or 5 feet, whichever is greater;

8. except as modified herein, the dimensional standards applicable to a mixed commercial and affordable residential development project shall be governed by the provisions of § 170-20. 3.

Section 3. Current Section 170-20.4.C of the Code of the Town of Somers is hereby renumbered D and to read as follows:

D. All other standards as discussed in Article XIA, Affordable Housing, shall apply.

Section 4. § 170-20.3 shall be modified in the following respect:

§ 170-20.3 E shall read "Except in the case of a mixed commercial and affordable residential development project which shall be governed by the provisions of section 170-20.4. C. 6, the maximum building footprint shall be 10,000 square feet, except by special exception use permit of the Planning Board for a use serving a special community need".

Section 5. If any clause, sentence, paragraph, section, Article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, nor the remainder of any clause, sentence, paragraph, section, Article or part hereof.

Section 6. This Local Law shall take effect immediately upon filing with the Secretary of State.

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

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

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN

NOELLE CRISALLI WOLFSON

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

HENRY M. HOCHERMAN
RETIRED

May 23, 2016

RECEIVED
MAY 23 2016
PLANNING-ENGINEERING
TOWN OF SOMERS

Via Hand Delivery

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 Site A– Request for Re-Approval 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 Hallic Place Development, LLC ("Hallic"), the recipient of the approvals for Wright's Court and the owner of "Site A" in that development -- the 1.73-acre parcel in the northwest quadrant of the intersection of Scott Drive and U.S. Route 202 ("Site A"). It is located in the BHP Zone and improved with one existing building. It is our understanding that the Amended Conditional Site Plan Approval and the Stormwater Management and Erosion and Sediment Control Permit have expired.[1] We are writing to request that your Board re-grant such approvals for Site A, and to the extent necessary, the Special Permit required because the Site A is located in the Groundwater Protection Overlay District. The approvals authorize the construction of two proposed mixed-use buildings with associated improvements. Enclosed in support of the application are the following:

1. Application for (Re-Approval of) the Amended Site Plan, dated May 19, 2016, together with the certification under Chapter 67 of the Somers Code;

[1] Nothing in the Somers Code provides for expiration of the Groundwater Protection Special Exception Permit which was granted concurrently with the other approvals. However, if that permit is viewed by the Town as having expired upon the expiration of the underlying site plan approval, we ask that the Board re-grant the special permit.

2. Application for (Re-Approval of) the Special Exception Use Permit for development within the Groundwater Protection Overlay District;

3. Application for (Re-Approval of) the Stormwater Management and Sediment and Erosion Control Permit;

4. Applicant's Acknowledgment;

5. Affidavit of Owner;

6. Three full sets of Plans (and a flash drive containing digital copies thereof) comprised of the following sheets:

    1. Cover Sheet;
    2. Existing Conditions Plan – Sheet 1 of 11, last revised May 20, 2016;
    3. Aerial Neighborhood Plan – Sheet 2 of 11, last revised May 20, 2016;
    4. Site Layout Plan – Sheet 3 of 11, last revised May 20, 2016;
    5. Site Grading and Utilities Plan – Sheet 4 of 11, last revised May 20, 2016;
    6. Sediment and Erosion Control Plan – Sheet 5 of 11, last revised May 20 , 2016;
    7. Driveway Profiles and Sediment & Erosion Control Details – Sheet 6 of 11, last revised May 20, 2016;
    8. Construction Details, Drainage and Sight Line Profiles – Sheet 7 of 11, last revised May 20, 2016;
    9. Construction Details – Sheet 8 of 11, last revised May 20, 2016;
    10. Sediment and Erosion and Construction Sequencing Notes – Sheet 9 of 11, last revised, May 20, 2016;
    11. Existing Hydrology Plan – Sheet 10 of 11, last revised May 20, 2016; and
    12. Proposed Hydrology Plan – Sheet 11 of 11, last revised May 20, 2016; and

7. Twelve additional copies of the Site Layout Plan;

Also enclosed are the Hallic's checks in the sum of $2,750.00 for the application fee and $4,000.00 for the review escrow.

By Resolution No. 2012-03 Hallic's application for Amended Site Plan Approval, the Special Permit and the Stormwater Management and Sediment and Erosion Control Permit was granted on

April 11, 2012 (the "Approval").[2] The Approval, which was extended on several occasions, as noted above, has now expired. While the Approval was still in effect, Hallic obtained the Chairman's signature on the site plan, and acquired building permits and other appropriate authorizations to install the septic system, wells and the necessary erosion control measures on Site A, and has installed such improvements and measures. However, Hallic has not yet constructed either of the proposed new buildings. All legal instruments required by the Approval relating to, among other things, parking, affordable housing and stormwater management, have been recorded. To our knowledge, the owner of Site B in Wright's Court has completed the improvements on that parcel.

The plans for Site A are unchanged from those which were the subject of the Approval. The buildings and other improvements were and are envisioned as part of an integrated mixed-use development including both Site A and Site B. As the Board is aware, development of Site B has turned out quite well and is an asset to the historic Somers hamlet. Of course, pursuant to the Approval and, in accordance with the recorded legal instruments, Site A will provide one affordable dwelling unit. Site A is also subject to a cross-parking easement with Site B, which will allow the customers/occupants of each lot within Wright's Court to park on either parcel. An access easement is also recorded which could permit connection between the Town's property and Wright's Court for pedestrian and vehicular access once the first building on Site A is completed.

Another benefit to the Town is that the approved plans call for the installation of a sidewalk within the Route 202 right of way in front of Site A, running from Scott Drive to the end of the sidewalk along the frontage of the Town Hall property. When Wright's Court was approved, Hallic obtained a variance to allow a brick sidewalk to be installed in accordance with the request of the Planning Board. However, Hallic is amenable to the re-approval either retaining the brick sidewalk or requiring that it be made of stamped concrete, depending on the Board's preference.

As neither the design nor the potential impacts of the development of Site A have changed since the grant of the Approval, we respectfully request that you Board re-grant the requisite approvals and reaffirm the negative declaration issued under the State Environmental Quality Review Act. In light of the unique circumstances of this application, which proposes no development deviating from that which was already approved, we ask that your Board waive any public hearings that might otherwise be required.

---

[2] The original conditional site plan approval special permit and stormwater management and sediment and erosion control permit were granted on November 18, 2009.

Please place this matter on your first available agenda to address Hallic's application for re-approval.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By: Adam L. Wekstein

ALW:hc
Enclosures

cc: *(via electronic mail w/encls.)*
Syrette Dym, AICP
John Kellard, P.E.

(via first class and electronic mail w/encls.)
Mr. Thor Magnus

S:\# MATTERS\Nordic Custom Builders 0083\Hallic Place - Somers 001\Letters\Currie 5-23-16.wpd

TOWN OF SOMERS
PLANNING BOARD
APPLICATION FOR SITE PLAN APPROVAL (Re-Approval)

I. IDENTIFICATION OF APPLICANT:

A. Owner: Hallic Place Development, LLC Applicant: Same
Address: c/o Nordic Custom Builders ~~Address:~~ 525 East Putnam Avenue, Cos Cob, CT 06807
Tele #: (203) 629-0430 Tele #:

B. Architect: Studio III Architects, P.C. Engineer: Kellard Sessions Consulting P.C.
Address: 9 Rippowam Road New Canaan, CT 06840 Address: 500 Main Street, Armonk, NY 10504
Tele #: 203 921-5384 Tele #: (914) 273-2323

C. Surveyor: DAN MERRITTS Tele #: 914 769-8003
Address: 394 BEDFORD ROAD, PLEASANTVILLE, NY

II. IDENTIFICATION OF PROPERTY:

A. Identifying Title: Wright's Court (Site A)
B. Tax Map Design: Sheet: 17.11 Block: 1 Lot(s): 18
C. Zoning District: BHP
D. Street which property abuts: Scott Drive and US Route 202
E. Does property connect directly into State or County highway? No
F. Is site within 500 feet of Town Boundary? No
G. Total area of site: 1.73 acres Area of site activity: 1.7 acres
H. Site coverage: 39.01 % Building coverage: 8.45 % (proposed)
I. Affected Wetland Area: 0 Wetland Buffer Area 0
J. Affected Steep Slope Area: 15%-25%: 0 Over 25% 0
K. Existing building size: 2,287 sf New/additional building size: 7,247 sf
L. Existing parking spaces: N/A New parking spaces: 42

III. APPLICATION FEE:

$500 base fee plus $50 per 1,000 sq.ft or part thereof plus $25 per parking space to be paid by certified check to the Town of Somers.
Wetland Permit Fee: $200 min. fee + $100 per 5,000 sf. of regulated area or proposed area to be disturbed.
Steep Slope Fee: $150 min. fee + $75 per 10,000 s.f. of regulated area or proposed area to be disturbed.
Erosion and Sediment Control Application fee: $100 for disturbances of at least one acre or for the placement or removal of 20 cubic yards of soil, plus $500 for each additional acre of disturbance.
Total Fee $2,750.00 Date Paid: 5/24/16

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:

Submit 14 copies of all correspondence and plans to the Planning Board.

A. 14 copies of Site Plan with north arrow and location map drawn to scale of 1" = 1,000'.
B. Survey Map defining precise boundaries of property.
C. Copies of all existing and proposed deed restrictions or covenants applying to the property, including covenants and agreements restricting use, and establishing future ownership and maintenance responsibilities for all private roads, recreation and open space areas.
D. Preliminary Architectural Drawings to be submitted to Planning Board prior to public hearing for referral to Building Inspector and Architectural Advisory Review Board.
E. Environmental Assessment Form.
F. Proof that taxes have been paid.

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, State Environmental Quality Review (SEQR) and Environmental Quality Review, Wetland and Steep Slope Ordinances of the Town of Somers. All revised plans shall be accompanied by a letter indicating what changes were made. All costs incurred by the Town for professional services and SEQR review will be paid by the applicant.
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 property shall be identified on site as being proposed for site plan approval.

Hallic Place Development, LLC
By: MEMBER Date: 5-19-16
Signature of Applicant Thor Magnus, a Member
By: MEMBER Date: 5-19-16
Signature of Owner Thor Magnus, a Member

$200.00 App. Fee

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR SPECIAL EXCEPTION USE PERMIT FOR
ACTIVITY WITHIN A GROUNDWATER PROTECTION OVERLAY DISTRICT (Re-Approval)

Owner: Hallic Place Development, LLC **Tel. #:** (203) 629-0430
Address: c/o Nordic Custom Builders, 525 East Putnam Avenue, Cos Cob, CT 06807
Applicant: Same **Tel. #:** Same
Address: Same
State authority: Owner **If other than owner, authorization must be submitted in writing.**
Premises: Sheet: 17.11 **Block:** 1 **Lot:** 18 **Situated on the** west **side of** Scott Drive at its intersection with Route 202 **(Street)** _____ **feet from the intersection of** _____ **(Street)**
PROJECT TITLE: Re-approval of Wright's Court Site A
DESCRIPTION OF WORK AND PURPOSE:
Construction of two buildings, parking and associated improvements (septic already installed).

SIZE OF ACTIVITY AREA: 1.7 acres
ESTIMATED TOTAL VALUE OF WORK: $389,193.75 (including contingency)
PROPOSED STARTING DATE: _____
PROPOSED COMPLETION DATE: _____
PLANS PREPARED BY: Kellard Sessions Consulting P.C. **DATED:** Last revised May 20, 2016
Plans must be submitted with application.

LIST OF ADJOINING PROPERTY OWNERS OF RECORD:

NAME	ADDRESS	BLOCK	LOTS

Hallic Development, LLC
APPLICANT'S SIGNATURE: _____ MEMBER **DATE:** 5.19.16
By: Thor Magnus, a Member
OWNER'S SIGNATURE: _____ MEMBER **DATE:** 5.19.16
By: Thor Magnus, a Member

11/08

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR ENVIRONMENTAL PERMIT
CHAPTER 93 "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" **(Re-Approval)**

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

OWNER: Hallic Place Development, LLC **Tel.#:** (203) 629-0430
Mailing Address: c/o Nordic Custom Builders, 525 East Putnam Avenue, Cos Cob, CT 06807
APPLICANT: Same **Tel. #:** Same
Mailing Address: Same
State authority: If other than owner, authorization must be submitted in writing

PREMISES: Sheet: 17.11 **Block:** 1 **Lot:** 18

DESCRIPTION OF WORK AND PURPOSE: Re-grant of Approval for Site A of Wright's Court to authorize construction of 2 buildings and associated improvements.

SIZE OF ACTIVITY AREA: 1.7 acres **feet by** _____ **feet**
(include all construction activity area)

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

IN CONJUNCTION WITH:
Wetland Permit: _____ **Steep Slopes Permit:** _____ **Tree Preservation Permit:** _____
Site Plan: X **Subdivision:** _____ **Special Permit** X
(Groundwater Protection Overlay District)

PROPOSED STARTING DATE: _____ **PROPOSED COMPLETION DATE:** _____
PLANS PREPARED BY: * **DATED:** _____
*Kellard Sessions Consulting P.C.
Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application.

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: NYS DEC GP-0-10-001(Erosion Control); NYCDEP (Stormwater Management & Sediment & Erosion Control); and WCDOH (Water Supply and Wastewater).

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

NAME	ADDRESS	BLOCK/LOT

Hallic Place Development, LLC By: Thor Magnus, a Member
APPLICANT'S SIGNATURE: _____ **DATE:** 5.19.16
OWNER'S SIGNATURE: _____ **DATE:** 5.19.16

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

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

Administrative Permit: _____

Planning Board Permit: _____

COMMITMENT & INTEGRITY
DRIVE RESULTS

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TOWN OF SOMERS

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Robert Wasp, P.E., on behalf of Joseph C. Barbagallo, P.E., BCEE
DATE: July 8, 2016
RE: Wright's Court – Site A
Re-grant of Site Plan Approval, Stormwater Management and Erosion & Sediment Control Permit, Groundwater Protection Overlay District
339 Somerstown Road
TM: 17.11-1-18, B-HP District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments based upon review of the documents submitted in support of the applications for re-grant of amended site plan approval, environmental permits and special exception use permit for the property at 339 Somerstown Road. The proposed development for Site A was approved through Planning Board Resolution No 2009-17, as amended through Resolution No. 2012-03 for the combined development of Site A and Site B. Construction of the approved improvements to Site B have been completed. Such approvals have lapsed for the Site A development and the Applicant now requests re-grant of the named application approvals.

The Application proposes to construct two additional mixed use structures on the parcel including parking lots, walkways and related utility improvements. The site groundwater supply well and subsurface sewage treatment system (septic fields) as proposed under the original project approval have already been constructed on Site A. The following documents were received during the current review period.

DOCUMENTS RECEIVED

- Cover Letter, by Hocherman Tortorella & Wekstein. LLP, dated May 23, 2016.
- Letter, by Michelle Micoli, Kellard Sessions Consulting, P.C., dated June 9, 2016.
- Stormwater Pollution Prevention Plan Report, prepared by Kellard Sessions Consulting, P.C., last revised July 2011.
- Drawings: "Wright's Court", Sheets 1-11, prepared by Kellard Sessions Consulting, P.C., dated August 14, 2009, last revised May 20, 2016.
- NYSDEC SEQR Negative Declaration – Wrights Court, dated November 4, 2009.
- Letter, by NYC DEP, dated June 2, 2016.
- Stormwater Control Facilities Easement and Maintenance Agreement [Wright's Court Site A], Executed June 25, 2012, recorded June 27, 2012.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Amended Site Plan Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- NYSDOT Highway Work Permit
- ** NYC DEP: Stormwater Pollution Prevention Plan (SWPPP) Approval
- ** Westchester County Department of Health (WCDOH): Construction Approvals for Groundwater Well and Subsurface Sewage Treatment System
- ** NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)

**** - Indicates approvals already obtained/satisfied prior to application for re-grant.**

DISCUSSION

Our office has reviewed the provided SWPPP and development drawings as applicable for Site A for conformance with current stormwater management and erosion and sediment control regulations as well engineering best practices. Although some technical comments have been provided, our office recommends that the proposed site plan remains substantially acceptable and has no objection should the Planning Board choose to consider conditional re-grant of site plan approval, providing that all comments enumerated in this memorandum are addressed as conditions. The following is a summary of our comments at this time.

1. The original approved Site Plan development obtained construction coverage under NYSDEC SPDES General Permit No. GP-0-10-001 prior to the start of construction on Site B. Per our discussions with the Applicant's Engineer, project SPDES Permit coverage has been maintained and is active for the combined Site A and Site B development.

   NYSDEC SPDES Permit GP-0-15-002 has superseded the former permit No. GP-0-10-001 that was current at the time of former approval. Coverage under the now current permit is automatically authorized with annual renewal of the project coverage as has been reported to be completed by the Applicant. The Applicant shall provide our office with the signed MS4 Acceptance form for project SPDES coverage for our records. The Applicant shall be required to continue required inspections by a Qualified Professional in accordance with the requirements of now current SPDES Permit GP-0-15-002 through termination of coverage upon closeout and final stabilization.

2. The project plans propose to construct subsurface stormwater infiltration chambers to address required stormwater attenuation requirements for both water quality treatment and peak flow attenuation. The previously designed system was compared to current regulatory design requirements and has been determined to be substantially acceptable. The following minor technical comments shall be addressed related to the proposed site stormwater system.

a. The provided layout plan and HydroCAD model report model the proposed infiltration chamber system with an invert that is different from the proposed system profile. The Applicant shall correct the documents to show the correct intended system invert.

b. The provided HydroCAD report models the proposed chamber system node with a cross section stone depth of 5.25 feet while the provided drawing construction details models this dimension as 5 feet. Additionally the Applicant shall revise the construction details to reflect the manufacturer specified chamber row spacing of 9 inches and stone backfill cover of 12 inches.

c. Add a note to the plan that all subsurface stormwater infiltration system shall be installed in accordance with the Appendix C Construction Specifications of the NYSDEC Stormwater Management Design Manual, latest edition.

d. Revise the drawings to indicate that observation/inspection wells shall be installed within the proposed subsurface infiltration system.

e. Update the SWPPP inspection and maintenance summary to include manufacturer specific recommended inspection and maintenance provisions for the proposed chambers

f. The Applicant shall confirm that the proposed StormCeptor STC Model 900 pretreatment structure is capable of passing the peak flow from the 100 year storm without surcharging.

3. The proposed Site A stormwater management systems are required to be maintained in accordance with the defined provisions of a formal Stormwater Maintenance Agreement (SMA) that is filed with the Westchester County Clerk's Office. The Applicant has provided a copy of the SMA that was filed for stormwater infrastructure on Site A as was recorded following approval in June 2012.

   Our office recommends that the provided agreement remains generally acceptable as it provides all necessary terms from the agreement template currently utilized in the Town of Somers. Some additional comments have been provided to the Applicant regarding specific inspection and maintenance requirements for the proposed infiltration chamber system. These additional maintenance requirements must be included as part of an updated Stormwater Pollution Prevention Plan (SWPPP) as the SWPPP is referenced for specification of maintenance obligations in the recorded SMA. Our office recommends that no modification of the recorded SMA for Site A is necessary providing that the SWPPP is updated and that there is no objection from Town legal counsel regarding this approach. :

4. Previously approved sanitary sewer and groundwater supply well improvements were previously completed on Site A during the development of Site B. The Applicant shall address the following comments related to the Site A water and wastewater utilities.

   a. Provide documentation of Construction Approvals from WCDOH for the installed groundwater well and subsurface sewage treatment system.

b. Clarify on the utility plan which portion of the site sanitary sewage treatment system remains to be installed as part of the current proposed construction.

c. Update the utility plan to show the proposed water connection between the installed groundwater well and proposed Buildings A-2.

d. Update the plan to show construction fence / markers in place around the perimeter of the installed septic field area to prevent tracking by equipment during construction

5. It is noted that the provided construction detail for handicap parking stall indicates a stall width of 8 feet. The provided layout plan appears to maintain width of handicap parking stalls at 9 feet. Town Code requires parking stalls to be dimensioned 9 feet in width. The Applicant shall revise the construction detail to address the discrepancy.

6. The provided construction sequence has not been updated considering site work that was completed under the prior site plan approval. The Applicant shall update the proposed construction sequence based upon remaining development tasks to be completed.

7. The project requires disturbance within the right of way of NY Route 100 and must obtain coverage under a NYSDOT Highway Work Permit. The Applicant shall provide documentation of NYSDOT Highway Work Permit approval prior to signing of the site plan by the Chairman.

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

Sincerely,

Robert Wasp, P.E., CDT
Assistant Consulting Town Engineer

On behalf of,

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

PB
TP
CTE
Applicant

ARCHITECTURAL REVIEW BOARD

Telephone
(914) 277-5582
Fax
(914) 277-3790

JOHN ALFONZETTI
CHAIRMAN

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

DENISE SCHIRMER
SECRETARY
dschirmer@somersny.com

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PLANNING & ENGINEERING

31

MEMO TO: Planning and Engineering Department

FROM: Architectural Review Board

RE: Wright's Court Site "A" – Re-Grant

DATE: May 31, 2016

At our May 26, 2016 monthly meeting, the Board received and reviewed a re-grant site plan for the Wright's Court Site "A". There were no objections.

OPEN SPACE COMMITTEE

Telephone
(914) 277-5582
Fax
(914) 277-3790

MICHAEL BARNHART
CHAIRMAN

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Wright's Court Site "A"

DATE: June 14, 2016

At our monthly meeting of June 9, 2016, the Committee reviewed and discussed the re-grant site plan for Wright's Court Site "A" and there were no objections.

Guy L. Gagné, P.E.
Town Engineer
townengineer@somersny.com

Sabrina D. Charney Hull, AICP
Town Planner
townplanner@somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589
Tele #: 914-277-5366
FAX #: 914-277-4093

Planning Board Meeting July 13, 2016

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2016-08
Re-Granting of Conditional Amended 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 Site A
Town Tax Number: Sheet 17.11, Block 1, Lots 5 and 18

WHEREAS, Hallic Place Development, LLC, the Applicant, was the owner of two lots separated by Scott Drive on the northerly side of U.S. Route 202 (Somerstown Turnpike); and

WHEREAS, Site A, comprised of 1.73 acres is currently partially developed with a 2,827-square foot building and Site B, comprised of 0.73 acres, which was vacant at time of its original approval on November 18, 2009 by Resolution No.. 2009-17, is now owned separately and has been developed with its approved development; and

WHEREAS, although the Site A application was extended several times, this subject application was initiated as a result of expiration of Site Plan within a Groundwater Protection Overlay District and Stormwater Management Erosion and Sediment Control Permit Approvals; and

WHEREAS, the last extension for the Stormwater Management Sediment Erosion Control Permit expired on July 18, 2015; and

WHEREAS, a building permit was issued for Site A and was renewed but which expired June 24, 2016; and

WHEREAS, the Site Plan was signed on July 18, 2012 and the Town of Somers Code Section 170-114.1 indicates that an applicant has four years to complete a project from date of signing of the Site Plan by the Chairman, requiring building completion by July 15, 2016; and

WHERERAS, such construction has not yet begun; and

WHEREAS, the subject site is located in the "Business Historic Preservation B-HP District" and within the "Groundwater Protection Overlay District", as indicated in Chapter 170, "Zoning" of the *Code of the Town of Somers*; and

WHEREAS, in May 2003 Hallic Place Development, LLC, submitted a Site Plan for development of its property pursuant to the requirements under §170-14 and §170-15.1 of the B-HP Zoning District together with a Full Environmental Assessment Form to the Town of Somers Planning Board; and

WHEREAS, the site plan application includes a request by the Applicant for Planning Board approval of a special exception use permit for regulated activities within the Groundwater Protection Overlay District as described in Article IXA of Chapter 170 "Zoning" of the *Code of the Town of Somers*; and

WHEREAS, the site plan application includes a request by the Applicant for Planning Board approval of a Stormwater Management and Erosion and Sediment Control Permit as described in Chapter 93 of the *Code of the Town of Somers*; and

WHEREAS, the initial submission for Sites A and B consisted of the following plans:

- Plan labeled "Sheet 1," entitled "Landscape Plan – Wright's Court," dated January 31, 2006, last revised November 9, 2009 prepared by Rosedale Nurseries, Inc.
- Plan labeled "Sheet 2," entitled "Landscape Plan – Wright's Court," dated July 9, 2005, last revised on November 9, 2009, prepared by Rosedale Nurseries, Inc.
- Plan labeled "Sheet 3/9," entitled "Site Layout Plan – Wright's Court," dated January 18, 2002, last revised on October 21, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Drawing No. SL-1," "Site Lighting Plan" last revised on October 8, 2009, prepared by Robert Newell Lighting Design.
- A Hydrogeologic Analysis from Leggette, Brashears & Graham, Inc., dated June 2009, last revised August 2009.

- Plan entitled "Property Data" and "Sheet Index," dated revised August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 1/9," entitled "Existing Conditions Plan – Wright's Court," dated January 18, 2002, last revised on August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 2/9," entitled "Aerial Neighborhood Plan – Wright's Court," dated July 8, 2004, last revised on August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 4/9," entitled "Site Grading and Utilities Plan – Wright's Court," dated January 18, 2002, last revised on August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 5/9," entitled "Sediment and Erosion Control Plan – Wright's Court," dated January 18, 2002, last revised on August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 6/9," entitled "Driveway Profiles and Sediment, Erosion Control Details – Wright's Court," dated April 13, 2005, last revised on August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 7/9," entitled "Construction Details, Drainage and Sight Line Profiles – Wright's Court," dated March 10, 2006, last revised August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 8/9," entitled "Construction Details – Wright's Court," dated January 18, 2002, last revised on August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Plan labeled "Sheet 9/9," entitled "Sediment and Erosion and Construction Sequencing Notes – Wright's Court," dated August 14, 2009, prepared by Kellard Sessions Consulting, P.C.
- Floor plan labeled "No. A-001," entitled "Building A-1 & A-2," dated June 6, 2005, last revised August 24, 2008, prepared by Studio III Architects, P.C.
- Floor plan labeled "No. A-002," entitled "Building B," dated June 6, 2005, last revised August 24, 2008, Studio III Architects, P.C.
- Floor plan labeled "No. A-101," entitled "Building A-1," dated June 6, 2005, last revised on August 24, 2008, prepared by Studio III Architects, P.C.
- Floor plan labeled "No. A-102," entitled "Building A-2," dated June 6, 2005, last revised on August 24, 2008, prepared by Studio III Architects, P.C.
- Floor plan labeled "No. A-103," entitled "Building B," dated June 6, 2005, last revised on February 28, 2009, prepared by Studio III Architects, P.C.
- Building elevation labeled "A-201," entitled "Building A-1," dated June 6, 2005, last revised on August 24, 2008, prepared by Studio III Architects, P.C.
- Building elevation labeled "A-202," entitled "Building A-2," dated June 6, 2005, last revised on August 24, 2008, prepared by Studio III Architects, P.C.
- Building elevation labeled "A-203," entitled "Building B," dated June 6, 2005, last revised on February 28, 2009, prepared by Studio III Architects, P.C.
- Building elevation labeled "A-204," entitled "Building B," dated June 6, 2005, last revised on February 28, 2009, prepared by Studio III Architects, P.C.

- Plan labeled "A-901," entitled "Signage," dated June 6, 2005, last revised on August 24, 2008, prepared by Studio III Architects, P.C.

WHEREAS, the plans that were the subject of Resolution No. 2009-17 of November 18, 2009 and of Resolution No. 2012-03 of April 11, 2012 for the proposed site involve an increase of impervious surface of 0.8 acres for the site. The plans also include the installation of stormwater management practices which are set forth in a Stormwater Pollution Prevention Plan & Drainage Analysis submitted by the Applicant, thereby requiring approval of a Stormwater Management and Erosion and Sediment Control Permit as described in Chapter 93 of the *Code of the Town of Somers*; for which an application fee has already been paid and that those plans for Site A have not changed; and

WHEREAS, the plans that were the subject of Resolution 2009-17 of November 18, 2009 and of Resolution 2012-03 of April 11, 2012 for the proposed site involve the establishment of regulated uses in the Groundwater Protection Overlay District and therefore will require the approval of a special exception use permit by the Planning Board in accordance with the provisions of Article IXA of Chapter 170 "Zoning" of the *Code of the Town of Somers,* for which the application fee has already been paid; and

WHEREAS, such prior approval was granted by original Resolution No. 2009-17 at the Planning Board meeting of November 18, 2009 as amended by Resolution No. 2012-03 at the Planning Board meeting of April 11. 2012; and whose content and conditions are incorporated into this current resolution; and

WHEREAS, the conditions of those Resolutions and the Code of the Town of Somers Section **170-114.K** with regard to time frames required for completion of construction by four years from date of the signing of the Site Plan were not met and whereas while a building permit was issued but has expired on June 24, 2016 and such stormwater management and erosion and sediment control use permit **expired on July 18, 2015;** and

WHEREAS, by letter of May 23, 2016 from Hocherman Tortorella & Wekstein. LLP., representative of the applicant, a formal application by Thor Magnus dated May 19, 2016 for Re-granting of site plan in accordance with Chapter 144 and Section 170-114 of the Code of the Town of Somers and stormwater and erosion and sediment control permit approvals in accordance with Chapter 148 and Chapter 93 respectively of the Code of the Town of Somers, and Special Exception Use Permit for Activity Within a Groundwater Protection Overlay District in accordance with Section 170-32.8 of the code of the Town of Somers was received by the Town on May 23, 2016; and

WHEREAS, in addition to the many plan alternatives and reports reviewed throughout the environmental review process and as a result of the review of those additional documents by the Planning Board, Town staff and other advisors to the Planning Board throughout the review process, the following plans and reports- as required to be revised by the conditions of this resolution- were submitted for the Planning Board's consideration and are the subject of this amended conditional approval:

1 Application for (Re-Approval of) the Amended Site Plan, dated May 19, 2016, together with the certification under Chapter 67 of the Somers Code;
2. Application for (Re-Approval of) the Special Exception Use Permit for development within the Groundwater Protection Overlay District;

3. Application for (Re-Approval of) the Stormwater Management and Sediment and Erosion Control Permit;

4. Applicant's Acknowledgment;

5. Affidavit of Owner;

6. Three full sets of Plans (and a flash drive containing digital copies thereof) comprised of the following sheets:

    1. Cover Sheet;
    2. Existing Conditions Plan – Sheet 1 of 11, last revised May 20, 2016;
    3. Aerial Neighborhood Plan – Sheet 2 of 11, last revised May 20, 2016;
    4. Site Layout Plan – Sheet 3 of 11, last revised May 20, 2016;
    5. Site Grading and Utilities Plan – Sheet 4 of 11, last revised May 20, 2016;
    6. Sediment and Erosion Control Plan – Sheet 5 of 11, last revised May 20, 2016;
    7. Driveway Profiles and Sediment & Erosion Control Details – Sheet 6 of 11, last revised May 20, 2016;
    8. Construction Details, Drainage and Sight Line Profiles – Sheet 7 of 11; last revised May 20, 2016;
    9. Construction Details – Sheet 8 of 11, last revised May 20, 2016;
    10. Sediment and Erosion and Construction Sequencing Notes – Sheet 9 of 11, last revised, May 20, 2016;
    11. Existing Hydrology Plan – Sheet 10 of 11, last revised May 20, 2016; and
    12. Proposed Hydrology Plan – Sheet 11 of 11, last revised May 20, 2016; and

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13. Twelve additional copies of the Site Layout Plan;

7. Cover Letter, by Michelle Micoli, Kellard Sessions Consulting, P.C., dated June 9, 2016;

7. Stormwater Pollution Prevention Plan Report, prepared by Kellard Sessions Consulting, P.C., last revised July 2011.

WHEREAS, the applications submitted for approval for re-granting have not changed since the original approval of November 18, 2009 and amended approval of April 11, 2012; and

WHEREAS, the Board of Architectural Review at its meeting of May 26, 2016 reviewed the re-grant application and indicated by letter of May 31, 2-016 that it had no objection to re-granting of site plan approval ; and

WHEREAS, the NYC DEP through letter dated June 2, 2016 that the prior Department approval of the project SWPPP, issued August 22, 2011 has been granted an extension of approval for an additional 5 years subject to the conditions noted in their August 22, 2011 determination; and

WHEREAS, the Open Space Committee at its meeting of June 9, 2016 reviewed the re-grant application and indicated no objections to re-granting of site plan approval in its letter of June 14, 2016; and

WHEREAS, the Consulting Town Engineer reviewed the provided Stormwater Pollution Prevention Plan and supporting drawings and determined that the proposed stormwater management system for Site A meets current design criteria prescribed by Town Code §93 and the NYSDEC SPDES General Permit GP-0-15-002, pending satisfaction of minor technical comments that may be addressed as conditions of re-grant resolution of approval; and

WHEREAS, at its meeting of July 13, 2016, the Planning Board considered whether the brick sidewalks approved as part of the prior Amended Conditional Site Plan Approval should be re-approved or whether stamped brick tinted concrete should be utilized as was done for Site B; and

WHEREAS, the Planning Board determined that _____sidewalks were best suited for installation in all areas approved for sidewalk development and made such installation a condition of this re-grant approval; and

WHEREAS, all prior proceedings and approvals are incorporated as part of this re-approval application; and

NOW, THEREFORE, BE IT RESOLVED that the foregoing **WHEREAS** clauses are incorporated herein by reference and are fully adopted as part of this approval, including the prior approved SEQR Negative Declaration incorporated as part of this re-approval ; and

BE IT FURTHER RESOLVED, that the application for a **Conditional Amended Re-Grant of Site Plan Approval, Groundwater Protection Overlay District Special Exception Use Permit and Stormwater Management and Erosion and Sediment Control Permits** to Thor Magnus for Hallic Place Development, LLC for the **Hallic Place Development** as shown and described by the materials enumerated herein and as incorporated from all prior proceedings and approvals, **IS HEREBY CONDITIONALLY RE-GRANTED** in accordance with Section 274-a of the New York State Town Law SUBJECT TO the following modifications and conditions being fulfilled;

In accordance with Chapter 170-114.H of the Code of the Town of Somers" Time for Signature of Site Plan", and Section 170-114.K, "Extension", of the Town Code, failure to comply with the above shall result in the expiration of re-granted Site Plan approval on July 13, 2017, unless an extension of this time period is requested prior to the expiration date and approved by the Planning Board.

Site Plan approval and its continued validity are subject to all requirements of Section 170-114, "Site Plan Approval", and Chapter 144, "Site Plan Review", of the Town Code. Approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit in compliance with the above shall have been obtained and construction progressed as required by Section 170-114.I, "Time to Obtain Permit and Complete Construction", of the Town Code.

Before the completion of the improvements shall be approved and the Certificate of Occupancy issued, the Applicant shall submit an as-built plan to the satisfaction of the Consulting Town Engineer.

The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan.

Conditions Required Prior to Signing of Site Plan

1. That the proposed walkway at the rear of Building B is extended to the property line and that the plan is revised and a note added to the amended signed Site Plan stating such.

2. That all technical comments as identified by the Consulting Town Engineer in memorandum dated July 8, 2016 have been addressed.

3. That the Applicant posts a construction surety for proposed work related to curbs, walkways and pavement markings proposed within the right of way of Scott Drive. The surety amount shall be determined based upon cost estimate by the Applicant's Engineer and must be reviewed and accepted by the Consulting Town Engineer and Principal Engineering Technician.

4. That the Applicant prepares an updated Stormwater Maintenance Agreement for proposed stormwater practices on Site A that is determined to be acceptable by the Consulting Town Engineer. The final accepted Stormwater Maintenance Agreement shall be recorded in the office of the Westchester County Clerk.

5. That all conditions as required under Resolution No. 2009-17 and Resolution No. 2012-03 are satisfied which include the following:

    i. That all legal documents relating to the site maintenance responsibilities and the cross access easement with Somers Town Hall be provided for review and approval by staff and the Town Attorney prior to filling the documents.
    ii. That the outstanding items enumerated in the Town Engineer's October 28, 2009 memorandum be completed by the Applicant and approved by the Town Engineer.
    iii. That all improvements shown on the plans be installed in accordance with the approved plan and construction standards and specifications of the Town.
    iv. That the Zoning Board of Appeals issues the necessary variances required pursuant to Chapter 170 "Zoning" of the *Code of the Town of Somers*.
    v. That the applicant provide a copy of the Westchester County Health Department Approval for the on-site well and septic system.
    vi. That the applicant provides a copy of the New York City Department of environmental protection approval for the SWPPP and the septic system.
    vii. That the applicant provides a copy of the NYS DOT work permit.
    viii. The Applicant shall reimburse the Town for any outstanding review fees, as applicable, consistent with §133-2 of the *Code of the Town of Somers* as well as State and Local Environmental Quality Review laws.
    ix. That a performance bond/security be posted to cover the cost of soil erosion and sedimentation control measures on the site

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during the course of construction; said security shall be in an amount recommended by the Town Engineer and shall be in form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.

x. That an engineering inspection fee for the Site Plan shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board; the amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements, as identified by the Town Engineer, and upon recommendation of the Town Engineer.

xi. That a revised site plan (Sheet 3/9) be submitted noting the number of Affordable Housing units to be provided, as discussed at the November 4, 2009 Planning Board meeting.

On-going Conditions Required After Signing of Site Plan

1. All work shall be performed in accordance with the approved "Stormwater Pollution Prevention Plan Report for Wright's Court", prepared by Kellard Sessions Consulting, P.C., as revised pending satisfaction of remaining technical comments of the Consulting Town Engineer.

2. Appropriate erosion control measures satisfactory to the Department Engineering Technician shall be installed prior to starting the construction and maintained during the contract period, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, and the New York State Stormwater Management Design Manual, dated January 2015 (including all updates/or revisions).

3. Construction activity, with the exception of rock removal shall be limited to Monday through Saturday 7AM to 6PM. Rock removal shall be limited to Monday through Friday 8AM to 6PM. No construction activity shall occur on Sundays or legal New York State holidays as specified by §144-7D(13) of the Code of the Town of Somers.

4. The Somers Engineering Department shall be notified (914-277-5366) prior to the beginning of any work on the site and also upon completion of the approved work.

5. That field changes that do not change the intent of the design or are not significant, if required, may be approved by the Department Engineering Technician and the Consulting Town Engineer prior to implementation.

Significant field changes or those that deviate from the intent of the design as approved by that Planning Board must be approved by the Planning Board.

6. Following the substantial completion of all construction activity, the Applicant will be required to submit an as-built survey of all constructed site structures and utilities, consistent with the requirements of Town Code §144-7 prior to issuance of certificate of occupancy.

7. The Applicant shall provide documentation of having recorded the final approved Stormwater Maintenance Agreement with the Westchester County Clerk's Office, prior to issuance of certificate of occupancy.

8. Weekly inspection of site erosion and sediment controls by a Qualified Inspector shall increase form once weekly to twice weekly in accordance with the requirements of the NYSDEC SPDES General Permit (GP-15-002).

9. That all sidewalks shall be _____

10. That the use of toxic chemical pesticides, herbicides and fertilizers will not be used on site, as noted on the Landscape Plan, prepared by Rosedale Nurseries, Inc., last revised November 9, 2009.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse Site Plan approval upon all maps and drawings constituting the Site Plan. The Applicant shall provide six (6) prints of each map and drawing to the Planning Board Secretary. No construction or site work is authorized until the Site Plan has been signed by the Chairman and the required copies delivered.

In accordance with §170-114.H, "Time for Signature of Site Plan", and §170-114.K, "Extension", of the Town Code, failure to comply with the above shall result in the expiration of Site Plan approval on July 13, 2017, unless an extension of this time period is requested prior to the expiration date and approved by the Planning Board.

Site Plan approval and its continued validity are subject to all requirements of Section 170-114, "Site Plan Approval", and Chapter 144, "Site Plan Review", of the Town Code. Approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit in compliance with the above shall have been obtained and construction progressed as required by

§170-114.I, "Time to Obtain Permit and Complete Construction", of the Town Code.

In accordance with Section 170-114.M(2) of the *Code of the Town of Somers*, before the completion of the improvements shall be approved and the Certificate of Occupancy issued, the Applicant shall submit an as-built plan to be approved by the Town Engineer.

The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan.

This resolution shall have an effective date of **July 13, 2016,**

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman **Date**

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution **#2016-05** adopted by the Town of Somers Planning Board Re-Granting of Conditional Site Plan Approval, Special Exception Use Permit for Location Within the Groundwater Protection Overlay Zone and Stormwater Management and Erosion and Sediment Control Permits subject to the modifications stated herein, to Hallic Place Development, LLC for Wright's Court at a regular meeting held on July 13, 2016.

_____ _____

Syrette Dym, AICP **Date**
Director of Planning

DRAFT