Telephone
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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD
SPECIAL MEETING
AGENDA
JULY 22, 2014
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for June 11, 2014

PUBLIC HEARING

1. **SUSAN HAFT AND RIDGEVIEW DESIGNER BUILDERS, INC. [TM: 16.12-1-41, 42]**
   Application for Amended Final Subdivision Plat Approval. Property is owned by Ridgeview Designer Builders and Susan Haft and is located on the east side of Lovell Street. Applicant is requesting the amendment of final subdivision approval to permit them to file the subdivision in two sections pursuant to Town Law Section 276(7)(b) and the Town of Somers Subdivision Regulations Section 150-13(K).

PROJECT REVIEW

2. **HIDDEN MEADOW AT SOMERS [15.07-1-6]**
   Application for Preliminary Subdivision Approval, Site Plan Approval Steep Slopes, Wetland, Stormwater Management and Erosion and Sediment Control Permits relative to application of Multifamily Residence Baldwin Place District (MFR-BP) under consideration by the Town Board to a 16.7 acre parcel located along the south side of US Route 6 for the proposed development of 53 units of housing, sixteen of which would be affordable, within 45 townhouse buildings on 45 fee simple lots plus one lot for lands to be owned in common by a Home Owners Association.

DRAFT SEQRA FINDINGS STATEMENT

3. **GRANITE POINTE SUBDIVISION [TM: 27.05-3-2 & 5]**
   Granite Pointe Subdivision Final Supplemental
   Environmental Impact Statement (FSEIS)
   Review of draft SEQRA Findings Statement.

Next Planning Board Meeting, August 13, 2014
Agenda information is also available at www.somersny.com

AMENDED

7/02

SOMERS PLANNING BOARD

APPLICATION FOR FINAL APPROVAL OF SUBDIVISION

I. IDENTIFICATION OF APPLICANT:

A. OWNER: Ridgeview/S. Hart SUBDIVIDER: SLNC

ADDRESS: 45 Beverly Way ADDRESS: Pound Ridge NY

TELE #: TELE #: 804-6380

B. SURVEYOR: D. Rose L.S. TELE #: 277-3404

ENGINEER: Bibbo Assoc. TELE #: 277-5805

II. IDENTIFICATION OF PROPERTY:

A. Subdivision identifying Title: Ridgeview Designer Homes, Inc

B. Street abutting property: Lovell St.

C. Tax Map Designation: Sheet: 16.12 Block: 1 lot: 41 & 42

D. Zoning District: R-40

E. Total area of property in acres: 12.441

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

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

A. X 14 copies of Final Subdivision Plat.

B. X 14 copies of Construction Plans.

C. ____ Proof of ownership by the applicant of the premises affected by the application.

D. ____ Certificate of Title Company covering all interests, liens, & objections to title if any.

E. ____ Engineer's or surveyor's certification of total area of subdivision shown on the plat.

F. ____ Length of all proposed streets shown on plat.

G. ____ Engineer's estimate of cost of construction of the subdivision streets and all other improvements shown on the final construction plans.

H. ____ Deed to Town of the proposed streets and park areas shown on the plat.

I. ____ Proof of approval by Somers Town Board of all proposed street names.

J. ____ Proof of approval by the State Department of Transportation or the County Department of Public Works, as appropriate, of the design and proposed construction of any intersection of a proposed street on the plat with a State or County highway if any.

K. ____ Proof that taxes have been paid.

ALL ON FILE

IV. LIST OF ADJOINING PROPERTY OWNERS OF RECORD:

NAME	ADDRESS	BLOCK	LOTS

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

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

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

Susan E. Hart Date: 6/16/14

Applicant's Signature

SLNC as applicant Date:

Owner's Signature

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C:\My Documents\SOMERSWebsite\SomersNY.com Files\Somers_P&E_FinalSubdivision_2002-7.DOC

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project: Ridgeview Designer Builders, Inc

Project Location (describe, and attach a location map): Lovell St. Sonecks, NY

Brief Description of Proposed Action: Amend subdivision to file plat in sections.

Name of Applicant or Sponsor:	Telephone:
Same as above	E-Mail:

Address: 45 Bunker Hill Pound Ridge, NY

City/PO:	State:	Zip Code:
Pound Ridge	NY	10576

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

3.a. Total acreage of the site of the proposed action? 12.4 acres
b. Total acreage to be physically disturbed? 8 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 12.4 acres

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

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

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☒
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	☒	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	☐	☒
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: SEPTIC + WELLS	☒	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: SEPTIC + WELLS	☒	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☒	☐
b. Is the proposed action located in an archeological sensitive area?	☒	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☒
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	☒	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☒ Suburban

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

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

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

Applicant/sponsor name: Bridgeview Design Builders Date: 6/14/14

Signature:

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

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

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

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

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

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

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

PRINT

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: July 17, 2014

RE:

Project:	Hidden Meadow – Town Board Referral
Applicant:	The Kearney Realty & Development Group
Location:	16 Route 6 (Section 15.07 Block 1 Lot 6)
Zoning:	R80 Residence District
Actions:	Request for Designation of the MF-BP Multifamily Residence Baldwin Place Floating Overlay Zone – Preliminary Subdivision and Site Plan Approval Application

Application Request:

By original application dated September 27, 2013 and received by the Town Board on September 27, 2013 and by the Planning Board office on September 30, 2013, The Kearney Realty & Development Group seeks to develop a 16.7 acre parcel located on Route 6 that is currently zoned Residence District R-80 with 53 townhouse type dwelling units through application of the Multifamily Residence Baldwin Place MFR-BP Floating Overlay district (Section 170-13.A Town Code) that would permit development at the requested density and unit type. Specifically, there will be 45 townhouses on individual fee simple lots, of which 8 will be affordable. In each of those 8 affordable townhomes, there will be a first floor affordable one-bedroom rental unit to be rented out by the owner of the three-bedroom affordable townhouse building above, for an additional 8 affordable units, or total of 16 affordable housing units.

In furtherance of that original application, the Applicant submitted an application for preliminary subdivision approval and site plan approval with accompanying applications for environmental permits that include those for steep slopes, wetland and watercourse protection, and stormwater management and erosion and sediment control, all dated December 18, 2013. An Application for a tree removal permit with tree removal plan followed after completion of a tree survey and was dated March 26, 2014.

Background

Preliminary Application for MFR-BP Overlay District and Town Board Actions

At the Town Board meeting of October 10, 2013, the Town Board reviewed the Applicant's preliminary development concept plan and submission letter. After review and discussion regarding the proposal, the Town Board indicated its opinion that the MFR-BP Floating Zone could be applied to this site, but that this opinion was not binding and was subject to all future analyses and studies.

The Town Board decided that the Planning Board was best suited to carry out the SEQR environmental review process. Therefore, the Town Board referred the application to the Planning Board for its review under the procedures of Section 170-13C and, asked the Planning Board to act as lead agency as part of a coordinated review under SEQR (6 NYCRR Part 617).

The additional actions undertaken by the Town Board under Section 170-13C.(1)(a)[5][f] at its meeting of October 10, 2013 included the establishment of an application fee and escrow fee.

Preliminary Actions by Planning Board

Planning Board Meeting of November 13, 2013

- Planning Board declared its intent to establish itself as Lead Agency
- Planning Board determined the Proposed Action to be a Type I Action
- Notice of intent was sent to all involved agencies; responses required by December 19, 2013
- Planning Board in receipt of correspondence indicating no objection to Planning Board as lead agency from:
    - NYC DEP(12-18-13), NYS DEC Ret.3 Division of Environmental Permits (11-25-13),
    - NYS Affordable Housing Corporation (12-3-13),
    - NYS Office of Parks, Recreation & Historic Preservation (12-6-13;11-25-13)
    - Westchester County (11-25-13)

Planning Board Meeting of January 8, 2014

- Planning Board accepts lead agency status

- Receipt of correspondence from Open Space Committee dated November 27, 2013

Planning Board Meeting of February 12, 2014

- Continued Discussion regarding location of recreation space, stormwater and phosphorous issues, information needed by Board for SEQR determination of significance.

Planning Board Meeting of March 14, 2014

- Presentation of alternative locations of recreation area by applicant; determination by Planning Board that it be onsite and in rear of site away from Route 6
- Discuss issues in letters from Watershed Attorney General of February 25, 2014 and March 11, 2014
- Set extra meeting for discussion of EAF Parts 2 and 3
- Request determination by Director of Planning regarding eligibility of site for application of MFR-BP district

Planning Board Meeting of March 25, 2014

- Review of EAF Parts 2 and 3; identification of additional studies to be required or further input necessary to make such determination
- Discussion regarding approach, approved by Town Attorney; regarding steps necessary to consider site eligible for application of MFR-BP site; determination to continue with site and SEQRA review while that eligibility determination is ongoing by Town Board

Planning Board Meeting of April 9.2014

- Extended time frame for determination of significance from May 20, 2014 to August 13, 2014.
- Identify alternative of placing garages in rear or other site plan alternatives

Planning Board Meeting of April 22, 2014

- Review Alternative concept plans and select Alternative A3 for site plan modification
- Recommended agreement with changes to 1994 Comprehensive Master Plan and MFR-BP Zoning district with minor change back to town Board
- Heard ecological filed plans for determination of impacts due to concerns by OSC

Planning Board Meeting of June 11, 2014

- Review of Site Plan submission of May 28, 2014
- Revised layout with revised unit type based on prior revised approved alternative layout concept plan

Basis of Comments

Drawing SP-1 Revision Date July 8, 2014

- Cover Letter –July 8, 2014

Forty-four hard copies of the single plan sheet have been provided

Main Issues for Planning Board Meeting of July 22, 2014

Plan Layout

Garbage Enclosures

In response to concerns regarding the placement of garbage pails in garages for market rate units and on entry porches for affordable units, 14 locations for garbage enclosures have been located throughout the site. Each enclosure is intended to serve four units with one enclosure reserved to serve the barbecue picnic area. After discussion with Rich Williams, it was made clear that each enclosure is intended to house two square roll-out pails for garbage and one recyclable pail. This is intended to adequately serve the four units and will require two pick-ups per week to do so. Residents will lift the top to place their garbage in the pails. I questioned whether this would adequately serve the units in the complex and whether the one recyclable can was adequate to provide space given the new County regulations that permit a wider variety of recyclable items. The applicant needs to provide some back-up to confirm why this number of bins will adequately serve the resident's needs.

School Bus Stop Parking

Based on concerns regarding queuing and roadway blockage of parents driving their children to the school bus stop, the applicant has added five parking spaces in the development entrance area for this purpose. To ensure that the spaces are available for this purpose, signage should be placed indicating that these spaces are not to be utilized on weekdays during school morning and afternoon pick-up times and this should be written into the home owners association by-laws as such.

Although sidewalks are provided for parents and children who walk to the bus stop or for those who get out of their cars to wait for or place their children on the bus, I would recommend that the two grassed triangles framing the spaces be paved with pervious surface material to provide an expanded pedestrian waiting area, as previously proposed. The tree in one triangle can be moved to the other side of the sidewalk and the street light will now be within a paved area.

To my knowledge, a comment from my April 22 and May 28, 2014 comment letter regarding assessment of the potential impacts of the school bus stopping on Route 6 has still not been answered and needs to be.

Recreation Area Details

Details of the playground and barbecue/picnic area still have to be provided.

relative to the subdivision and site plan for the Hidden Meadow site, and that, therefore, the MFR-BP overlay district can be and then is adopted as the zoning for the subject site

After adoption of the MFR-BP zoning overlay on the site, the Planning Board can continue its ongoing subdivision and site plan review and approvals, completion of SEQRA by preparing and adopting a negative declaration on the subdivision and site plan, and adopt its own resolution of site plan and subdivision approval.. .

Cc: Town Board
Town Clerk
Roland Baroni
Joe Barbagallo
Open Space Committee
Ken Kearney
Rich Williams

Z:\PE\Subdivision files\Hidden Meadow\Town Comments\Subidivsison-Site Plan Application\Planner's Comments 07-16-14.docx

Details of Site and Residential Unit Retaining Walls

There is now a height provided for the retaining wall between the parking spaces along Driveway C and the large stormwater management practice. He applicant still needs to provide heights of retaining walls for residential driveways.

Treatment of Road to Adjacent Town Parkland

Separate from any recreational fees, the Planning Board needs to determine whether the road connection of Road A to the adjacent town park offered to be built by the applicant should be constructed now as part of the subdivision construction or whether actual construction should stop at Road B and some other mechanism be provided such as a letter of credit, to ensure the future construction of this road by the Town. In this event, the Town would have funds available at such time the parkland may be developed and require access through the project site. Under any condition, the resolution of approval needs to contain some measures, to be provided with input from the Town Attorney that provides for a Town easement over the entry and "future" extension right-of-way, should that be the case, and that this requirement be incorporated into the Homeowners Association legal obligations. It would be necessary to ensure that public access through the project entrance is secured for some future time.

Timeline

Town Board Actions

The Town Board opened a public hearing on June 12, 2014 on the Local Law to Amend the Town of Somers 1994 Comprehensive Master Plan and a Local Law to amend the Code of the Town of Somers Chapter 170 Section 170-13 Multifamily Residence MFR District. The Town Board took comments at that meeting and then closed the public hearing on the Master Plan because a second public hearing would be scheduled, but left the comment period open for 10 days during which time comments were received. The public hearing on the zoning amendment was left open and continued at the Town Board meeting of July10, at which time comments were taken and the zone change hearing closed. The Town Board voted to hold the second public hearing on the Local Law to Amend the Town of Somers 1994 Comprehensive Master Plan on September 11, 2014 and directed the Director of Planning to make any required further amendments to the 1994 plan and zoning as required based on comments and to make that available for public review prior to the second public hearing date. The Town Board can, should it choose to, discuss any additional amendments at its work session of September 4, 2014.

Subsequent to the closing of the public hearing, at a separate meeting, a Negative Declaration for the Master Plan and zoning text change needs to be drafted, reviewed by and voted on by the Town Board. A Draft Resolution of adoption of the Master Plan modifications and zone text amendments needs to be prepared and voted on. A separate, resolution of finding that the Basic Planning Principles of the MFR-BP District are met

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MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Rob Wasp, EIT, CDT, on behalf of Joseph C. Barbagallo, P.E., BCEE
DATE: July 18, 2014
RE: Hidden Meadow at Somers
Subdivision Plat Application, Site Plan Application
16 Route 6 (Birdsall Road)
TM: 15.07-1-6, R-80 District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Preliminary Subdivision Plat Approval and Site Plan Applications that have been submitted for the parcel located at 16 Route 6. The applications propose the creation of 46 individual lots for the construction of 53 housing units contained on 9 attached "townhouse-style" buildings. The 46 subdivided lots will be composed of 45 fee-simple lots and 1 home-owners association lot for common infrastructure. Proposed work includes the construction of sanitary sewer infrastructure, connection to municipal water supply system, stormwater infrastructure and electrical service utilities. The Application also proposes the construction of additional roadway and drainage infrastructure necessary to provide future connection to the adjacent Town owned parcel, located west of the project site. The following documents were received during the current review period.

DOCUMENTS RECEIVED

- Cover Letter, by Insite Engineering, Surveying & Landscape Architecture, P.C., dated July 8, 2014.
- "Hidden Meadow at Somers", Drawing Sheets: "SP-1", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 10, 2013, last revised July 8, 2014.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Town Board: Application of MFR-BP Zoning District
- Town of Somers Town Board: Water/Sewer District Extension.
- Town of Somers Planning Board: Subdivision Plat Approval
- Town of Somers Planning Board: Site Plan Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit

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- Town of Somers Planning Board: Steep Slopes Protection Permit
- Town of Somers Fire Department: Approval of Proposed Hydrant Locations
- NYC DEP: Approval of Stormwater Pollution Prevention Plan
- NYC DEP: Approval of Sanitary Sewer Connections
- NYSDEC: State Environmental Quality Review
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)
- NYSDOT: Highway Work Permit
- Westchester County Department of Health (WCDOH): Approval of Water and Sanitary Sewer Systems
- Westchester County Board of Legislators: Sewer District Expansion
- Westchester County Planning Board: Approval of Funding
- New York State Affordable Housing Corporation: Approval of Funding
- U.S. Army Corps of Engineers: Application for Department of Army Permit (Wetlands)

DISCUSSION

The Applicant has provided an updated site layout and landscape plan drawing and cover letter in response to concerns that were raised at the June 11, 2014 meeting of the Planning Board. The provided landscape and layout plan has been revised to include eleven community refuse enclosures and includes five parking spaces at the proposed school bus waiting area located at the site driveway entrance to U.S. Route 6. The Applicant's Cover letter elaborates that additional plan revisions to the development Tree Removal Plan will be addressed by future submittals.

Based upon the limited scope of the submittal that was provided by the Applicant, all previously identified engineering comments as noted on our memorandum, dated June 4, 2014, remain unaddressed at this time. These comments are to be carried forward and have been included with this memorandum in that section that follows for the reference of the Board. New comments related to the proposed community trash enclosures and school bus parking area are provided below.

1. **The revised landscape and layout plan depicts eleven community refuse enclosures within the Hidden Meadow development. A typical construction detail for the proposed "Refuse Enclosure" has been included on the plan. The following comments relate to proposed refuse enclosures. While final acceptance of the proposed enclosures and locations is subject to the discretion of the Planning Board, our office would like to offer the following comments for the consideration:**
    a. **Revise the construction detail to include the proposed height of enclosure structure.**

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b. **Based upon the provided detail, it is unclear if refuse is intended to be placed in the enclosure through the front gates or top lid. If refuse is planned to be contributed through the top lid, special consideration for lightweight lid materials should be considered as the provided design may be difficult to operate by elderly residents.**

2. **The provided plan includes the layout of five parking spaces at the proposed school-bus waiting area adjacent to the development roadway intersection with U.S. Route 6. Detailed grading details have not been updated at this time. The Applicant shall consider the proposed parking spaces and resulting impacts and grading and the proposed layout of site utilities during the development of future plan more detailed submittals.**

REVIEW COMMENTS FROM JUNE 4, 2014 MEMORANDUM.

1. The NYC DEP has issued review comments for the project based upon preliminary project sketch plans that were provided to the DEP prior to receipt of the current Applicant submittal. NYC DEP comments shall be considered in coordination with engineering comments provided by this memorandum. Additional NYC DEP comments have not yet been received in response to the Applicant's January comment response memorandum. Project review by the NYC DEP will continue as design development progresses with final NYC DEP satisfaction confirmed though approval of the project SWPPP.

2. Our office has reviewed project review comments that have been offered by the office of the Watershed Inspector General, as referenced in their letter dated February 26, 2014. Several of these comments match the outstanding concerns already raised by our previous reviews of the draft Stormwater Pollution Prevention Plans and phosphorous loading calculations, as referenced within this memorandum. Some of the identified WIG comments related to the project phosphorous loading calculations have already been addressed by the revised project submittal. Other outstanding issues, especially those related to erosion and sediment control and design details must be incorporated as the Applicant continues to develop their design following additional input of the Planning Board. The Applicant indicated at the March 6th meeting that it will be working directly with the WIG to resolve reaming issues. We will continue to assist the Planning Board and the office of the WIG to make sure that all applicable comments are addressed as project design development progresses.

3. The Applicant has prepared a preliminary Stormwater Pollution Prevention Plan (SWPPP) and drawings to describe proposed project stormwater infrastructure under the revised site layout. The provided stormwater management practices are essentially similar to those provided with the prior plan alternate. The revised plan proposes more limited construction of porous pavement due to the unacceptable site soil conditions for the practice on a portion of the site. The current layout now incorporates a series a rain gardens and two Bioretention Filter areas that provide supplementary stormwater quality treatment and runoff reduction volume (RRv). The following comments are related to our review of the proposed site stormwater plan and systems.

    a. The Applicant shall prepare hydraulic pipe design calculations for all proposed stormwater conveyance pipe in future design submittals. Hydraulic calculations

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shall demonstrate adequate capacity to convey runoff collected by the 100 year design rainfall without surcharging.

b. The Applicant shall update the plans to indicate rim and invert elevations on all stormwater infrastructure in future design submittals.

c. The Application proposed to construction two Pocket Wetlands Areas (NYSDEC Type W4) on the site. Proposed Pocket Wetland Area "1.2P" is shown as the second practice receiving stormwater from the Surface Sand Filter. The following comments are based upon our initial review of the proposed wetlands design.

    i. The Applicant shall prepare a Wetlands Planting Plan based upon Appendix H of the NYSDEC Stormwater Management Design manual.

    ii. The Applicant shall prepare a final profile view construction detail for the proposed wetland area that shows all applicable invert elevations for the proposed wetland system to be confirmed through review of the final SWPPP.

    iii. The Applicant shall provide deep hole test pit excavation data for the proposed location of each Pocket Wetland Area with future submittal.

d. The Applicant proposes to construct a surface sand filter as part of the proposed site stormwater infrastructure. The proposed surface sand filter is shown as the first treatment practice in series routing to proposed Pocket Wetland Area "1.2P". The following comments are related to our review of the proposed surface sand filter design.

    i. The Applicant shall provide site investigation data to demonstrate minimum 2 foot vertical separation between the invert of the proposed sand filter and groundwater/bedrock. Adequate vertical separation will be confirmed by future deep hole excavations to be conducted within the proposed sand filter practice.

    ii. The provided HydroCAD report indicates that a portion of the stormwater flow resulting from the 1 year design storm is bypassed directly to the proposed Pocket Wetland Area "1.2" at the proposed flow splitter structure. The entire 1 year design storm must be routed though the proposed surface sand filter in order to address NYC DEP requirements to provide two treatment practices in series. The Applicant shall revise the flow splitter structure design to address NYC DEP requirements.

    iii. The Applicant shall provide a construction detail for the proposed hydrodynamic separator unit located prior to acceptance of the Final SWPPP.

e. The Applicant proposes to utilize porous pavement for a portion of the proposed unit driveways and also on the lower roadway within the development. Porous pavement systems must be designed in accordance with Chapter 5 of the NYSDEC SWMDM. The following comments are based upon our initial review of the proposed porous pavement areas.

i. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils.

ii. The Applicant shall update the final design plans to demonstrate that proposed porous pavement driveways will be constructed at no greater than a maximum slope of 5% grade.

iii. The Applicant shall update the final design plan to show the location and connection of porous pavement bypass pipe outlets, if intended to be proposed, as suggested by the provided construction detail.

iv. The Applicant shall prepare a porous pavement sizing summary worksheet to demonstrate that storage for the 10 year runoff volume is contained below the pavement section, as required by Chapter 5 of the Stormwater Management Design Manual.

v. The Applicant should consider if additional provisions are necessary to prevent infiltration of stormwater into adjacent building basements and footing drains where porous patios are proposed upgradient (on the western face) of the structure.

vi. The Applicant shall revise the provided construction detail for porous pavement to incorporate a non-woven geotextile fabric on sidewalls of the stone reservoir cross section.

f. The revised site layout incorporates two Bioretention Filter areas within the site stormwater system design. One of these filters will be constructed within the common center green located between Proposed Road B and Proposed Road C. The second Bioretention Filter is proposed to be constructed along the shoulder of Proposed Road A and U.S. Route 6 adjacent to the site entrance. The following comments are based upon our initial review of the proposed Bioretention Areas:

i. The NYSDEC Stormwater Management Design Manual requires that 75% of the required Water Quality Volume must be provided prior to filtration in the stormwater practice. The Applicant shall revise the Bioretention filter design calculations to eliminate filtration media void space storage from the provided storage calculation.

ii. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils.

g. The revised site layout incorporates a series of eleven (11) rain garden areas located along the eastern and southern limits of development to provide water quality treatment and Runoff Reduction Volume (RRv) treatment for runoff from impervious roof areas and the proposed multi-sport court surface. The following

comments are based upon our initial review of the proposed rain garden design at this time:

i. The Applicant shall prepare a rain garden area practice design summary worksheet that provides a breakdown of rain garden water quality storage by stone, soil and ponding layers, consistent with the Chapter 5 requirements of the NYSDEC Stormwater Management Design Manual.

ii. The Applicant shall revise the plans to show the location and connection of all Rain Garden underdrains, if intended to be proposed, prior to approval of the final site SWPPP.

h. The Applicant shall prepare sizing calculations to support the provided detail for the proposed level spreader spillway. Spillway stone stabilization must be sized to convey peak flows resulting from the 100 year design storm.

i. The Applicant has prepared a draft Stormwater Maintenance Agreement for review and acceptance by the Consulting Town Engineer and Town Attorney. Draft easement review comments will be communicated directly to the Applicant's Engineer.

j. Improvements to the shoulder of US Route 6 are subject to the design standards, review and approval of the NYSDOT. The Applicant shall provide supporting design documents related to Route 6 improvements for review and record by the Consulting Town Engineer.

k. The provided Utilities Plan drawing sheet suggests that the proposed stormwater conveyance pipe from drainage subcatchment 1.3S may conflict the pipe shown to discharge to Proposed Bioretention Filter #2 from the site driveway area. The Applicant shall demonstrate that adequate clearance will be provided to accommodate the pipe crossing or revise the plan as necessary.

l. The Applicant shall revise the plan to provide rip-rap along drainage flowpath adjacent to the 6 shoulder expansion embankment within the site. Rip-Rap stone shall be sized based upon peak flows resulting from the 100 year design storm.

m. The Applicant has provided an updated RRv calculation worksheet to supplement calculations provided under Appendix A. We have completed a preliminary review of the provided calculations at this time. In the event that further technical comments are determined, such comments will be provided during the upcoming meeting of the Planning Board.

4. It is our understanding that the Applicant does not wish to dedicate constructed roadways to the Town of Somers. The Applicant shall prepare draft easement agreement documents for review by the Consulting Town Engineer and Town Attorney.

5. The Applicant's SWPPP and Environmental Assessment acknowledge that a phased construction approach is necessary to ensure that no greater than 5 acres of land are disturbed at one time. The Applicant begun development of a land disturbance phasing plan as referenced in the SWPPP and depicted on drawing sheet "SP-4". The Applicant must complete development of an acceptable land disturbance phasing plan prior to approval of the final site SWPPP.

WOODARD &CURRAN

6. The Applicant has provided preliminary documents to describe the anticipated earthwork and grading for the proposed site development. The following comments are based upon our initial review of the preliminary earthwork documents that have been received.
    a. The Applicant shall develop a proposed earthwork plan that will be coordinated with the land disturbance phasing plan. The earthwork plan shall include a proposed earthwork map that indicates the depth and volume of cut and fill placement throughout the entire proposed area of disturbance. The plan shall also describe the limits and approximate height of all temporary stockpile areas and should detail the intended schedule of truck loading and hauling operations.
    b. The Applicant shall provide an updated profile view which depicts subsurface soil strata and depth to bedrock and groundwater based upon the revised site layout relative to previously completed site investigation findings.
    c. The Applicant shall confirm that rock removal is not anticipated to be necessary based upon the revised site layout relative to previously completed site investigation findings.
7. The Applicant shall prepare an updated site Erosion and Sediment Control Plan following the completion of the earthwork management plan. Final location and limits of all stockpile areas shall be coordinated with the Land Disturbance Phasing Plan and Site Earthwork Plan, to be included with future Applicant submittals.
8. The Applicant has provided an updated site photometric plan based upon the revised site layout. Consistent with the previously reviewed layout ,the provided plan identifies that there will be no resulting illumination at or in the vicinity of the western, southern and eastern property lines. Average photometric levels along site roadways are generally depicted as less than 0.5 foot-candles. Based upon our review of the provided photometric plan, we feel comfortable that the depicted site illumination does not appear to be above what would be appropriate for such a development. We look forward to providing the Planning Board with further input on this issue as project review progresses.
9. Our office previously reviewed the provided "Endangered Species Habitat Sustainability Assessment and Wetland Report", prepared by Ecological Associates, LLC, dated January 22, 2014. Following the receipt of the review memoranda issued by Town of Somers Open Space Committee (OSC) memorandum, dated February 26, March 21 and April 14, 2014 it was determined that additional evaluation of the project site for locally protected animal and plant species was necessary. A biodiversity survey protocol was prepared and reviewed by the Town of Somers Open Space Committee and field investigation activities are still being undertaken at this time. We look forward to the receipt of biodiversity study findings and will provide our recommendations on the assessment and necessary mitigation to the Planning Board at that time.
10. Town of Somers regulated wetlands are located on the project site downgradient of the proposed area of disturbance. These wetland limits were delineated by the Applicant and confirmed by a Woodard & Curran Wetlands Scientist on August 21, 2013. The Applicant intends to provide an updated Wetlands Impact Analysis prepared by a certified wetlands scientist to analyze any potential impacts to the existing wetlands based upon the proposed site hydrologic conditions Such report is intended to be prepared based upon the

final limits of site disturbance following further acceptance of the site layout by the Planning Board. Review of the Wetlands Impact Analysis and necessary mitigation will be coordinated with the findings of the site biodiversity study protocol currently in progress.

11. Preliminary design calculations and details for the proposed water service and sanitary sewer connections have not yet been updated to reflect to current design layout development. Our previously identified comments that remain unaddressed have been carried forward in this memorandum as provided below. It should be noted that these comments reflect our review of the conceptual level of detail that has been provided and that additional comments will be issued upon future submittal of detailed design documents:

    Wastewater Engineering Report

    a. Section 4 – The Applicant must provide design calculations for the pump station and force main discharge will be included in future submittals.

    b. Section 4 - Future discussion of pump station design should include system controls and emergency power.

    Water Engineering Report

    c. Section 3 - Please provide additional information on water distribution system demands in the Windsor Farms district to justify the availability of adequate flow and pressure, as well as additional information on the fire flow test, including the location of the hydrant that was opened and the time of day of the test. We note that there was a significant drop in residual system pressure during the fire flow test, which was run at a relatively low flow for a 10-inch diameter pipe. Please comment on whether the observed residual pressure drop is due to friction losses in the pipe or if the meter pit is restricting the available flow. The Applicant should evaluate whether the existing 6" meter is appropriately sized given the added demand.

    d. Section 3 - It is noted that additional review of flow availability will be required when the project's fire flow requirements are known.

    Utility Plan and Details

    e. SP-3 - While we note the preliminary nature of these plans, an initial review of the proposed pump station location does not show much space or provisions for access, controls, and emergency power.

    f. D-2 – Please not that all future plan details and design calculations must consider Class 52 Ductile Iron Pipe for the proposed water main. .

    g. D-2 – Please provide clarification about the method of pipe restraint. There is a detail for thrust blocks on D-2, the notes specify Field Lok mechanical joints, and the Engineer's report calls for Mega-lug fittings for restrained joints.

    h. The Applicant shall prepare a utilities profile to illustrate all layout of sanitary sewer and water service infrastructure in profile view.

12. The proposed site layout includes construction of access roadway terminating at the eastern property boundary of the adjacent Town of Somers owned parcel (the Windsor

Farms parcel). It is our understanding that the Town of Somers may wish to pursue development of a conceptual park layout for adjacent Town owned parcel so that it can be coordinated with the current applications. Coordination of conceptual plan development should be contemplated by the Planning Board during review of the subject application.

13. The provided plans indicate that a block retaining wall is proposed to be constructed to a maximum height of 6.5 feet between the parking area and adjacent slope to Pocket Wetland "1.2P". The Applicant must be provide structural design calculations based upon the proposed wall construction, signed and sealed by a licensed professional engineer, for record by the Consulting Town Engineer.

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

Sincerely,

Robert Wasp, EIT, CDT
Assistant Consulting Town Engineer

On behalf of,

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

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MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Rob Wasp, EIT, CDT, on behalf of Joseph C. Barbagallo, P.E., BCEE
DATE: July 18. 2014
RE: Granite Point Subdivision
Review of Final Supplemental Environmental Impact Statement (FSEIS)
Tomahawk Street
TM: 27.05-3-2&5, R-40

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our review of completeness for the provided FSEIS documents related to the proposed Granite Point Subdivision, located on Tomahawk Road. Our review has been conducted as part of a collaborative effort with F.P Clark and Associates and EA Science and Technology. Our review scope is focused strictly on elements related to site stormwater management, erosion and sediment control as well as construction design specifications related to site engineering. The provided FSEIS documents focus primarily on the proposed remedial action plan to address existing contamination on the property. It should be noted that our review of documents is based solely on the FSEIS and does not constitute a review for the preliminary or final subdivision approval. The following documents were considered during this review period.

DOCUMENTS RECIEVED

- Cover Letter, by Bibbo Associates, LLP, dated July 7, 2014.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 93 Stormwater Management and Erosion and Sediment Control", by Bibbo Associates, LLP, dated July 8, 2014.
- Stormwater Pollution Prevention Plan (SWPPP): "Granite Point Subdivision Brownsfields Plan", prepared by Bibbo Associates, LLP, dated June 17, 2008, last revised June 16, 2014.
- "Granite Point Remediation", Drawing Sheets: "RSP" & "P&D", prepared by Bibbo Associates, LLP, dated June 14, 2014.

PERMITS AND APPROVALS REQUIRED

- New York State Department of Environmental Conservation General Permit No. GP-0-10-001.
- New York City Department of Environmental Protection: Approval of Remedial Action Work Plan (RAWP)
- New York City Department of Environmental Protection: Approval of Stormwater Pollution Prevention Plan (SPPP).

- New York State Department of Transportation: Highway Work Permit
- Westchester County Department of Health: Approval of Remedial Action Work Plan
- Town of Somers Planning Board: Approval of FSEIS
- Town of Somers Planning Board: Stormwater Management and Erosion & Sediment Control Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Permit
- Town of Somers Planning Board: Wetlands Activity Permit

DISCUSSION

The Applicant has prepared a revised stormwater pollution prevention plan (SWPPP) and remedial site plan drawings to address temporary site disturbance that will be incurred through the completion of remedial site cleanup activities in accordance with the project Remedial Action Work Plan. The preparation of these documents was requested by the Planning Board during its meeting held on October 30, 2013 in order to address outstanding review comments prior to further consideration of adoption of SEQR findings.

As you will recall, during the review of the FSEIS numerous comments and concerns were received by interested agencies and concerned residents related to the Granite Point project development. At this time. the New York State Attorney General, Office of the Watershed Inspector General (WIG) expressed interest in the project and provided comments through their letter dated October 22, 2013.

Through its actions at the October 30, 2013 meeting and as summarized in subsequent response letter to the WIG that was prepared by our office, dated December 4, 2013, the Planning Board agreed to consider the WIG's concerns prior to adoption of SEQR findings and proposed to proceed based upon an approach that was previously discussed with the WIG. Key points of this approach, as cited from our December 4, 2013 letter included:

- ***The SWPPP for remedial site cleanup of the Granite Point property will be revised prior to consideration of adoption of FSEIS SEQRA findings by the Planning Board. The revised SWPPP must address full compliance with NYSDEC Stormwater and Erosion and Sediment Control design standards. The remediation SWPPP will not include Pollutant Loading Analysis (PLA) as this is an interim and not permanent condition.***
- ***A copy of the revised remedial site cleanup SWPPP will be provided to the New York State Office of the WIG for review and comment. WIG Comments will be considered as part of SEQR findings.***
- ***Upon application from the NYSDEC for environmental permits associated with remedial activities on the NYC DEP owned off-site property, our office will provide a copy of the SWPPP for remedial site cleanup activities on the off-site property to the WIG for review and comment.***

- ***The Applicant shall be required to prepare a full site SWPPP at the time of application of Subdivision Plat Approval for the residential development of the Granite Point property. The Subdivision SWPPP shall be required to include a Total Phosphorous Loading Analysis to support necessary mitigation to ensure compliance with Amawalk Reservoir TMDL limits.***
- ***A copy of the Subdivision SWPPP will be provided to the New York State Office of the WIG for review and comment.***

The office of the WIG was provided a copy of the Applicant's current submittal on July 16, 2014. Given that the office of the WIG has not yet provided any further comment or response based upon the revised SWPPP, the Planning Board should not consider adoption of final SEQR findings until the WIG has had adequate time to provide comments.

The following is a summary of our comments at this time. All comments from our previous memorandum, dated August 8, 2013 have been incorporated as cited below and shall be carried forward as described herein. The status of all previously identified comments as well as new comments is shown in **Bold Type.**

Part I - Comments Related to Completeness of Applicant Responses

For reference, all FSEIS comments and responses related to the review scope assigned by Woodard & Curran have been identified in the section below. Our recommendations regarding the completeness of the identified comments are shown in **Bold Type**.

1. *Comment*: RAP shall include construction access road, phasing and be coordinated with NYCDEP RAP

   Response: The RAWP discusses in section 4.3 (sub sections 4.3.1 through 4.3.3) details of mobilization to the site, erosion and sediment controls and the creation of a stabilized construction entrance to the site. The Phasing Plan is outlined in the RAWP as well as the SWPPP included in the RAWP, Appendix N. The NYCDEP was notified several times last being August 12, 2010 as to communicate the applicant's desire to coordinate any future clean-up with the NYCDEC. To the Applicant's knowledge the NYCDEP has not prepared a RAWP.

   Complete. *It is our understanding based on a meeting held last month that the Applicant has made arrangements for cleanup of the NYC DEP property. The Applicant shall provide an update to the Board on the status of all correspondence with the NYC DEP.* **The Applicant should provide a summary of current coordination with the NYC DEP related to the NYC DEP property cleanup at the upcoming Planning Board meeting.**

2. *Comment:* RAP shall discuss impacts of Arsenic

   Response: The contaminants of concern are lead and semi- volatile organic compounds (SVOCs). In order to protect human and ecological receptors from exposure to contaminants in soils and debris by incidental exposure via inhalation or ingestion of lead and/or SVOCs, lead and SVOC impacted soil exceeding the Track 1 Unrestricted SCOs will be excavated and disposed of off-site. Following the removal of impacted soils from the subject site, confirmatory sampling will be analyzed. Additional excavation and disposal may be necessary if confirmatory sampling indicates remaining lead or SVOCs above

Track 1 Unrestricted SCOs. Any trace elements associated with the source (lead shot) will be removed as part of the lead impacted soil removal process.

Complete.

3. *Comment:* Discuss Potential Impact of Clean-up on Proposed Septic Areas

   Response: The proposed septic areas on Lots 10, 11, 12 and 13 are located in areas requiring the least excavation for the RAWP. Upon completion of the RAWP, the areas will be scarified and filled with run-of-bank sand and gravel to original grade.

   Incomplete. The Applicant shall identify the means in which the future septic area will be protected during construction to avoid stockpiling or compaction of site soils within septic areas. In addition, the Applicant will need to provide documentation of Westchester County Department of Health (WCDOH) and NYC DEP approvals for areas designated for future septic field construction. **Complete. The Applicant shall provide documentation of WCDOH correspondence that relates to the proposed excavation within septic system areas.**

4. *Comment D(u):* Sequencing Plan Should Include Stabilization Following Each Phase of Remediation.

   Response: Each phase will be stabilized as outlines in the RAWP, Sections 4.0 and 5.0.

   Complete.

5. *Comment D(v):* Provide Protocol for SPPP Security and Maintenance

   Response: The Remedial Contractor and the site Environmental Engineer will be responsible for daily erosion control inspection and maintenance. The control measures will be within the confines of the work area and therefore secure.

   Not Complete. The Applicant shall provide a more thorough inspection and maintenance plan in the SWPPP that specifically addresses inspections, schedules and reporting for all site stormwater structures during and following the completion of construction. See SWPPP review comments section below for more information. **Complete. Please refer to additional comments related to the Project SWPPP as provided in the sections below.**

6. *Comment E(a):* Discuss Potential Lead Impacts Related to Stormwater

   Response: The RAWP requires full contaminant removal. Any residual soil captured in the sediment basins would be removed from the site in accordance with the RAWP.

   Not Complete. The Applicant shall identify any specific handling and maintenance procedures for all stormwater infrastructure designed to collect and convey stormwater that has come in contact with lead contaminated soils. Such practices must be described in the site SWPPP. **Not Complete. Please refer to Part III Comments 2(d) and 7(b) for further discussion.**

7. *Comment E(b):* Prepare Comprehensive Erosion Control Plan (Stormwater Pollution Prevention Plan (SWPPP)).

WOODARD &CURRAN

Response: The SWPPP is included in the RAWP, Appendix O.

Not Complete. The provided SWPPP in Appendix O has been prepared to address all construction activities related to remedial site work. Several of our comments identify issues that should be addressed in a revised SWPPP submittal. Please see our additional comments identified under the SWPPP review section to follow. **Not Complete. A revised copy of the remedial site work SWPPP has been prepared. Please refer to comments provided under Part II and Part III for further discussion related to the site SWPPP.**

8. *Comment E(c):* SWPPP shall include consideration to mitigate discharge to the Amawalk Reservoir up to the 100 year storm.

   Response: Statistically the site will not be disturbed at a length to justify sediment basin to accommodate a 100-year storm.

   Not Complete. The Applicant shall design all site stormwater and erosion & sediment controls to provide the capacity to convey and adequately dissipate stormwater flows resulting from the 100 year design storm so that erosive and sediment-laden discharges to the adjacent reservoir property may be prevented. **Complete. Adequate sizing of stormwater and erosion control practices will be confirmed upon receipt of the revised final remedial work SWPPP.**

9. *Comment E(d):* Provide Sediment Removal Parameters During Remedial Action Activities.

   Response: Sediment will be monitored daily and removed upon excess in accordance with the RAWP procedures.

   Not Complete. Please see our additional comments identified under the SWPPP review section to follow. **Complete.**

10. *Comment E(e):* Discuss related stormwater discharge increases due to changes land cover (tree removal/bare earth).

    Response: The sediment basins are provided with the same volume as the proposed subdivision basins. The land use for the subdivision will be more intense (higher CN).

    Not Complete. In accordance with the NYSDEC Stormwater Management Design Manual, latest edition, permanent stormwater basins cannot be as temporary sediment traps during construction. This practice is prohibited unless the temporary sediment basins are constructed with higher invert elevations than proposed final stormwater basins, so that sediment laden basin soils will be excavated to avoid soil clogging. **Complete. Please refer to Part III Comment 1 for further discussion.**

11. *Comment E(f):* Provide Supporting SPPP Calculations.

    Response: See RAWP, Appendix O.

    Complete. *However, design calculations provided in the SWPPP must be updated. Please see our additional comments identified under the SWPPP review section to follow.*

Adequate sizing of stormwater and erosion control practices will be confirmed upon receipt of the revised final remedial work SWPPP.

12. *Comment E(g):* Identify Potential Impacts Through SPPP during Remedial Action for All Phases

    Response: See RAWP, Appendix O

    Not Complete. Please see our additional comments identified under the SWPPP review sections to follow.

13. *Comment E(h):* Address Containment of Stockpile Areas.

    Response: See RAWP, Appendix O.

    Not Complete. Please see our additional comments identified under the SWPPP review section to follow.

14. *Comment (IV, 6):* The Detail Area noted in the Plan must be provided with a clear boundary on working drawings for proper analysis to include the placement of fences, existing trees, and proposed septic system area.

    Response: The Preliminary Approved Subdivision Plans are included in Appendix B – Fig. 19 and additional Plans in Appendix O.

    Complete. A preliminary plot plat plan has been included in the FSEIS submittal. It should be noted that preliminary plan shows the layout of the subdivision and related infrastructure, but does not constitute a plat prepared to contain all standard details for preliminary subdivision plat approval.

15. *Comment (IV, 7):* Page 9, under 2.5.2: The access should be through a temporary road to be constructed with details of the design and construction specifications provided for review. The subdivision road should not be constructed as part of the clean-up. When alternatives are presented, it must include all details of each alternative.

    Response: The access for remediation will be via the subdivision road brought to subgrade. For proper access for trucks, the subdivision road would be the appropriate means of ingress and egress.

    Not Complete. The provided SWPPP and related documents do not provide construction details for the temporary access road. It is our understanding that the access road will be graded to the proposed subgrade of the proposed subdivision road upon completion of remedial site activities. If that is the intent of the Applicant, design details for the proposed subdivision road must be provided in order to demonstrate its feasibility and conformance to Town Road design standards so that a proper subgrade may be established.
    Complete. Please refer to Part III Comment 10 for further discussion.

16. *Comment(IV, 8):* Page 9, under 2.5.2: The excavation fence must be defined and detailed with the specific location of installation to be placed on the construction drawing. The decontamination station located at the common driveway will need to address how the existing property owner will be able to access his home. Will the station be located above

the individual driveway? The section must provide details of the decontamination station including how stormwater will be treated, will the station have the ability to treat two-way traffic.

Response: The plan referred to has been eliminated in favor of access via the subdivision road. Detailed plans addressing the remediation and stormwater are to be found in Appendix O.

No Longer Applicable. Access for the Remedial Site Work is shown to be provided through the location of the future subdivision road and does not impact access for the existing homeowner. The Applicant must provide additional information in the revised SWPPP to describe the remediation and handled of stormwater, as described in the Comments Related to SWPPP section to follow.

Part II - Comments Related to Stormwater Pollution Prevention Plan

The following is a summary of our review findings regarding the Stormwater Pollution Prevention Plan and erosion and sediment control measures contained within the FSEIS document, for the consideration by the Planning Board. It should be noted that our comments represent our opinion on the completeness of the reviewed information, in relation to the required elements contained by applicable New York State and Town of Somers Code, as well as best engineering practices for consideration by the Planning Board in their determination of completeness review.

The provided SWPPP and supplementary erosion control details have been prepared specifically to address construction activities to be completed as part of remedial site work to address the existing contamination on the property. It should be noted that a separate SWPPP containing erosion and sediment control plan details will need to be prepared for the proposed Granite Point subdivision.

The Planning Board should be aware that the following contents are required to be contained the as part of a SWPPP under the provisions for issuance of a Stormwater Management and Erosion and Sediment Control Permit, as defined by the Somers Town Code. These requirements are subject also to the satisfaction of SWPPP criteria specified by the NYSDEC SPDES General Permit for Construction Activity, and for SWPPP approval by the NYC DEP. The following is a summary of recommendations based upon our review of completeness for the FSEIS SWPPP and supplementary Erosion Control Plan details contained in the Remedial Action Work Plan.

§93-6(A) – Stormwater Pollution Prevention Plans

Contents of stormwater pollution prevention plans.

(1) All SPPPs shall provide the following background information and erosion and sediment controls:

(a) Background information about the scope of the project, including the location, type and size of project. **Complete**

(b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; area of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharges(s). Site map should be at a scale no smaller than one inch equals 100 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet). *Not Complete. The Applicant shall prepare a master drawing for the SWPPP to illustrate the scope of work for the Remedial Action Work Plan. The drawing shall be required to contain all of the information identified above as well as proposed stormwater and erosion and sediment control infrastructure as required by §93-B(A)(3)(e).* **Complete.**

(c) Description of the soil(s) present at the site, including an identification of the hydrologic soil group (HSG). **Complete**

(d) Construction phasing plan and sequence of operations describing the intended sequence of construction activities, including clearing and grubbing, excavation and

grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SPPP. **Complete.**

(e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff. ***Not Complete.*** **The Applicant shall revise the SWPPP to include additional language that identifies storage and spill prevention procedures for construction fuels and chemicals.**

(f) Temporary and permanent soil stabilization plan that meets the requirements of the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization. ***Complete.*** *It should be noted that the provided SWPPP and drawings shall require additional information that may require updates to the temporary and permanent soil stabilization aspects of the project.* **Comment satisfaction to be confirmed upon receipt of the final revised Remedial Work SWPPP.**

(g) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice. *Complete. All erosion and sediment control practices should be included on the master SWPPP drawing for remedial site work.* **Complete.**

(h) Dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils. **Complete.** *Additional information and details are required to be added to the SWPPP related to the specifications, details operation and maintenance of erosion and sediment control practices.* **Comment satisfaction to be confirmed upon receipt of the final revised Remedial Work SWPPP.**

(i) Description and location of any stormwater discharges associated with industrial activity other than construction at the site, including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site. **Not Applicable**

(j) A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented. *Complete. See additional comments below under the Additional SWPPP Review comments section.* **Complete.**

(k) An inspection schedule for the developer or the contractor(s) that will be responsible for installing, constructing, repairing, inspecting and maintaining the erosion and sediment control practices included in the SPPP to ensure continuous and effective operation of the practices. The inspection schedule shall be in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. **Complete.** *However additional*

information and details are required to be added to the SWPPP related to the inspection, maintenance and reporting of erosion and sediment control practices. See additional comments below under the Additional SWPPP Review comments section. **Comment satisfaction to be confirmed upon receipt of the final revised Remedial Work SWPPP.**

(l) Identification of any elements of the design that are not in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standard. **Not Applicable**

In addition to those requirements named above, the SWPPP is required to contain the following water quantity and water quality controls, designed in conformance with the enhanced phosphorous removal standards in the New York Stormwater Management Design Manual, latest edition.

§93B(A)(3) – SWPPP Requirements for Land Development Activities that are subject to §93-6(A)(2).

a) All information in § **93-6A(1)** of this chapter;

(b) Description of each post-construction stormwater management practice; **Complete.**

(c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice; **Complete.**

(d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms; **Complete. Please refer to additional comments identified below under the section titled "Part III - Additional SWPPP Review Comments".**

(e) A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum, the summary shall address the required design criteria from the applicable chapter of the New York State Stormwater Management Design Manual, including the identification of and justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the redevelopment criteria or waiver criteria included in the Design Manual; **Complete. Please refer to additional comments identified below under the section titled "Part III - Additional SWPPP Review Comments". It should be noted that the Applicant is required to design all stormwater and erosion and sediment control infrastructure in accordance with the latest editions of the NYSDEC Stormwater Management Design Manual and the NYSDEC New York Standards and Specifications for Erosion and Sediment Control.**

(f) Dimensions, material specifications and installation details for each post-construction stormwater management practice; *Not Complete. Material specifications and installation details for all proposed stormwater and erosion and sediment control practices have not been provided. The revised SWPPP shall contain all additional information as described by the Additional SWPPP Review comments section below.* **Complete. Please refer to**

additional comments identified below under the section titled "Part III - Additional SWPPP Review Comments".

(g) An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice; **Not Complete. Please refer to additional comments identified below under the section titled "Part III - Additional SWPPP Review Comments".**

(h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property; **Not Applicable. Maintenance easements are not required to be created for remedial site work prior to subdivision of the existing parcel. Maintenance easements will be required to be provided prior to re-approval of the proposed subdivision.**

(i) Inspection and maintenance agreements binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 93-8 of this chapter. **Not Complete. Please refer to Part III Comment 8 for additional discussion.**

Part III - Additional Comments Related to SWPPP and Erosion and Sediment Control Review

1. The use of areas designated for permanent stormwater basins as temporary sediment collection basins is not allowed unless the invert of permanent stormwater basins is designed to be constructed at lower elevation than the permanent stormwater feature. This convention requires the excavation of sediment laden basin soils prior to installation of permanent stormwater basins. See related Section I, Comment No 10 above. **Partially Addressed. The provided remediation site plan shows that sediment traps #3 & #4 will be constructed with a basin invert that is 2 feet higher than that of the proposed permanent stormwater treatment practice. It should be noted that the proposed invert of proposed sediment trap #4 and the final elevation of permanent stormwater treatment area "SWTA-D" appear to be reversed on the plan.**

2. The provided sediment trap sizing calculations have been prepared based upon volumes calculated from the NYSDEC water quality volume equation. For these calculations, The Applicant has used an improper value for the term "Rv" where a minimum value of 0.2 should applied. In addition, the NYSDEC New York Standards and Specifications for Erosion and Sediment Control, provides an alternative calculation method for minimum sediment trap storage volume. It is our understanding that the proposed sediment traps have been sized to accommodate larger volumes above the specified minimum storage. The Applicant shall revise the calculations summary table to demonstrate that all proposed sediment traps have been designed to accommodate the proper design volume. **Partially Addressed. The revised SWPPP contains sediment trap sizing information that compares required Water Quality Volume (WQv) storage to provided storage within the practice. The Applicant must revise the calculation of WQv required to consider total stormwater runoff from the 1 year design storm as calculated through the SCS Curve Number method. Stormwater runoff from the 1 year design storm has already been calculated within the HydroCAD design report contained within**

Appendix D of the SWPPP and should be referenced on the Water Quality Volume table within the SWPPP narrative.

The following additional comments are based upon our review of the design details and SWPPP narrative related to the proposed temporary sediment traps.

a. **The Applicant shall review the plan to correct all inconsistences between the plan notes and SWPPP. Specifically the identified storage invert and outlet weir of Trap #2, and proposed grading for the Trap #4 invert should be clarified.**

b. **Revise the plan to provide a minimum of 1 feet elevation difference between top of weir and crest of basin berm in within Trap #1.**

c. **Revise the SWPPP maintenance procedures to identify or appropriately cite in the RAWP, provisions cleanout of potentially contaminated sediment in Trap #3**

d. **The Applicant shall update the plan to provide dimensions of proposed sediment trap stone outlet aprons, considering the peak discharge flow resulting from the 10 year design storm.**

e. **Revise the plan to indicate the dimension for the proposed "Temporary Non-Contaminated Water Bypass Pipe" as shown on sheet "RSP". It should be noted that all temporary stormwater conveyance pipes associated with the remedial project work must be sized to accommodate the 10 year design storm.**

f. **Update the Phase IV Sequence of Operations to indicate the Trap 4 will also be expanded to conform with "Stormwater Treatment Basin D" final contours.**

3. The provided SWPPP and related Remedial Action Work Plan sections indicate that temporary sediment traps will be re-graded to their full volume for use as stormwater treatment basins at the conclusion of remedial site work and soil removal. The provided documents, however do not describe the design basis for permanent stormwater treatment basins. The Applicant shall provide design information to describe the proposed design of "stormwater treatment basins" The Applicant shall identify the design basis for their proposed basins (ponds, filtering, infiltration or other stormwater management practice) and shall provide documentation to demonstrate their feasibility, consistent with NYSDEC requirements. **Addressed. The provided comment response indicates that the proposed permanent stormwater treatment areas are contemplated as infiltration practices. Final design details and updated sizing calculations for the permanent stormwater practices will be reviewed following submittal of application for preliminary subdivision plat and the revised Subdivision SWPPP. Cleanout of all accumulated sediment must be completed prior to further excavation and establishment of final basin inverts.**

4. The provided SWPPP and erosion control plan documents should address the clearing and removal of trees. The SWPPP and drawings should be updated to include a tree

removal schedule, that identifies all trees to be removed by caliper and species. **Not Addressed.**

5. The Applicant shall be required to obtain coverage under the NYSDEC SPDES General Permit for Construction Activity. The Applicant shall provide documentation of filing an Notice of Intent to obtain SPDES coverage. **Comment satisfaction to be confirmed upon receipt of the project Notice of Intent and MS4 Acceptance Form.**

6. Given the site's location within the NYC DEP East of Hudson Watershed, stormwater practices shall be designed considering the provisions of Chapter 10 - Enhanced Phosphorous Removal Standards of the NYSDEC Stormwater Manual and additional requirements of the NYC DEP. The Applicant shall be required to provide documentation of NYC DEP approval for the Remedial Action Work Plan SWPPP. **Not Addressed. Final documentation of NYC DEP approval for the revised Remedial Work SWPPP must be provided.**

7. The provided SWPPP does not provide or reference complete maintenance and inspection specifications for stormwater and erosion and sediment control measures, as described in the RAWP. The SWPPP should be revised to be consistent the site erosion and sediment control inspection and maintenance provisions identified in the RAWP. Specifically the following items should be addressed in a revised SWPPP.

    a) The Applicant shall provide details for the proposed truck wheel wash station and its connection to sediment basin. The design details should include information to describe the truck washes station capacity as well as any required procedures for cleaning and maintenance of the truck wash station. **Not Addressed. The provided comment response by the Applicant indicates that details related to the truck wash station and its associated capacities will be provided prior to issuance of a building permit.**

    b) The SWPPP should describe overall cut/fill for the site, consistent with the RAWP. **Addressed.**

    c) Revise the SWPPP to indicate that inactive disturbed areas shall be stabilized within 14 days of completion of work in such area. **Addressed.**

    d) The SWPPP should be revised to describe special provisions for the handling and temporary stockpiling of suspect contained soils. Related elements included under the project Health and Safety Plan (HASP) should be referenced in the site SWPPP. The SWPPP shall describe specific requirements for the protection and isolation of contaminated soil stockpiles, such as the use of plastic covers and other protective barriers. **Not Addressed. Descriptions of soil stockpiling procedures and containment practices are relevant within both the project SWPPP and Remedial Action Work Plan (RAWP). At a minimum, it is our recommendation that specific handling and containment practices for contaminated soils be referenced within the SWPPP through incorporation of direct citation(s) to the appropriate section(s) of the RAWP.**

    e) The Applicant shall describe the frequency of required site stormwater and erosion and sediment control inspections by a qualified professional, consistent with

NYSDEC requirements. The SWPPP shall be revised to include a sample site inspection form to be completed by qualified inspection personnel. **Addressed.**

f) The SWPPP should be updated to reference all environmental sampling and monitoring programs, as outlined in the RAWP, including noise mitigation, air quality and odor control. **Comment No Longer Applicable.**

g)The SWPPP shall be updated to describe the proposed methods for site dust control as discussed in the RAWP. **Not Addressed. Construction dust control is incorporated within the purview of site erosion and sediment control and is specified under Section 5A of the NYSDEC New York Standards & Specifications for Erosion & Sediment Control. Although site dust control practices may be included within the RAWP, such information should also be included or referenced by direct citation within the Remedial Work SWPPP.**

8. The Applicant shall be required to prepare maintenance agreements for all post construction stormwater management practices consistent with the requirements of the NYSDEC Stormwater Management Design Manual and Somers Town Code. Maintenance agreements shall be subject to review and approval by the Town and Somers and shall be recorded by the Westchester County Clerk's Office upon acceptance. **Not Addressed. The provided comment response indicates that the Applicant considers that a stormwater maintenance agreement is unnecessary for the interim post-remediation undeveloped site condition. While we acknowledge that the post remediation condition reflects minimal site development and creation of impervious surfaces, the site is located within close proximity to environmentally sensitive resources. Increased stormwater runoff due to the removal of existing vegetation and potential changes to site phosphorous effluent loading pose risks to the adjacent reservoir property if proper site stormwater controls are not adequately maintained following the completion of remediation.**

   While requirement of a stormwater maintenance agreement is subject to the discretion of the Planning Board, it is our recommendation that a stormwater maintenance agreement be prepared, or that alternative measures such as bonding are put in place to assure proper inspection and maintenance of site stormwater management and erosion and sediment control practices.

9. The Applicant shall revise the SWPPP to describe protective measures that will be used to prevent material stockpiling and compaction of site soils within future septic field areas. See related Section I - Comment No.3, above. **Addressed.**

10. The Applicant is required to provide design information for the portion of the subdivision road proposed to be graded at the completion of remedial site work and soil removal. The proposed subdivision road must be shown to demonstrate conformance with "Town Road A" specifications as identified in Town Code. The Applicant must prepare a roadway profile to demonstrate conformance with required slope and vertical curve specifications of Town Code. **Addressed. The Applicant has prepared a profile detail for the proposed subdivision road.**

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While the level of detail provided is sufficient for adoption of SEQR findings, further review of the proposed subdivision roadway will be completed following the submittal of the future Application for Preliminary and Final Subdivision Plats. Based upon our review of the provided information, the following Town Code requirements are not met by the proposed Roadway Design and are intended for consideration by the Planning Board:

a. **Minimum 100 foot length of tangent between reverse curves**

11. **The Applicant shall revise the SWPPP narrative to reference the Chapter 5 - Site Restoration requirements of the NYSDEC Stormwater Management Design manual.**
12. **The SWPPP indicates that a water break will be constructed near the site stabilized construction entrance to direct runoff into proposed Sediment Trap #1. While drawing sheet "RSP" appears to suggest the location of the practice, the Applicant shall revise the plan to call out the proposed water break limits.**
13. **The project proposes to disturb approximately 8.1 acres of site area during site remedial activities. In accordance with the requirements of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), the project must not have greater than 5 acres of land open disturbed at any one time without written authorization from the NYSDEC.**

    The provided plans and SWPPP indicate that remedial work will be completed over 4 phases. The Applicant shall revise the Remediation Program phasing plan to identify the quantity of open land disturbance during each proposed phase of the cleanup. In addition, individual phase sequences of operations shall be coordinated to ensure that no greater than 5 acres are disturbed at any time during the project.
14. **The Applicant shall revise the provided Phase IV Remediation Program drawing sheet to illustrate proposed final grading following completion of remedial activities under the post-remediation undeveloped site condition.**
15. **The Applicant shall revise the Remediation Site Plan drawing to show stone stabilization in place of double silt fence at the culvert entrance under Tomahawk Road.**

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

Sincerely,

Robert Wasp, EIT, CDT
Assistant Consulting Town Engineer

On behalf of,

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