Telephone
(914) 277-5366

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(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD
AGENDA
JULY 8, 2015
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for May 13, 2015 and May 27, 2015.

TIME EXTENSION

1. **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
   Request for a 90-day time extension for Amended Final Subdivision Plat Approval for Section II from August 8, 2015 up to and including November 6, 2015 under Town Law Section 276 (7) (c). This is the third request for a time extension.

CONTINUATION OF PUBLIC HEARING

2. **GRANITE POINTE FINAL SUBDIVISION [TM: 27.05-3-2,5]**
   Application for Final Subdivision Approval, Wetland, Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits. Application for Final Subdivision Approval for property located on the east side of Route 118/202, adjacent to the Amawalk Reservoir and located in an R-40 Zoning District. Property is owned by Suelain Realty, LLC. for the development of 23 lots in a Cluster Subdivision.
   POSTPONED

PROJECT REVIEW

3. **AVALONBAY SOMERS [TM: 4.20-1-. 13, 14, 15, P.O 12]**
   Application for Site Plan Approval, Steep Slopes, Tree Removal Wetland, Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits for AvalonBay Communities, Inc. for \the construction of 152 residential units within 17 buildings with 23 affordable units on 45.1 acres. Also proposed is a community recreation building, pool and 324 parking spaces. Property located on the south side of Route 6 and Clayton Blvd. and east of Mahopac Avenue and is in the Planned Hamlet (PH) Zoning District.
   Discussion of Recreation Fees and consideration of a Negative Declaration.

DISCUSSION AND REFERRAL

4. **ROUTE 139 INTERSECTION IMPROVEMENT PROJECT AT SOMERS HIGH SCHOOL**
   Referral to Town Board on preferred alternative for Route 139 Intersection Improvement at Somers High School.

Next Planning Board Meeting is Wednesday August 12, 2015
Agenda information is also available at www.somersny.com

C
PB
TP

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ATTORNEYS AT LAW

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HENRY M. HOCHERMAN
RETIRED

June 17, 2015

RECEIVED
JUN 19 2015
PLANNING ENGINEERING
TOWN OF SOMERS

847

Via Electronic Mail

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

Re: Amended Final Subdivision Plat Approval for Haft/Ridgeview Designer Builders, Inc.
Lovell Street, Town of Somers
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42
Third Request for Extension for Section II

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated August 13, 2014, your Board granted Amended Final Subdivision Approval for the above-referenced Subdivision to permit the Final Plat to be filed in two sections. Section I was filed in the Office of the Westchester County Clerk, Division of Land Records on September 25, 2014 as Filed Map Number 28808 and Ridgeview Designer Builders is in the process of constructing a new residence on one of the lots in that Section. At the Board's April 8, 2015 meeting, it extended Amended Final Subdivision Approval to August 8, 2015. A portion of Section II continues to be encumbered with a mortgage and Ridgeview and Haft are not prepared to file Section II at this time. Even though Haft and Ridgeview have filed Section I and have three years from September 25, 2014 to file Section II, to avoid any confusion over the continued effect of the Amended Final Subdivision Approval for Section II, we are writing to request a ninety-day (90) extension of such Approval to and including November 6, 2015. This is our third request for an extension of Amended Final Subdivision Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Please note that erosion and sediment control measures have been installed where required in the areas of disturbance.

Kindly schedule this request for consideration and action at the Board's July 8, 2015 meeting and let us know if an appearance is required or requested. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: _____
Geraldine N. Tortorella

GNT:hc

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

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PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

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

DATE: June 26, 2015

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Susan Haft/Ridgeview Designer Builders, Inc. Amended Subdivision – Third Request for Extension for Section II

On August 13, 2014, the Planning Board granted Amended Final Subdivision Approval for Ridgeview Builders by Resolution 2014-01to permit the Final Plat to be filed in two sections. Section I was filed on September 25, 2014 in the Westchester County Clerk's office. The Resolution stated that the amended approval was to expire on February 9, 2015 and Ridgeview and Haft were not prepared to file Section II at that, so they requested a ninety-day (90) extension of approval until May10, 2015. By Letter of March 16, 2015, the applicant's attorney they requested a second ninety-day (90) extension of approval up to and including August 8, 2015, which was granted on April 8, 2015 by the Planning Board.

Once again, the applicant is requesting a ninety-day (90) extension of the amended Final Subdivision Approval for Section II even though they have three years from September 25, 2014 to file Section II. Therefore, the request is for an extension of such Approval up to and including November 6, 2015.

Given the filing of Section I in a timely manner and submission of the request for the third extension of approval for filing of Section II prior to the expiration date, and authority given to the Planning Board to grant such extension under Town Law Section 276(7)(c), I have no problem with the Board granting this request.

cc: Geraldine Tortorella, Esq.
Susan Haft

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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 1, 2015

RE: Comments on Avalon Bay Recreation Fee – Supervisor Morrissey Memorandum to Somers Parks and Recreation Board of June 12, 2015

The current proposed action consists of the following components:

1. *Site Plan approval for Applicant AvalonBay Communities, Inc. for Avalon Somers, to construct 152 residential rental apartments units containing a total of 183,060 square feet of which 129 are market rate and 23 are to be affordable units. Apartment mix is to be 62 one-bedroom, 66 two-bedroom and 24 three-bedroom units. The project includes a 3,779 square foot community recreation building and outdoor pool, and a "town green", the community recreation building for the sole use of apartment unit renters. The project site consists of proposed subdivided Lots 3a, 3b, 3c and 3d (45.1 acres), where Lot 3b is the Village Green lot at 1.4 acres, to be subdivided as part of the associated Somers Realty, Inc. subdivision application. Tree Removal Permit*
2. *Stormwater Management and Erosion and Sediment Control Permit*
3. *Steep Slope Protection Application*

Consideration of Reduction in Recreation Fee

As indicated in the memorandum of June 12, 2015 from Supervisor Morrissey, to the Somers Parks and Recreation Board, Avalon Bay requested a $400,000 reduction in their required recreation fee of $1,076,450. That recreation fee was calculated based on provision of the 23 affordable units, 13 of which will be rented at 80% of Area Median

Income (AMI) and 10 of which will be rented at 60% of AMI. The percentage reductions were in line with those granted for other affordable units.

The additional reductions that are being suggested by the Town Board with agreement of the Parks and Recreation Board for an additional $200,000, such that the final recreation fee would be $876,450, are being sought due to the addition of fire walls in the attic spaces and Avalon's agreement to take over ownership and maintenance of the Planned Hamlet Village Green, including providing access to all Somers residents.

The Planning Board's authority to grant such reduction is pursuant to Section 170-114D. Reservation of parkland on site plans containing residential units. Section 170-114 D. (1) indicates that the Board has to find that a case exists for a park or playground is required based on the population growth anticipated by the site plan. All these findings which resulted in provision of the Village Green were made as part of the SEQRA review for the Planned Hamlet conceptual Plan, so no further action by the Planning Board on this issue is required. Based on the above, the recreation fee as required by Chapter 56 of the Code of the Town of Somers was calculated with affordable housing reductions accepted by the Town Board and Parks and Recreation Board.

The Planning Board is now being asked to approve the recommended reduction of $200,000, to result in a recreation fee of $876,450, suggested by the Town Board pursuant to Section 170-114 D. (2) and (3) which permits the Board to credit the applicant for any land set aside as part of a subdivision approval, in this case the Somers Realty Subdivision 3, for the reasons stated above.

CC: Town Supervisor
Town Attorney
Town Parks and Recreation Board
Town Consulting Engineer
Peter Wise

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Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
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)?	✓	
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?	✓	

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

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.

See Attached Negative Declaration

☐ 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.

Town of Somers Planning Board Name of Lead Agency	July 9, 2015 Date
John Currie Print or Type Name of Responsible Officer in Lead Agency	Chairman Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: July 8, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

This Negative Declaration for Avalon Somers is associated with the Negative Declaration issued for the Somers Realty Planned Hamlet Master Plan Phase 3 Subdivision and Master Plan Modification for Somers Realty Corp. issued on May 13, 2015 and is a supplement to and is based on the full EIS process completed for the Somers Realty Planned Hamlet Master Plan and the Findings Statement adopted on February 10, 2009.

The Town of Somers Planning Board, continuing as Lead Agency, has determined that the Proposed Action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: **Avalon Bay Communities, Inc. – Site Plan Approval for Avalon Somers as part of the Somers Realty Planned Hamlet**

SEQR Status: Type I

Conditioned Negative Declaration: _____ **Yes**

____X____ **No**

Description of Action:

The proposed action consists of the following components (collectively, the "Applications"):

1. *Site Plan approval for Applicant AvalonBay Communities, Inc. for Avalon Somers, to construct 152 residential rental apartments units containing a total of 183,060 square feet, of which 129 units are market rate and 23 are to be affordable units. Apartment mix is to be 62 one-bedroom, 66 two-bedroom and 24 three-bedroom units. The project includes a 3,779 square foot community recreation building and outdoor pool for the sole use of apartment unit renters, and a publicly accessible "village green." The project site consists of proposed subdivided Lots 3a, 3b, 3c and 3d (45.1 acres), where Lot 3b is the "village green" lot at 1.4 acres, to be subdivided as part of the associated Somers Realty, Inc. Phase 3 Subdivision application.*
2. *Tree Removal Permit*
3. *Stormwater Management and Erosion and Sediment Control Permit*

DRAFT

4. Steep Slope Protection Permit

Location: Clayton Boulevard and Route 6, Somers, Westchester County NY – Section 4.20, Block 1, Lot 15 (part)

Reasons Supporting This Determination:

This determination of significance is based upon the Somers Realty Planned Hamlet Master Plan DEIS of July 2007, the Somers Realty Planned Hamlet Master Plan FEIS of December 2008, the Somers Realty Planned Hamlet Master Plan Development Lead Agency SEQRA Findings Statement of February 10, 2009, the Somers Realty Phase 3 Subdivision Short Environmental Assessment Form Part 1 dated June 9, 2014, the Somers Realty Negative Declaration issued May 13, 2015, Avalon Bay Somers Short Environmental Assessment Form dated June 6, 2014, an "Engineering Report" prepared by Milone & MacBroom, Inc. dated June 9, 2014 and last revised January 5, 2015, a report prepared by Milone & MacBroom, Inc. comprised of "Supplemental Technical Data" dated November 13, 2014, and "Supplemental Technical Data" Volume 2", dated February 16, 2015, and all subsequent correspondence and reports submitted in support of the Application including the master Preliminary Stormwater Pollution Prevention Plan for the Planned Hamlet dated June 6, 2014 and updated September 17, 2014 and February 18, 2015, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.

The Planning Board has conducted its own independent review and analysis of the information provided and the potential environmental effects from the proposed project. It has reviewed Part 1 of the Short Environmental Assessment Form (Short EAF), the Subdivision Application form, Steep Slopes Permit, Tree Removal Permit and Stormwater Management and Erosion and Sediment Control Permit forms, Somers Realty preliminary subdivision plat, and the Avalon Somers site plan prepared by the applicant and its consultants in collaboration with Somers Realty and its consultants. Comments on the Avalon Somers site plan have been submitted by the Town Director of Planning and the Town Consulting Engineer and these comments have been reviewed and discussed at the Planning Board meetings of July 9, August 13, October 8, November 12, and December 10, 2014, and January 28, February 11, March 11, and July 9, 2015.

Based upon all of the information generated for the proposed project and its own careful and through independent review and public discussion of the potential environmental effects, including the record of the public hearing for the Somers Realty Phase 3 Subdivision opened on November 12, 2014, continued on December 10, 2014 and January 28, 2015, and closed on March 11, 2015, and the public hearing for the Applications opened on January 28, 2015, continued on February 11, 2015 and closed on March 11, 2015, the Planning Board completed a Part 2 of the Short EAF and identified a few moderate to large potential impacts with respect to use or intensity of use of land,

change in construction traffic and to walkways, and impact to public/private water supplies.

Part 2 – Impact Assessment

See Attached.

Part 3 - Determination of Significance

The Planning Board may prepare a Part 3 EAF "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".

EAF Part 2 Item #2 - Will the proposed action result in a change in the use or intensity of use of land?

The proposed action will result in a change in intensity of use of the land when compared with the conceptual Master Plan of the Planned Hamlet. While the overall Somers Realty Phase 3 subdivision will result in some development outside the prior established Clearing and Grading Limit Line (CGLL), the disturbance created by the Avalon Somers project reduces impacts on intensity of use of land. This is due to the fact that the Avalon plan has a more compact development pattern than that of the layout in the conceptual Master Plan that was the subject of the generic environmental review and subsequent Findings Statement. Due to increased regulatory requirements related to implementation of stormwater treatment practices and the adjusted layout of the roadway system, specifically adjustments to Clayton Boulevard at Route 6, the Somers Realty Phase 3 subdivision increases disturbed area around Route 6 by approximately 1.8 acres. Of that, approximately 50 per cent was previously disturbed during NYSDOT required shoulder and stormwater conveyance improvements in 2009, and the remaining 0.9 acres is being disturbed to provide additional stormwater management practices. Although this disturbance is greater than proposed during review of the Master Plan, there is a decrease in overall site disturbance in the Planned Hamlet from 51.2 acres to 50.5 acres. This decrease is largely attributable to the reduced impacts of the Avalon Somers design compared with the conceptual Master Plan. As such, the Avalon Somers site plan reduces the intensity of use of the land compared to the Findings Statement of February 10, 2009. Accordingly, it is the determination of the Planning Board that there is no significant additional impact beyond that previously discussed and mitigated.

EAF Part 2 Item #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?

The need for export from the site of stockpiled material from construction of Clayton Boulevard associated with the Mews I and 2 will result in increased construction traffic. Whereas the original plan resulted in a balanced site, there is now an accumulated cut soil

stockpile of excess of 70,000 cubic yards, of which 25,000 cubic yards will be used on site, leaving 45,000 cubic yards of soil to be exported from the site. It is now planned that soil export will begin prior to project construction to decrease impacts of construction related traffic on the surrounding roads. It is noted that the soil stockpile shall be stabilized prior to its removal from the site. The maximum number of truck trips anticipated are 12 truck trips per hour (6 in and 6 out) for approximately one and a half (1.5) to two (2) months prior to the construction phase of the project based on information provided by Somers Realty in a memorandum dated April 15, 2015. These are anticipated to take place over a period of six to eight weeks, based on an eight (8) hour workday beginning at 8AM and ending at 4PM, Monday to Friday only. It is anticipated that the existing Clayton Boulevard entrance adjacent to the Somers Commons Shopping Center will be used. Considering a worst case scenario, the left turn movement out of Clayton Boulevard will experience an increase of 1.3 seconds in delay time over existing conditions in the AM Peak Hour and an increase in delay time of 8.3 seconds in the PM Peak Hour, even though it is anticipated that operations will end prior to the adjacent roadway peak hour of 4:15 to 5:15 PM. These increases in delay time, should they occur, are not considered to be significant. Due to implementation of the soil erosion and sediment control measures on site, including temporary stabilized access road, sediment traps, truck wheel washes and dust control measures, as well as the temporary nature of soil export activities, the provision of a maintenance and protection of traffic plan provided by Somers Realty, and the short duration necessary for completion of soil export activities, it is the determination of the Planning Board that no significant additional impacts to traffic beyond those previously discussed and mitigated will result.

With regard to walkways, AvalonBay will be responsible for building sidewalks adjoining the project site along Clayton Boulevard, around the village green and internally throughout the project site to provide pedestrian connection between the residential development, other portions of the Planned Hamlet, the adjacent Somers Commons Shopping Center and uses across Route 6. These sidewalks will be provided by AvalonBay even though in many cases, they will be located outside the boundaries of the subdivided parcels they will own, and that comprise the project site. In addition, AvalonBay will be responsible for maintenance of these sidewalks.

Based upon the foregoing, it is the determination of the Planning Board that the project will not result in a significant adverse environmental impact beyond that previously discussed and mitigated.

EAF Part 2 Item #7 - Will the proposed action impact existing public/private water supplies?

As part of the Water District expansion it was determined that a hydropneumatic system was to be provided to allow the Planned Hamlet to continue to receive water during periods of maintenance on or blockage of the existing 16-inch water transmission line rather than closing the Water District main loop by installing a 10-inch water main between Windsor Farm and Mahopac Avenue. Since that time, extension of a portion of

that line may be accomplished by the yet to be approved Hidden Meadow development. In the absence of such approval, the Town has determined that it will extend the line, at its own cost and expense, to the point that would have been reached by the Hidden Meadow development to achieve a looped water system. Somers Realty has agreed to install itself or provide the funds to the Town for the Town to undertake the connection from the Somers Realty property to the point at which the water main is extended by either Hidden Meadow, or the Town, if such is the case. In the event Somers Realty elects not to undertake the water main installation between Mahopac Avenue and Hidden Meadow itself, then such funds provided by Somers Realty will be sufficient to design, permit and construct the portion of the water main from Mahopac Avenue to the proposed Hidden Meadow Development. This connection will provide a looped water supply system along Route 6, rather than the formerly required on-site hydropneumatic system for emergency water supply. This will benefit the entire water district rather than just the Planned Hamlet. The Avalon Somers project and its future residents will also benefit from this looped water system. As a result, there will be a significant positive impact on the Town's public water supply system, and the Town will achieve its goal of a looped water system along the Route 6 corridor.

EAF Part 2 Item # 8 - Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Although Wetlands D and E exist on the project site and are traversed by Town Road D, all impacts resulting from this road crossing are related to the Somers Realty Phase 3 subdivision, as discussed below, and in the Somers Realty Negative Declaration issued May 13, 2015. The change in the CGLL around Route 6 associated with the Somers Realty Phase 3 subdivision also results in an increase in disturbance to Wetland A from 0.09 acres to 0.19 acres. Disturbance to the wetland buffer of Wetland A is also proposed to increase to 1.92 acres from 1.86 acres. This increase in disturbance is associated with the proposed shoulder improvements to Route 6 and construction of proposed Pocket Wetland Area "2.3P" and Dry Swale "2.4P". As a result of the increased disturbance to Wetland A, total wetland disturbance within the Planned Hamlet has been calculated to increase from 0.43 to 0.53 acres based upon comparison of the Master Plan CGLL to the CGLL of the current proposed development plan.

The Wetlands Mitigation Plan that was prepared as part of the Master Plan FEIS proposed the construction of a Wetlands Mitigation Area adjacent to proposed "Town Road D" to restore and replace disturbed wetland areas at greater than the minimum ratio of 1.5 (restored wetland) to 1.0 (impacted wetland), as required by §167-9(B)(5)(b)(1) of the Town Code. Additional disturbance to Wetland A is offset by the proposed Wetlands Mitigation Area as contemplated during review of the Planned Hamlet. The Wetland Mitigation Area is proposed to be 0.85 acres, which is greater than the 0.80 acres of restored wetland that would be required for the current proposed overall wetland disturbance of 0.53 acres, based on the required restoration ratio. The Wetland Mitigation Plan requires that construction of the wetland mitigation area will be monitored by a qualified individual with experience in wetland construction. Wetland

buffer areas disturbed during construction activities will be required to be restored in order to recreate ecological benefits provided by existing buffer areas as specified in the Wetlands Mitigation Plan. Maintenance of the Wetlands Mitigation Area will be required to be completed by the Property Owner through a legally binding agreement to be filed in the Office of the County Clerk. To ensure proper maintenance is completed, the proposed mitigation area will also be inspected regularly during the first planting season and Annual Reports will be required to be provided to the Town of Somers and Army Corps of Engineers in accordance with the approved Wetlands Mitigation Plan. All proposed Wetlands Mitigation remains subject to the terms and conditions necessary for approval of a Wetlands Permit by the Army Corps of Engineer, which is required to be obtained by Somers Realty prior to the start of disturbance activities. Additionally, Cape Cod curbing will be considered for inclusion on the roadway leading to Lot 6 in the area where it crosses the wetland. Based upon all of the foregoing, the Planning Board has determined that the proposed Wetlands Mitigation Plan is adequate to offset the additional disturbance to Wetland A and that there is no significant additional impact beyond that previously discussed and mitigated.

Due to changes in the phosphorous loading calculation methodology prescribed by NYSDEC, the Somers Realty Phase 3 development phosphorous loading analysis and results, including for the Avalon Somers project, are different than considered during approval of the Planned Hamlet. While both the Master Plan and current proposed development rely on "The Simple Method" equation, published effluent mean concentrations (EMC) values for phosphorus loading have been updated by NYSDEC since the time of the Master Plan. In addition, loading reduction credits for proposed stormwater management practices also differ from those previously calculated during the time of Master Plan review.

The proposed Planned Hamlet layout, including the Avalon Somers site plan, has been modified to accommodate the location of additional stormwater management practice areas that differ in practice type and sizing than those considered during Master Plan review. As a result, pre-development (prior to any development of the Planned Hamlet) and proposed post-development phosphorous loading has been recalculated to consider the current NYSDEC published EMC values and phosphorous reduction practice credits. The revised Phosphorous Loading Analysis of the Planned Hamlet, including the Avalon Somers site plan, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated September 17, 2014, last revised January 5, 2015, has been reviewed and found to be completed in accordance with the updated Simple Method analysis parameters. Phosphorous loading has been calculated to have a post-development reduction of 0.46 lb./year (2.3%) compared to pre-development conditions. It will be required that if further updates to the final master SWPPP are undertaken, that post-development phosphorous loading calculations must also be updated. In any case, a reduction in post-development phosphorous loading when compared to pre-development conditions shall be maintained. It is the determination of the Planning Board that the change in calculated phosphorous effluent load based upon the revised overall project layout, including the revised layout for Avalon Somers, and revised stormwater management practices to be provided by Somers Realty as part of Phase 3 subdivision,

will result in no significant additional impacts on natural resources beyond those previously discussed and mitigated.

Due to changes in the design of the overall Planned Hamlet to be implemented as part of the Somers Realty Phase 3 subdivision, including the Avalon Somers project, , proposed grading has been modified from what was considered at the time of Master Plan review. The updated development plans and revised grading have resulted in small changes that reach the previously analyzed stormwater design points. These design points, numbered 1 through 4, were previously determined and analyzed as the point of comparison of pre-development and post-development stormwater peak flows and are maintained in the current analysis that has been completed for the proposed Somers Realty 3 subdivision and Avalon Somers site plan.

Based upon the revised development program and proposed grading, site drainage areas to respective design points have been adjusted. The current development program including the Avalon Somers project proposes a net decrease in the size of the northern drainage area (Design Points No. 1 & 2) by 1.2± acres and the associated decrease of 4.7± acres in impervious surfaces and net increase by 3.4± acres in the southern drainage area (Design Points No. 3 & 4) and associated increase of 0.2± acres of impervious surface. Analysis of stormwater peak flows to these design points has also been modified. The January 2015 update to the NYSDEC Stormwater Management Design Manual has required updated rainfall data to be used for analysis of the 100 year design storm. In addition, other required changes to address NYSDEC Water Quality Volume (WQv) and Runoff Reduction Volume (RRv) treatment objectives as well as supplementary criteria from the NYC DEP "Watershed Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources" have warranted changes to the practice types, frequency and sizing of proposed Stormwater Management Practices. Somers Realty has prepared an updated Hydrologic and Hydraulic analysis of stormwater flows that reflects the current development stormwater design and updated NYSDEC rainfall data. Based on the provided analysis as summarized in the current master SWPPP, stormwater peak flows reaching all four drainage design points are reduced in post development conditions compared to pre-development conditions. It is required that if further updates to the final master SWPPP or Stormwater Management Practice designs are undertaken, that post-development stormwater analysis calculations must also be updated by Somers Realty. In any case, Somers Realty will be required to maintain a reduction in post-development stormwater peak flows when compared to pre-development conditions.

It is the determination of the Planning Board that peak stormwater flows to each identified design point will be reduced in post development conditions compared to pre-development conditions, similar to previously those calculated, and that this will result in a positive impact on natural resources.

Other elements of the Proposed Action that may result in a significant adverse impact

(1) Shortening of proposed Town Road B due to consolidation of Avalon Somers development plan such that the extension from the development area will be an unpaved Town right-of-way rather than a paved right-of-way, with an easement provided for future stormwater management.

Shortening of Road B results from consolidation of the Avalon project and need for the Stormwater Management Practice area. The adjacent lot will be able to connect to the Planned Hamlet by improving the unpaved right-of way The Planning Board determines that the shortening of Road B will not result in significant additional impacts beyond those previously discussed and mitigated.

(2) Reduced demand flowrates (utilizing latest NYSDEC published flowrates) for water and wastewater systems for residential development.

As identified on submitted Insite Engineering, Surveying & Landscape Architecture, P.C., Master Plan Conformance Drawing MC-1 dated April 22, 2015, daily water demand and sanitary sewer flow even with additional development from Lot 4 and Lot 6, assumed to be an assisted living facility, would be within the total approved flows of the Master Plan due to reduced flow rates for the Avalon Somers development. The stated water demand and sanitary sewer flows were updated to reflect the latest NYSDEC manual, New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, dated March 5, 2014.

The Planning Board determines that the reduction in demand for water and wastewater systems is a positive impact compared with the flow rates previously discussed and mitigated.

(3) Change in fiscal impacts and school children generation due to change from owner occupied residential development to a renter occupied residential development.

The proposed Avalon project will be a rental project, compared with the fee simple townhouse project that was the basis of analysis in the Planned Hamlet DEIS. The DEIS anticipated annual revenues of $1,320,603 and $514,834 in costs for 152 fee simple units, including Town and school costs. Net benefit was $805,769. The DEIS estimate of revenue if the project was a condominium, using the income approach, which is the same as that utilized for projecting rental revenue, was approximately $650,000, which is approximately half of fee simple revenue. The Avalon Somers project is, therefore, expected to yield a small benefit over projected costs in the DEIS, which are expected to be less than projected in the DEIS, due to reduction in unit sizes and anticipated reduction in resident population, since the costs were projected on a per capita basis.

Utilizing school children generation rate data from other Avalon projects, the number of school children anticipated to be generated range from 22 children, the

same number projected in the DEIS, to less at 16 children. Therefore, although estimated revenue would be approximately half of that projected in the DEIS, expenses to the Town and school district would be the same or slightly reduced. Since the project will still result in a net economic benefit the Planning Board determines that the Avalon Somers project will not result in significant additional impacts beyond those previously discussed and mitigated and will have a somewhat positive fiscal impact.

(4) Change in design guideline setbacks from paved road surfaces.

Although the Avalon Somers buildings located on the village green exceed the setback guidelines specified in the conceptual Master Plan, the linear relationship of buildings along the village green is maintained and the overall concept of a building street line is maintained. Based on the proposed design, the Planning Board determines that the proposed action will not result in significant additional impacts beyond those previously discussed and mitigated.

(5) Change in Village Green Design.

The modification of design from a passive village green shown in the conceptual Master Plan to a passive green with an active play area for children and a picnic area is a design that will serve all users of the Planned Hamlet including those who reside in the Mews, Avalon Somers, and future office workers in the planned commercial space. The Planning Board selected this design alternative in lieu of the conceptual Master Plan design and the Planning Board determines that the proposed modification will not result in significant additional impacts beyond those previously discussed and mitigated and determines there would even be potential positive impacts.

(6) Change in Provision of Completed Town Road D.

Town Road D was approved as part of the Master Plan to provide future access to adjacent land locked parcels including a Town of Somers land locked parcel previously created by Somers Realty Corp. for the Town to use to construct a water tank if determined to be necessary. Given that there is no pending development of those site(s), the Planning Board determines that the road should only be built to the subbase (i.e. Item 4) level given that the Master Plan required portions of this road traversing a wetland to be pervious. The road will be mapped as a Town Road but not accepted by the Town for dedication until such time as the adjacent parcel is to be developed and the road is completed. Until such time as this road is dedicated as a public road, it shall be gated and maintained by Somers Realty. In addition, the final subdivision plat shall include an easement between Road D and the water tank parcel to provide access to it by the Town.

(6) Modification in Location of Sidewalks.

The Planned Hamlet was intended to create a pedestrian friendly environment. Although sidewalks have been provided along public roadways with the exception of Road D, the sidewalks along Clayton Boulevard and around the village green would be located outside rather than inside the subdivided parcels and, as such, would fall under Town responsibility for maintenance and repair. Notwithstanding this, AvalonBay Communities, Inc. has agreed to construct, maintain and repair these sidewalks. Based on this proposed agreement, the Planning Board determines that the proposed action will not result in significant additional impacts beyond those previously discussed and mitigated.

(7) Change in Provision and Location of Required Residential Parking Spaces.

Landbanked spaces to meet a portion of the residential parking requirement are now shown within the project site whereas all residential parking was to be provided on individual fee simple lots envisioned under the Master Plan. Should these landbanked parking spaces be required to meet residential parking demand in the future, they will be constructed by AvalonBay. This is particularly important to monitor given that the parking spaces to be provided around the village green as part of to-be-owned Town Roads A, B, C and D, will not be utilized for parking during any snow event, as agreed to by AvalonBay with the Somers Superintendent of Highways. Based on this proposed design and agreement, the Planning Board determines that the proposed action will not result in significant additional impacts beyond those previously discussed and mitigated.

Conclusion

The Somers Planning Board has conducted an independent review and an analysis of the entire record and the potential environmental effects of the proposed project and the associated Somers Realty Phase 3 subdivision. It reviewed a DEIS and FEIS and issued a Findings Statement on February 10, 2009. It has reviewed the Findings Statement as the basis of this Negative Declaration as well as the Short EAF submitted by the Applicant.

The Planning Board has completed a careful and thorough review of the Short EAF, the Findings Statement, and the aspects of the Avalon Somers project which differ from the approved conceptual Planned Hamlet Master Plan. Based upon all of the information generated for the proposed project and its own careful and thorough independent review and public input regarding the potential environmental effects, the Planning Board has determined that the potential impacts identified in Part 2 of the Short EAF, as well as other elements of the proposed action, will not result in significant adverse environmental impacts, either individually or cumulatively, and that any impacts resulting from the modifications compared to the approved Master Plan have been mitigated to the maximum extent practicable. Therefore, the Planning Board determines there is no significant additional impact beyond that previously identified, discussed and mitigated.

As a result of its review of the proposed project, the Planning Board has determined that a negative declaration be issued for the Avalon Somers project.

Lead Agency: Somers Planning Board
Town of Somers
335 Route 202
Somers, NY 10589

For Further Information:

Contact Person: Syrette Dym, AICP
Director of Planning
Address: Town of Somers, 335 Route 202, Somers, NY 10589

Telephone Number: (914) 277-5366

For Unlisted Actions, a copy of this notice has been filed with involved and interested agencies and parties on the attached distribution list.

DRAFT

Marilyn Murphy

From: Syrette Dym
Sent: Thursday, June 25, 2015 4:05 PM
To: Marilyn Murphy
Cc: Barbara Sherry; Rick Morrissey
Subject: FW: DOT Proposed Improvements Rt. 139 at Somers High School
Attachments: 804505_prs_vis_comparative_elementsposter.pdf

Marilyn – This is the additional information I received from DOT regarding the proposed alternate road improvements at Route 100 and the High School. Please pass it on to the Planning Board for their review prior to the Planning Board meeting and their discussion and recommendation to the Town Board on this item. Thanks. Syrette

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

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914-277-4093 (fax)
sdym@somersny.com
www.somersny.com

From: Cotton, Doug (DOT) [mailto:Doug.Cotton@dot.ny.gov]
Sent: Thursday, June 25, 2015 1:57 PM
To: Syrette Dym
Subject: RE: DOT Proposed Improvements Rt. 139 at Somers High School

Attached is an electronic copy of a board that was displayed at the June 10 public workshop. The board shows the two concepts, and highlights their contrasts and similarities.

Route 139 carries an average of 9,700 vehicles per day past the Somers High School campus. During peak periods, volumes can reach 800 cars per hour in one direction, with approximately 400 vehicles entering the high school driveway during the morning arrival. We reviewed the most recent three years of available accident data for this stretch of the highway (about ½ mile on either side of the HS driveway) and found a total of 16 accidents including 3 with injuries and 13 with property damage only.

I hope this helps.

From: Syrette Dym [mailto:sdym@somersny.com]
Sent: Thursday, June 25, 2015 12:56 PM
To: Cotton, Doug (DOT)
Cc: 'rjcurrie42@yahoo.com'; 'flodelucia@aol.com'; dennismjm@optonline.net; Vicky Gannon (vicky.gannon@gmail.com); 'goldenberg1@comcast.net'; jcorning@brennerbuilders.com; 'njgerbino@aol.com'; Marilyn Murphy; Wendy Getting; Barbara Sherry
Subject: DOT Proposed Improvements Rt. 139 at Somers High School

Doug – I would appreciate it if you could send any background information including studies or traffic counts and accident reports that lead to consideration of the improvements at Route 100 and the Somers High School

driveway. This would help the Planning Board in their review of what they consider the best alternative treatment. I would appreciate receiving any of this by next Tuesday, June 30. Thank you.

Syrette Dym, AICP
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Somers, NY 10589

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Wendy Getting

From: Syrette Dym
Sent: Monday, June 29, 2015 12:42 PM
To: Wendy Getting
Cc: Barbara Sherry; Rick Morrissey
Subject: FW: DOT Proposed Improvements Rt. 139 at Somers High School

Wendy – Please pass this along to all Planning Board members and Joe, Rob and Roland and file. Thanks.

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From: Cotton, Doug (DOT) [mailto:Doug.Cotton@dot.ny.gov]
Sent: Monday, June 29, 2015 10:35 AM
To: Syrette Dym
Subject: RE: DOT Proposed Improvements Rt. 139 at Somers High School

The left turn lane does include a three color traffic signal, which would be operational all the time. We would not switch from flashing to three-color operation of the signal due to safety concerns. However, the three-color signal would operate based on the presence (or absence) of vehicles in each lane. For example, Route 139 through approaches would have a green light until and unless a car in the left turn lane or HS driveway triggers the light to change phases (then traffic in the 139 through lane(s) would be stopped to allow the vehicle in the left turn lane and/or the HS driveway to move safely). Delay times are for peak hours (morning and afternoon rush hours); there would typically be fewer vehicles during non-peak hours, and likely less delay.

I hope this answers your questions.

From: Syrette Dym [mailto:sdym@somersny.com]
Sent: Friday, June 26, 2015 9:25 AM
To: Cotton, Doug (DOT)
Subject: RE: DOT Proposed Improvements Rt. 139 at Somers High School

Thanks Doug – I have passed this along to the Planning Board. I am assuming the left turn solution also includes a traffic signal. Is that correct. Would that signal, if included, be operational at all times of the day, and/or have the same delay times?

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From: Cotton, Doug (DOT) [mailto:Doug.Cotton@dot.ny.gov]
Sent: Thursday, June 25, 2015 1:57 PM
To: Syrette Dym
Subject: RE: DOT Proposed Improvements Rt. 139 at Somers High School

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I hope this helps.

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Sent: Thursday, June 25, 2015 12:56 PM
To: Cotton, Doug (DOT)
Cc: 'rjcurrie42@yahoo.com'; 'flodelucia@aol.com'; dennismjm@optonline.net; Vicky Gannon (vicky.gannon@gmail.com); 'goldenberg1@comcast.net'; jcorning@brennerbuilders.com; 'njgerbino@aol.com'; Marilyn Murphy; Wendy Getting; Barbara Sherry
Subject: DOT Proposed Improvements Rt. 139 at Somers High School

Doug – I would appreciate it if you could send any background information including studies or traffic counts and accident reports that lead to consideration of the improvements at Route 100 and the Somers High School driveway. This would help the Planning Board in their review of what they consider the best alternative treatment. I would appreciate receiving any of this by next Tuesday, June 30. Thank you.

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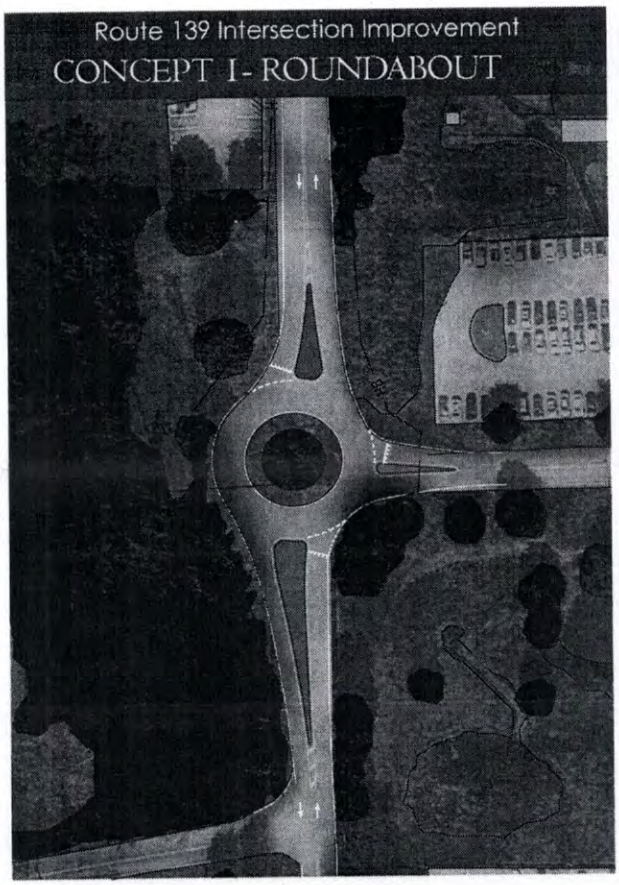
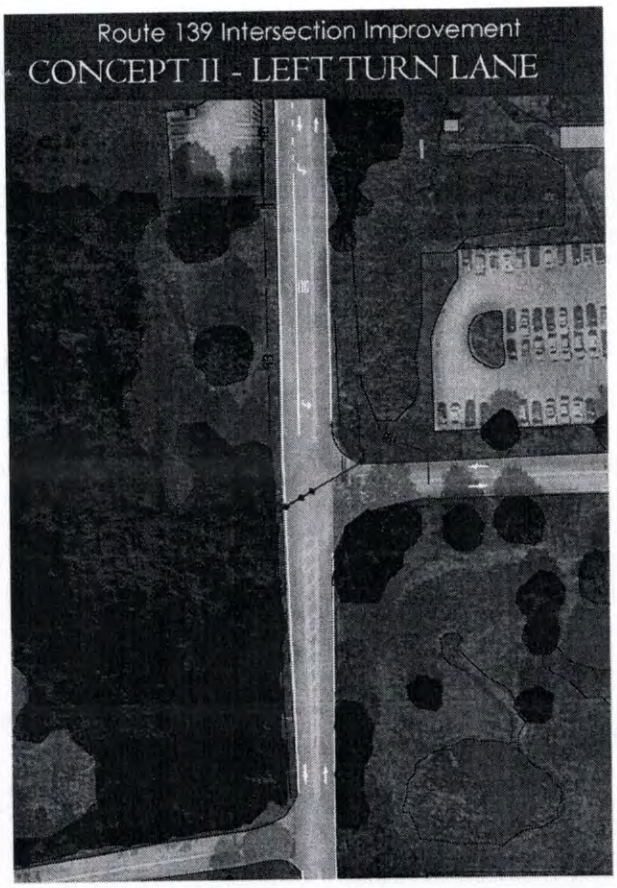
Route 139 Intersection Improvement
Project at Somers High School

Wednesday, June 10th
Somers High School
7:30 PM

PUBLIC WORKSHOP

NEW YORK STATE OF OPPORTUNITY. | Department of Transportation





Contrasts

Reduces average driver delay by 21 seconds	**Operation**	Reduces average driver delay by 15 seconds
Reduces both the number and severity of crashes	**Safety**	Reduces right angle and turn crashes, but read-end crashes tend to increase
Reduces speed at all times	**Speed**	Little effect on speed reduction
Approximately 13,000 square feet to be acquired from 4 properties	**Property Acquisitions**	Approximately 11,000 square feet to be acquired from 5 properties
First roundabout in area	**Driver Familiarity**	Drivers familiar with signalized intersections
Opportunities for landscaping increased	**Aesthetics**	Some opportunities for landscaping
Has significant capacity to handle future traffic growth	**Long-term Traffic Growth**	Has some capacity to handle future traffic growth

Similarities

Construction starts in Fall 2016	**Schedule**	Construction starts in Fall 2016
One construction Season	**Construction Duration**	One construction season
No detour	**Traffic Control**	No detour
1-2 Million	**Cost**	1-2 Million
No significant environmental impacts	**Environmental Impacts**	No significant environmental impacts
Accommodates same trucks as existing conditions	**Emergency Vehicles / Trucks**	Accommodates same trucks as existing conditions