

Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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



**SOMERS PLANNING BOARD
AGENDA
AUGUST 10, 2016
7:30 P.M.**

MINUTES Consideration for approval of Draft Minutes for June 8, 2016 and June 22, 2016

CONTINUATION OF PUBLIC HEARING

- 1. CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**
Application for Site Plan Approval, Wetland and Stormwater Management and Erosion and Sediment Control Permits for property located on Route 6. The proposal is for a mixed use development consisting of a two-story 24,000 s.f. building with 12,000 s.f. of retail and 12,000 s.f. of professional office and 64 residential units.
- 2. SOMERS CROSSING [17.15-1-15.1]**
Application for Site Plan, Preliminary Subdivision Approval and Steep Slopes Permit for the development of 66 residential condo units accessed from Route 100, recreation building and a 19,000 s.f. grocery store. The property is located at NYS Route 100 and US Route 202.

DECISION

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

TIME EXTENSION

4. **HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. [TM: 16.12-1-41, 42]**
Request for a 90-day time extension for Amended Final Subdivision Plat Approval for Section II from August 3, 2016 up to and including November 1, 2016 under Town Law Section 276 (7) (c) This is the seventh request for a time extension.

PROJECT REVIEW

5. **HIDDEN MEADOW AT SOMERS [15.07-1-6]**
Application for Final 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 Homeowners Association.
6. **DEUTSCH WETLAND, STEEP SLOPES, TREE REMOVAL AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 48.09-1-24]**
Application for Insite Engineering, applicant, and Joseph Deutsch, owner, for property located on the South side of Hageman Court for a proposed single family residence with onsite wastewater treatment system, well and driveway.
7. **GREENBRIAR SOMERS CORP. [TM: 6.11-1-77, 78]**
Application for Preliminary Subdivision Approval, Wetland, Steep Slopes, Tree Removal Permit and Stormwater Management and Erosion and Sediment Control Permits for property located on the left side of Greenbriar Drive for the re-subdivision of Section 6, lots 77 and 78.
8. **TAMARACK & VINE SUBDIVISION [TM: 16.07-1-1]**
Application for Preliminary Subdivision Approval, Steep Slopes, Wetland and Tree Preservation Permits for property located at the end of Tamarack and Vine Road. The proposal is for a four (4) lot Conservation Subdivision. Three lots would be accessed off a common driveway from Vine Road and one lot would be accessed off a driveway from Hickory Road. Each lot will have individual wells and septic systems. Two conservation lots are also proposed.
9. **BEST PLUMBING SPECIAL EXCEPTION USE PERMIT [TM: 28.15-1-2, 4]**
Applicant requesting a modification on days and hours of operation to their special exception use permit for property located at 49 Route 138. Referral from Town Board from their August 4, 2016 meeting.

Next Planning Board Meeting is Wednesday, September 14, 2016
Agenda information is also available at www.somersny.com

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MICHAEL BARNHART
CHAIRMAN



MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Somers Crossing

DATE: June 14, 2016

The Open Space Committee is in favor of rezoning the Somers Hamlet from R80 and R40 to the MFR-DH district to facilitate construction of the Somers Crossing proposed development.

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Open Space Committee

FROM: Syrette Dym, Director of Planning

DATE: July 27, 2016

RE: Memorandum of July 26, 2016 Regarding Somers Crossing Biological Assessment Report and Follow-Up

The Planning Board is in receipt of comments from the Open Space Committee in a memorandum of June 14, 2016 to the Director of Planning regarding their request for a Biological Assessment and further discussion regarding their role in the site plan review process of Somers Crossing. The Director of Planning followed up with a phone call with the Open Space Committee Chairman.

As indicated in that conversation, the plan proposed in the DEIS and FEIS for Somers Crossing was a conceptual plan and further items of concern such as curbing type and stormwater management devices were not developed to a final level of detail. That level of detail was to be provided as part of site plan review which is now being undertaken by the Planning Board. At this time, the Planning Board has not yet received a full set of site plans for its review. At such time that the applicant formally submits full site plans, they will be forwarded to the Open Space Committee for its review. As I suggested, the Open Space Committee can then forward its comments to the Planning Board as well as appear at any Planning Board meeting/hearing when this item is on the agenda to make its concerns or suggestions known.

Cc: Planning Board
Joe Barbagallo
Rob Wasp
Roland Baroni
Bonnie VonOhlsen

OSC 7-26-16 ResponseZ:\PE\Town Board\Somers Crossing - Boniello\Involv.Interested Ag. Comments\OSC 7-26-16 Response.doc

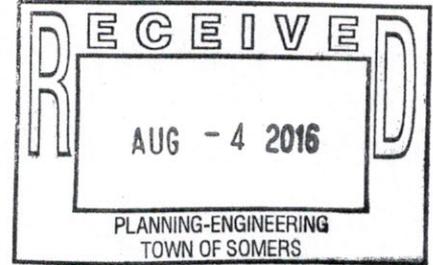
BIBBO ASSOCIATES, L.L.P.

Consulting Engineers

C PB
TP
CTE

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

August 2, 2016



NYCDEP
465 Columbus Ave
Valhalla, NY 10595-1336

Attn: Ms. Mary Galasso, Project Review Supervisor

Re: Somers Crossing
Route 100 & Route 202
Somers (T), Westchester County

Dear Ms. Galasso:

On behalf of our client, please find the following enclosed for your review:

- Application – SWPPP Approval
- 1 set – Construction Plans (*Plans as they apply to the Stormwater Application*)
- 1 copy – SEQRA Findings Statement
- 1 copy – Stormwater Pollution Prevention Plan (SWPPP)

The above referenced project consists of 66 condominium units accessed from Route 100 and a grocery store accessed from Route 202. Your Department reviewed this project through the SEQRA process and witnessed soil testing on-site in July 2015 and May 2016. We have incorporated NYCDEP SEQRA comments into the final design and have designed all of the stormwater practices in accordance with the applicable codes.

Please do not hesitate to contact me with any questions or if you want to meet with us. Your expeditious review would be appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "T.S. Allen".

Timothy S. Allen, P.E.

TSA/mme
Enclosures

cc: Somers Planning Board
G. Boniello
B. VonOhlsen
B. Evans
R. O'Rourke
File

Site Design ♦ Environmental

Mill Pond Offices • 293 Route 100, Suite 203 • Somers, NY 10589
Phone: 914-277-5805 • Fax: 914-277-8210 • E-Mail: bibbo@optonline.net

Wendy Getting

From: Syrette Dym
Sent: Monday, August 01, 2016 4:05 PM
To: Wendy Getting; Marilyn Murphy; vanessa Aguelo (v.aguelo@live.com)
Subject: Somers Crossing
Attachments: TMA Site Plan Review SC3 062816.pdf

Wendy, Marilyn - Please send this to the Planning Board, Joe, Rob, Roland Fred, and the Somers Crossing Team.

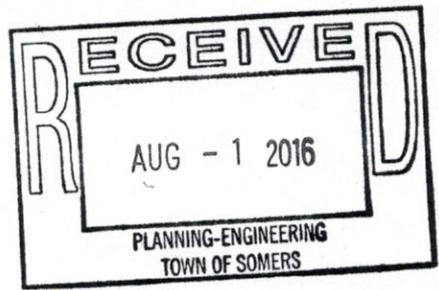
Planning Board and Somers Crossing Team -

Attached is a review letter I received from Fred Wells at the end of June identifying his checklist for items that he needed to see on the site plan as it developed from the concept plan presented in the EIS for Somers Crossing. This was meant to be used by the applicant. The applicant is now developing the site plan application and preliminary plans are being looked at by Fred and Joe's office prior to a completed submission to the Board for its review. Fred will be using this checklist as a guide for his review.

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

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EC: PB
CTE
Appl.



**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516

(845) 265-4400

www.timmlerassociates.com

June 28, 2016

Ms. Syrette Dym, Town Planner
Somers Town Hall
335 Route 202
Somers, New York 10589

RE: Somers Crossing – Site Plan Review re. Landscape Design and Aesthetics

Dear Ms. Dym:

The accompanying pages provide our initial review comments on the Somers Crossing Site Plan submitted by the applicant in May 2016 to the Planning Board. These comments are limited to our review of landscape design and aesthetic aspects of the project.

The following materials were reviewed:

- "Preliminary Grading Plan & Preliminary Plat" (Drawing UP) dated 05-02-16
- "Details" (Drawing D-1) dated 05-02-16

Due to the conceptual nature of the applicant's initial submission, we have listed additionally needed items that we would expect for a complete site plan application.

We would be pleased to discuss these topics with the Planning Board after receipt of the requested information from the applicant.

Yours truly,

A handwritten signature in black ink, appearing to read "F. Wells".

Frederick. P. Wells, RLA
Senior Planner
TIM MILLER ASSOCIATES, INC.

Boniello Land & Realty, Ltd. - Somers Crossing
Town of Somers, Westchester County, New York

A. We have the following general comments:

- Provide Plan Details (larger than 50' scale) for the driveway entrance to the residential component from Route 100, including curb radii, sight line clearing, entrance features (e.g. stone walls, project sign) and planting layout. Show proposed schoolbus pickup area detail. Show dimensions.
- Provide Plan Details (larger than 50' scale) for the driveway entrance to the commercial component from Route 202, including curb radii, travel lane width, traffic controls including pedestrian crosswalks if proposed, sidewalk, entrance features (e.g. stone walls, fencing, project sign) and planting layout. Show dimensions.
- Provide Plan Detail (larger than 50' scale) for the grocery store building and parking layout. Show building entrances, loading areas, pedestrian amenities, trash receptacles, signs, shopping cart storage, snow stockpile areas. Show dimensions.
- Provide construction details for the grocery store: retaining walls, decorative walls and fences, sidewalks around the building, pedestrian amenities, pavement materials, planting.

B. The following information is required to address the landscape requirements of §144-7, Site plan elements:

- Provide a Landscape Plan for the residential area, including a plant list. Needs to include street trees, buffer planting, foundation plantings, stormwater basin planting, seeding.
- Provide a Landscape Plan for the commercial area, including a plant list. (Provide separate plant lists for the residential and commercial areas.)
- Provide a Detail sheet showing proposed type, location, design, shielding and hours of operation of exterior lighting. [§144-7.D.(7)]
- Provide a Detail sheet showing proposed location, material type, size, wording, design, color and illumination of all signs. [§144-7.D.(7)]
- Provide a Detail sheet showing provisions for tree protection. [§144-7.D.(12)]
- Provide design of pedestrian facilities (eg., sidewalks or shoulders) and bicycle facilities within the site, connections to the public right-of-way, and connections between the site and Towne Centre. [§144-8.B.(6)]

- Identify treatment of accessory facilities, such as air-conditioning systems, which may create a nuisance for neighboring properties or the public in general. [§144-8.C.(3)]
- Identify locations of solar access facilities, if proposed. [§144-8.C.(4)]

C. The following information is required to address project features identified in the adopted SEQR FINDINGS issued by the Town Board relating to landscape design and aesthetics:

- On-site Recreation Facility - Provide Plan Details (larger than 50' scale) for the 0.5 acre recreation lot, recreation building floor plan, playground, landscaping. Provide architectural elevations and identify building façade materials, colors.
- Provide Plans for off-site Sidewalks (As depicted in FEIS Figure I-6)
 - Route 100 - From Towne Centre entry drive, north and west around Bailey Park (A)
 - Route 202 - Site frontage (B)
 - Route 202 - From Site west to Fireman's Field (C)
 - Route 202 - From Fireman's Field west to School property (D)
- Identify area of Land dedication for the project length along Route 100 to NY State for future sidewalk (if required)
- Provide construction detail of the proposed trail through the open space area.
- Identify the Revisions to the Towne Centre property necessary to accommodate connections to Somers Crossing.
- Provide Tree Survey showing the anticipated limit of disturbance line.
- Provide architectural elevations of the residential buildings. Identify building façade materials, colors.
- Provide architectural elevations of the grocery store. Identify building façade materials, colors.

D. The EIS identified a number of landscape improvements (mitigation measures) along the frontage of Route 100 for the residential Project that would visually complement the historic context of the hamlet. The applicant should provide detailed information regarding the following items:

- Where possible, keep existing healthy and non-hazardous trees that will maintain a canopy over the road (Route 100);
- Rebuild the existing stone wall at the property line along the entire frontage (except where access or clear sight distance would be obstructed) to a height and width that has a substantial appearance from the road;

- Alternatively or in addition to the stone wall, add an ornamental fence along the frontage in character with historic wrought iron or wood picket fencing of Early America to a size that has a substantial appearance from the road;
- Add new shade trees along the entire frontage, of suitable species for exposure to road conditions and substantial size and spacing to recreate a tree canopy in the short term (± 10 years);
- Add evergreen trees, and understory flowering trees and shrubs that will function to filter views into the Project in the short term (five years or less) and provide an ornamental appearance from the road;
- Add entrance driveway features that enhance the visual character of the road corridor, such as stone pillars and project signage;
- Provide sufficient level area at the right of way to accommodate a possible future curb, grassed strip and sidewalk.
- The landscape design for the Route 100 frontage will mitigate loss of existing vegetation to the extent practical, maintaining the character of the hamlet, and preserving the semi-rural character of the corridor.

E. The EIS identified a number of landscape improvements (mitigation measures) along the frontage of Route 202 for the commercial Project that would visually complement the historic context of the hamlet. The applicant should provide detailed information regarding the following items:

- Rebuild the existing stone wall at the property line along the entire frontage (except where access or clear sight distance would be obstructed) to a height and width that has a substantial appearance from the road; the wall on Route 202 should block view of car headlights in the parking lot;
- Alternatively or in addition to the stone wall, add an ornamental fence along the frontage in character with historic wrought iron or wood picket fencing of Early America to a size that has a substantial appearance from the road;
- Add new shade trees along the entire frontage, of suitable species for exposure to road conditions and substantial size and spacing to recreate a tree canopy in the short term (± 10 years);
- Add evergreen trees, and understory flowering trees and shrubs that will function to filter views into the Project in the short term (five years or less) and provide an ornamental appearance from the road;
- Add entrance driveway features that enhance the visual character of the road corridor, such as stone pillars and project signage;
- Provide sufficient level area at the right of way to accommodate a possible future curb, grassed strip and sidewalk.

- Provide Lighting Plan designed to keep the development safely and attractively lit without impacting neighboring properties or creating unnecessary impacts. Site lighting would incorporate the latest technology designed to minimize glare and night sky impacts.
- The proposed parking lot and entry road at the grocery store will need to be designed in keeping with the streetscape character of the hamlet.

From: rjp@magazinesales.com [mailto:rjp@magazinesales.com]

Sent: Thursday, July 21, 2016 12:20 PM

To: Syrette Dym

Subject: opinion on Verizon tower

Importance: High

Dear Ms. Syrette,

At the recent meeting of the planning board on the 13th of July a discussion was held to determine whether or not Verizon would be allowed to build an extension on the current tower which does not provide adequate service to Verizon users. I know because I have Verizon wireless set up in my home and use it to maintain my consulting business and I can tell you the service is very poor to say the least.

Unfortunately I was unable to attend the meeting as I would have liked to hear from those who objected to the tower extension. We have only other choice hear at Heritage Hills and that as you know is Comcast. For reasons of my own which I don't care to go into at this time I do not want to use Comcast.

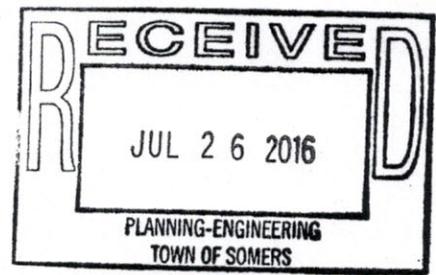
As a home owner since 2006 in HH I would think that the planning board would understand the needs of its flock and unless there was a safety issue or a cost to the owners that are against the project I see no just viable reason for Verizon's request to be turned down.

Thank you for your efforts on behalf of HH home owners and thank you for consideration of my opinion.

Sincerely yours,

Ralph Perricelli (380 A)

EC. PB
TP
CTE
APPL.



July 22, 2016

To the Town of Somers
Planning Board Members

Re: Verizon Cell Co-Locate Special Permit
on existing Tower at heritage hills.

As our representatives of the Town of Somers, you must protect the citizens of Somers, when there is a possible threat to our well being, our property values and safety of our children and adults in our community.

As our representatives of the Town of Somers, you must ask the difficult questions to all the applicants, who in this case is Verizon.

Has Verizon seriously essayed other eligible towers in close proximity? Such as CVS, IBM, the tower by Bria Carting and the old Majestic property, also further down on Rte 100 opposite 7-11 the Amato property.

All these locations are not in a recreation area, they are not near a pool with children and adults or a Tennis Court or more important on a Water Tower.

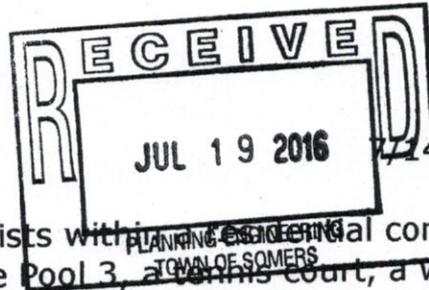
Verizon can quote FCC RULES ALL THEY WANT, AND SAY TO THE BOARD YOU MUST APPROVE THEIR APPLICATION.

But the people of the Town of Somers and their Board members should be able to have a say as to where they can place their tower. It may not be to HADES, BUT IT CAN TELL THEM TO CHECK OTHER EXISTING TOWERS THAT ALREADY EXIST ELSEWHERE IN TOWN. Where it will not harm the general public and where there are surrounding homes with families in a private community that has recreation areas and a quality of life we seek to protect and enjoy.

As our representatives you must not fail to do your duty to all your taxpayers. The people of Heritage Hills didn't work all their lives to have to continually fight to protect their community from being infringed upon by big business and endanger our safety and our free will to enjoy our community.

Respectfully Yours
Heritage Hills Resident
Diana Tausch

To the Somers Planning Board:



The current communication tower exists with ~~PLANNING RESIDENTIAL~~ ^{PLANNING RESIDENTIAL} community called Heritage Hills. It stands above ~~Pool 3, a tennis court,~~ ^{TOWN OF SOMERS} a water tank of millions of gallons and is surrounded by many homes of Condo 12.

The only places I've seen towers of this nature have been on parkways, like the Hutchinson River Parkway with its "tree", or on roads such as Rt. 22 in Goldens Bridge.

To further enlarge the existing tower defies common sense. There are people who live almost directly underneath and a water tank that is our daily supply.

The Town of Somers has wisely enacted a telecommunications code and although there are many codes that an approval would negate, I'd like to address just three:

#4 which says, **Protect residential areas, land uses and property values from potential adverse impacts of wireless and attached wireless telecommunications facilities.**

It is quite obvious to those who live there that an approval of this kind would **NOT** protect our residential areas nor our property values. Although the tower that now exists is covered by foliage of the season, a taller tower with major antennae would be completely visible to anyone passing by, particularly when the leaves fall.

The picture on the easel tries to show the size of the 12 antennae that would be included in the addition, each larger than me. Anyone trying to sell a unit in this area would find it much more difficult with an **Iron Giant** overhead.

#5 says, Encourage the location...of such facilities in areas resulting in the **least adverse impact on the neighborhood...**

This is what we are calling for, to place the expansion where it would create the least impact on our neighborhood. Since there is a facility already in a commercial area in Town, this is a common sense approach - then the expansion would not be intrusive in our lives.

#7 says, Safeguard against **potential damage and injury to persons and property associated with the collapse, debris and ice fall...**

The Town correctly identified this ordinary hazard for as the trees do, so would the icicles from such a structure create havoc. When major winds blow and storms comes, it is not in our imagination that ice and debris will cause damage and injury to the residents, their homes and the water tank nearby. This is a scenario well played out when Hurricane Irene and Superstorm Sandy came through this community not so long ago.

Many people have lost faith in their leaders' ability to play fair and pay attention to their will. Some in power positions make decisions on whether it affects them personally. So, ask yourselves, would **you** choose to live in an area where such a monstrosity hangs overhead?

This is one of the instances when you, as fellow citizens of this community, have the ability to use a common sense approach and vindicate trust in a governmental agency. **Co-locating this expansion away from a residential setting to a commercial one is the logical thing to do.**

The famous words of the medical profession to **FIRST DO NO HARM** applies here. This expansion has the potential to do extreme harm and we ask you to vote it down!

Flo Brodley
351C Heritage Hills

Town of Somers Telecommunication Code

- (1) Establish standards for the siting of wireless and attached wireless telecommunications facilities consistent with the Telecommunications Act of 1996.
- (2) Promote the health, safety and general welfare of the residents of the Town, through the establishment of minimum standards to reduce the adverse visual and community character effects of wireless and attached wireless telecommunications facilities.
- (3) Minimize the total number of wireless and attached wireless telecommunications facilities throughout the Town in order to preserve the Town's natural resources and scenic beauty,
- (4) Protect residential areas, land uses and property values from potential adverse impacts of wireless and attached wireless telecommunications facilities.
- (5) Encourage the location of wireless and attached wireless telecommunications facilities and antennas to the extent possible, in areas resulting in the least adverse impact on the neighborhood and Town.
- (6) Promote the appropriate use of existing buildings, structures, towers, and alternative host sites to minimize the intrusion of wireless and attached wireless telecommunications facilities.
- (7) Safeguard against potential damage and injury to persons and property associated with the collapse, debris and ice fall from wireless and attached wireless telecommunications facilities.
- (8) Require and promote the design and configuration of wireless and attached wireless telecommunications facilities to minimize their adverse impact on the neighborhood and Town through the reasonable use of the best available technology, stealth technology and camouflage techniques.
- (9) Require that wireless and attached wireless telecommunications facilities be suitably screened, buffered and adequately separated from residential uses.
- (10) Safeguard against the potential for blight from the location of an excessive number of wireless or attached wireless telecommunications facilities at the same site.

(11) Ensure that wireless or attached wireless telecommunications facilities are maintained in a safe condition in good order and repair and to require a periodic safety and maintenance reports.

(12) Enable the providers of telecommunications services to provide such services to the community, in an effective manner, consistent with the purposes enumerated above.

Just a thought, but Verizon must be paying to lease the land for the Tower. Thus, I am not sure they have to do anything when they expand. Or, was it an outright purchase? Maybe the property management folks might know. As usual it always gets back to money. Mike

PETITION

Petition summary and background

BY AFFIXING MY NAME HERETO, I, AS A HERITAGE HILLS RESIDENT, HEREBY VOICE MY OPPOSITION TO THE APPLICATION BEFORE THE PLANNING BOARD OF THE TOWN OF SOMERS OF NYSMSA LLC D/B/A VERIZON WIRELESS [TM:17.05-20-2] APPLICATION FOR SITE PLAN AND SPECIAL USE PERMIT FOR A CO-LOCATION OF PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY AND EXTENSION TO EXISTING MONOPOLE FOR PROPERTY LOCATED AT 250 WEST HILL DRIVE, HERITAGE HILLS, A RESIDENTIAL DEVELOPMENT DISTRICT.

Printed Name of Resident	Signature	Address with Unit #	Date
Cheryl Ferrara	<i>Cheryl Ferrara</i>	355D Heritage Hills Somers	7/8/16
JANET SCHWARZ	<i>Janet Schwarz</i>	268A Heritage Hills	7/8/16
Dora Scherby	<i>Dora Scherby</i>	27B " "	7/8/16
LINDA LUDWIG	<i>Linda Ludwig</i>	374A Heritage Hill	7-11-16
Marilyn Fisher	<i>Marilyn Fisher</i>	719 Heritage Hills	7-11-16
JUDITH MILLMAN	<i>Judith Millman</i>	356A Heritage	7-11/16
Olga LaBoy	<i>O. LaBoy</i>	356B Heritage Hill	7-11/16
Ronni Gold	<i>Ronni Gold</i>	358E Heritage Hills	7/11/16
MICHAEL GOLD	<i>Michael Gold</i>	358E Heritage Hills	7/11/16
Amalot Hefner	<i>Amalot Hefner</i>	360 D Heritage Hills	7/10/16
<i>[Signature]</i>	<i>Barbara Lieberman</i>	394A Heritage Hills	7-11-16
ANDREA BECKER	<i>Andrea Becker</i>	392A Heritage Hills	7-11-16
Susan Zeller	<i>Susan Zeller</i>	551B Heritage Hills	7-11-16
CAROLE PALLEY	<i>Carole Palley</i>	731C Heritage	7/11/16
Ritta Stern	<i>Ritta Stern</i>	581C Heritage Hill	7/11/16
DIANE PUNN	<i>Diane Punn</i>	660A Heritage Hills	7/12/16

PETITION

Petition summary and background	BY AFFIXING MY NAME HERETO, I, AS A HERITAGE HILLS RESIDENT, HEREBY VOICE MY OPPOSITION TO THE APPLICATION BEFORE THE PLANNING BOARD OF THE TOWN OF SOMERS OF NYSMSA LLC D/B/A VERIZON WIRELESS [TM:17.05-20-2] APPLICATION FOR SITE PLAN AND SPECIAL USE PERMIT FOR A CO-LOCATION OF PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY AND EXTENSION TO EXISTING MONOPOLE FOR PROPERTY LOCATED AT 250 WEST HILL DRIVE, HERITAGE HILLS, A RESIDENTIAL DEVELOPMENT DISTRICT.
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Printed Name of Resident	Signature	Address with Unit #	Date
Flo Brodley	<i>Flo Brodley</i>	351 C	6/16/16
G. SWEENEY	<i>G. Sweeney</i>	351 E	6/17/16
John B SWEENEY	<i>John B. Sweeney</i>	351 E	6/17/16
JACK BACK	<i>Jack Back</i>	349A	6/17/16
Linda Fierpo	<i>Linda Fierpo</i>	349E	6/17/16
JOHN R. GOLIA	<i>John R. Golia</i>	607 C	6-23-16
JAMES MITCHELL	<i>James Mitchell</i>	302A	6/24/16
MARY JANE MITCHELL	<i>M. J. Mitchell</i>	302A	6/24/16
DORIS SIMON	<i>Doris Simon</i>	587-D	6/23/16
Christine Chok	<i>Christine Chok</i>	540 E	6/23/16
Patricia Hebert	<i>Patricia Hebert</i>	816	6/23/16
Lulu Suttner	<i>Lulu Suttner</i>	59A	6/23/16
Jo Appley	<i>Jo Appley</i>	209 A	6/25/16
William Mink	<i>William Mink</i>	209 A	
Yolanda Castillo	<i>Yolanda Castillo</i>	209 B	
Danna Paynes	<i>Danna Paynes</i>	9D	6/27/16

PETITION

Petition summary and background	BY AFFIXING MY NAME HERETO, I, AS A HERITAGE HILLS RESIDENT, HEREBY VOICE MY OPPOSITION TO THE APPLICATION BEFORE THE PLANNING BOARD OF THE TOWN OF SOMERS OF NYSMSA LLC D/B/A VERIZON WIRELESS [TM:17.05-20-2] APPLICATION FOR SITE PLAN AND SPECIAL USE PERMIT FOR A CO-LOCATION OF PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY AND EXTENSION TO EXISTING MONOPOLE FOR PROPERTY LOCATED AT 250 WEST HILL DRIVE, HERITAGE HILLS, A RESIDENTIAL DEVELOPMENT DISTRICT.
---------------------------------	--

Printed Name of Resident	Signature	Address with Unit #	Date
Gloria Rosenzweig	<i>[Signature]</i>	341B Heritage Hill	6/17/16
Sandy Lieberman	<i>[Signature]</i>	348B " "	6/17/16
Judika Lieberman	<i>[Signature]</i>	348 B Heritage Hills	6/17/16
BEN LEVINE	<i>[Signature]</i>	341B HERITAGE HILLS	6/17/16
Susan Lynn	<i>[Signature]</i>	341A Heritage Hills	6/17/16
Ken Manning	<i>[Signature]</i>	341 C Heritage Hills	6/17/16
David Berman	<i>[Signature]</i>	347 B Heritage Hills	6/17/16
Cecelia Graves	<i>[Signature]</i>	340 B Heritage Hills	6/25/16
Joyce F. Lieberman	<i>[Signature]</i>	475 B Heritage Hills	6/29/16
Nell E Herman	<i>[Signature]</i>	476 C HERITAGE HILLS	6/29/16
Karin H. ANDERSON	<i>[Signature]</i>	476E Heritage Hills	6/29/16
BEVERLEY A. CHANEY	<i>[Signature]</i>	347 B Heritage Hills	7/2/16
JOHN R. MEIXNER	<i>[Signature]</i>	347 B Heritage Hills	7/2/16
Erene Miroslaw	<i>[Signature]</i>	347 Heritage Hills	7/3/16
Linda P. Grassie	<i>[Signature]</i>	502 B Heritage Hills	7/6/16
ALFRED R. HARMON	<i>[Signature]</i>	606 F Heritage Hills	7/6/16

PLANNING AND ENGINEERING DEPARTMENTS

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(914) 277-4093

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

DATE: August 4, 2016
TO: Somers Planning Board
FROM: Syrette Dym, AICP
Director of Planning
RE: Susan Haft/Ridgeview Designer Builders, Inc. Amended Subdivision –
Seventh Request for Extension for Section II

On August 13, 2014, the Planning Board granted Amended Final Subdivision Approval for Ridgeview Builders by Resolution 2014-01 to 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 time, so they requested a ninety-day (90) extension of approval until May 10, 2015. By Letter of March 16, 2015, the applicant's attorney 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. The applicant's attorney requested a third ninety-day extension of approval up to and including November 6, 2015 which was granted at the Planning Board meeting of July 8, 2015. The Applicant's attorney requested a fourth ninety-day extension of approval up to and including February 5, 2016 which was granted at the meeting of October 14, 2015. At the Board's January 13, 2016 meeting it extended Amended Final Subdivision Approval to May 5, 2016.

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 a seventh extension of such approval up to and including November 1, 2016. As represented by pictures provided at the May 10, 2016 Planning Board meeting, the site construction is proceeding. Steve Woelfle continues to monitor work on the site and indicates all is going well. The first house is well under construction.

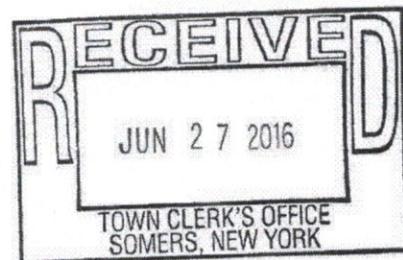
Given the filing of Section I in a timely manner and submission of the request for the sixth extension of approval for filing of Section II prior to the expiration date, and authority given to the Planning Board to grant such extension under Town Law Section 276(7)(c), I have no problem with the Board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

cc: Geraldine Tortorella, Esq.
Susan Haft



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278-0090

JUN 22 2016



Regulatory Branch

SUBJECT: Permit Application Number NAN-2016-00055-WOM
by Kearney Realty and Development Group

Kearney Realty and Development Group
C/o Ken Kearney
1777 Route 6
Carmel, New York 10512

Dear Mr. Kearney:

On December 28, 2015, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for the placement of fill into waters of the United States to facilitate the widening of Route 6 associated with a residential development. The site is located in the Hudson River watershed, in the Town of Somers, Westchester County, New York.

The submitted drawings, entitled "Hidden Meadow At Somers, U.S. Route 6, Town of Somers, Westchester County, NY" (drawings EX-1, SP-2, and SP-4), prepared by Ecological Solutions, LLC, and last revised March 30, 2016, indicate that the site work would consist of the placement of approximately 16 cubic yards of clean dirt fill from the site and rip-rap into approximately 0.04 acres of an on-site wetland and stream as a result of grading required to widen Route 6 and create a left turn lane into a proposed residential development site. The work would also include the replacement of an existing culvert. To prevent turbidity within the waterbody outside of the work zone, a silt fence would be placed within the work area prior to the placement of fill material.

Based on the information submitted to this office, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 18. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 18, Section C, any applicable New York District regional conditions, the following special conditions, and any applicable regional conditions added by the State of New York, copies enclosed.

Special Conditions

- (A) At the completion of the work, the permittee shall remove all temporary construction barriers, including, but not limited to, any silt fences associated with the work.

JUN 22 2016

(B) In order to protect the Federally listed endangered Indiana bat (*Myotis sodalis*) and the Federally listed threatened northern long-eared bat (*Myotis septentrionalis*), the clearing of trees shall occur only between October 1st and March 31st. Orange construction fencing or flagging shall be used to separate areas to be cleared from areas to be left undisturbed.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

Please note that this nationwide permit (NWP) verification is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 08-02, which can be found at: <http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>

This verification is valid until March 18, 2017, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2017, if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

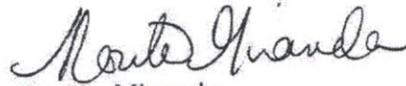
In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

JUN 22 2016

- 3 -

If any questions should arise concerning this matter, please contact Melanie O'Meara, of my staff, at (917) 790-8417.

Sincerely,



Rosita Miranda
Chief, Western Section

Enclosures

cc:
NYSDEC - Region 3
Town of Somers
Michael Nowicki – Ecological Solutions, LLC

O'Meara, Melanie S NAN

From: O'Meara, Melanie S NAN
Sent: Thursday, June 23, 2016 12:32 PM
Subject: USACE Nationwide Permit Verification Letter CC: NAN-2015-00055-WOM (UNCLASSIFIED)
Attachments: NAN-2016-00055-WOM_Nationwide Permit Verification Letter_Copy.pdf

Classification: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

Good Afternoon,

Attached, for your files, is a copy of the Nationwide Permit #18 verification letter for the Kearney Realty and Development Group's road improvements work, to facilitate a residential development, in the Town of Somers, Westchester County (USACE Project File Number: NAN-2016-00055-WOM).

V/r,
Melanie

Melanie O'Meara
Regulatory Project Manager
Western Section

New York District, US Army Corps of Engineers
Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278
Phone - (917) 790-8417
Fax - (212) 264-4260

www.nan.usace.army.mil

CLASSIFICATION: UNCLASSIFIED

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: August 3, 2016

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 Final Subdivision and Site Plan Approval Application

Application Request:

Current request by submission of July 27, 2016 is for consideration of Final Subdivision Approval.

Project Status

- Negative Declaration issued January 28, 2015 by Planning Board
- Resolution to Extend the Windsor Farms Water District was approved by the Town Board on April 9, 2015
- Resolution to Extend the Somers Sewer District No. 1 was approved by the Town Board on April 9, 2015
- After a public hearing opened and closed on July 9, 2015 to consider granting of approval of a Preliminary Development Concept Plan and the Reclassification of the site to the Multifamily Residence Baldwin Place District (MFR-BP) Floating Zone, the Town Board voted at its meeting of July 9, 2015 to apply to MFR-BP to

the subject site. A resolution stating such was signed by the Town Clerk on July 10, 2015

- New zoning map approved by Town Board on July 9, 2015 identifies site as MFR-BP district
- January 28, 2015, Town Board approved extension of Somers Sewer District No. 1 and The Windsor Farms Water District – bot to be known as Hidden Meadows Extensions
- April 9, 2015, Town Board voted to file petition with Westchester County Board of Legislators to extend Peekskill Hollow Sewer District to include Hidden Meadow in Somers Sewer District #1
- May 15 2015 Town authorized application to Westchester County for Housing implementation Fund (HIF)
- October 14, 2015, Planning Board grants Conditional Preliminary Subdivision Plat Approval
- March 30, 2016 Final Subdivision Plat submitted
- Letter of July 27, 2016 for consideration of Final Subdivision Plat

Current Submission

By cover letter from Insite Engineering dated July 27, 2016, submitted a revised set of the Subdivision Plat with revision date of July 27, 2016 including the following 2 sheets:

- Final Subdivision Plat Sheet 1 of 2
- Final Subdivision Plat Sheet 2 of 2

Comments on Final Plat Submission

Sheet 1 of 2

Zoning – Site Data Table indicates the site is partially zoned R80 and MFH-BP. The intent of the rezoning was to rezone the entire parcel and it is now mapped MFH-BP.
Individual Subdivision Lots vs. Common Area Lot 46

Fee Simple Lots - There are a number of places where it appears that the individual subdivision fee simple lots are drawn through specific structures or areas that should otherwise be attributed solely to individual fee simple lots and their owners. These areas and items are the following:

- Stairs – Stairway for Lots 1 and 21
- Assigned parking –Although the parking spaces for the affordable one bedroom units are assigned to each unit, they are part of the HOA responsibility as part of common Area Lot 46. This could create a future problem regarding the future costs of their maintenance and repair.
- Patios or walks for Affordable One-bedroom units. - It is not l clear if patios or walks are intended in the front of the affordable one bedroom units. If they are all

relatively uniform in size with the exception of that between units 43 and 44. What is this intended as? If sidewalks, they would be maintained by HOA; if patios, there would be an issue with the HOA for maintenance as part of the common open space.

The main issue with all of the above relates to whose responsibility is it to maintain these items – the individual home/fee simple lot owner or the HOA?

Request to Waive Final Subdivision Public Hearing

The Applicant has requested that the Planning Board consider waiving of the public hearing for final subdivision plat approval. As indicated in Section 150-13F(2), if the Planning Board deems the final subdivision application to be in substantial agreement with the preliminary subdivision plat and modified as required by such preliminary approval resolution, the Planning shall waive the requirement for public hearing with the exception of provisions of Section 150-13F(3). That section states that in the event the application for final subdivision approval is submitted more than six months after the approval of the preliminary subdivision plat, the Planning Board can conduct a public hearing at its own discretion, even if it is in substantial agreement with the preliminary subdivision plat. Since the Preliminary Plat was approved October 14, 2015 and it will be 10 months since that approval until the Planning Board meeting of August 10, 2016 the Board is in a position to not automatically waive the public hearing.

So, the first finding the Planning Board has to make is whether the final subdivision plat as presented by the applicant is in substantial agreement with the preliminary plat. If so, the Planning Board has to exercise its discretion regarding whether or not to hold a final subdivision plat public hearing. After review of the preliminary subdivision plat dated December 3, 2014, it is my opinion that the final plat dated July 27, 2016 is in substantial agreement with the preliminary plat dated December 3, 2014, approved on October 14, 2015. The Planning Board has then to first decide if it agrees that these plats are substantially the same. If it agrees, then it has to decide on whether or not to waive the final public hearing.

Conditions of Preliminary Plat Approval Resolution of October 14, 2015 Incomplete Condition #:

2. That the Applicant submits written evidence of have obtained approval by the Westchester County Department of Planning of Housing Implementation Funds for the project.
 - a. Such approval has been obtained. The applicant will submit written approval.

3. That the Applicant submits written evidence of having obtained approval by the Westchester County Department of Health for the realty subdivision and sewer and water main extensions.
 - a. Working on obtaining

6. That the Westchester County Board of Legislators grant extension of the Peekskill Hollow Sewer District to include the boundaries of the Hidden Meadow Extension Area of Somers Sewer District No. 1 and that such acceptance be provided to the Town of Somers.
 - a. Extension has been granted. Documentation to be provided

8. Provide documentation of NYSDOT approval of the proposed highway improvements to U.S. Route 6 related to the turning lane and shoulder expansion.
 - a. Working on obtaining

Access Easement

The proposed access easement to the adjacent Town owned park is shown on the subdivision plat. After discussion with Steve Ralston, the position of the Parks Department is that provision of such easement is sufficient to secure any use of that land which is identified in the Town of Somers comprehensive Plan Update of 2016 as inaccessible but as having potential for future recreational use.

An issue that needs to be discussed by project and Town attorneys is how to guarantee in the Homeowner's Association Bylaws, that there is a future obligation to allow public access over the project entry road to connect to a future road that would provide access to the park. This needs to be part of the approval resolution so the easement once utilized cannot be blocked by community resident opposition. A discussion of potential joint maintenance responsibilities between the Town and the HOA regarding whether the access road should it be open to the public in the future may also need to happen.

Remaining Site Plan Issues

Once a final site plan is submitted additional comment and determination of remaining open issues in the memorandum of May 6, 2016 will be addressed. These include the following:

Comments on Drawing SP-1 Layout and Landscape Plan

- A note in the upper left corner of the plan stating - "Hand Place Flat Rocks as Stepping Stones Across Wet Area" - no longer shows rocks due to negative comment by DEC. Please remove words from plan
- MFR-BP Zoning Requirement Table – The last two items Buffer Setback: From Adjoining Lot Line in Single Family Residence District and Buffer Setbacks do not meet the required setbacks. The required setback from an adjoin lot line in a single family resident district is 100 feet and only 52 feet is provided and minimum buffer setbacks required are 30 feet and zero setback is provided in some locations. However, Section 170-113.A (8) (a) and (b) of the Town Code provide for reductions by the Planning Board and the Planning Board will have to make the required findings to permit the reduction.

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

Z:\PE\Subdivision files\Hidden Meadow\Town Comments\Subdivsison-Site Plan Application\Planner's Comments 08-03-16.docx

OPEN SPACE COMMITTEE

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MICHAEL BARNHART
CHAIRMAN



MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Deutsch Wetland, Steep Slope, Stormwater Management and Erosion and Sediment Control and Tree Preservation.

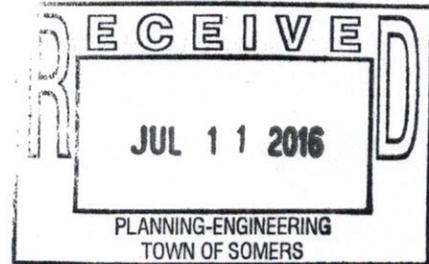
DATE: June 14, 2016

At our monthly meeting of June 9, 2016, the Committee reviewed and discussed permit applications for Deutsch Wetland, Steep Slope, Stormwater Management and Erosion and Sediment Control and Tree Preservation. As per 170-58.3 of the Code of the Town of Somers, there is a question as to whether or not there is enough land to build on this lot. The provision requires a subtraction of 75% of steep slopes and wetlands from the lot size. Because there is almost 1 ½ acres of environmentally constrained land, the actual lot appears less than the zoning requires.



July 7, 2016

Mr. John Buschynski, P.E.
Bibbo Associates, LLP
293 Route 100, Suite #203
Somers, NY 10589



Vincent Sapienza
Acting Commissioner

Re: Greenbriar Somers Corporation
Individual Residential Stormwater Permit
36 & 36 Driftwood Drive
(T) Somers; (C) Westchester
Croton Falls Reservoir Drainage Basin
DEP Log #2015-CF-0706-IR.1

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

465 Columbus Avenue
Valhalla, New York 10595

T: (845) 340-7800
F: (845) 334-7175

Dear Mr. Buschynski:

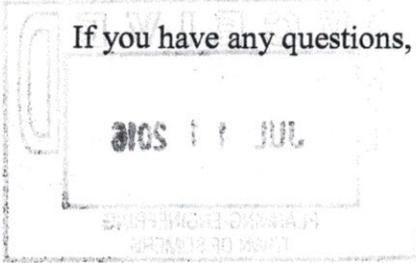
The New York City Department of Environmental Protection (DEP) has completed its own SEQR review and issued a Negative Declaration determination on June 22, 2016. The application for the above referenced application for approval of an Individual Residential Stormwater Permit (IRSP) is now *complete*.

Section §18-23 (d) (5) of the "Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources" (Regulations) states that the DEP will notify the applicant of its determination within 45 days of deeming the IRSP application complete. Therefore DEP will notify you of its determination by August 21, 2016.

If the Department fails to notify you within the above referenced time frame, you may notify the Department of its failure by certified mail, return receipt requested. The notice should be sent to my attention at the address below. This notice must include your name, the location of the project, the office with which you filed the application originally, and a statement that a decision is sought in accordance with Section §18-23(d)(6) of the Rules and Regulations.

If the Department fails to notify you within 10 days of the receipt of the notice, your application will be deemed approved, subject to standard terms and conditions as set forth in the regulations.

If you have any questions, please do not hesitate to call me at (914) 773-4411.



Sincerely,

Andreea A. Oncioiu
Associate Project Manager II
Regulatory & Engineering Programs

- c: Town of Somers Planning Board
Joe Barbagallo, P.E. – Town of Somers Engineer
Armand DeAngelis, NYSDEC - armand.deangelis@dec.ny.gov
Udomlug Siriphonlai, WC DOH - uqs1@westchestergov.com
Milton Shapiro, Owner

OPEN SPACE COMMITTEE

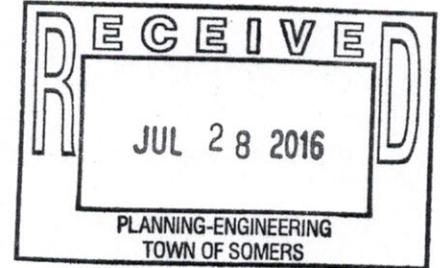
Town of Somers

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SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MICHAEL BARNHART
CHAIRMAN



MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Green Briar Subdivision, Section 6, Lots 35 and 36

DATE: July 27, 2016

At our monthly meeting on July 21, 2016, the preliminary subdivision for the Green Briar Subdivision, Section 6, Lots 35 and 36, was reviewed and discussed. Two lots will be merged and one townhome constructed. The Committee had two comments: since the old velocity dissipation structure silted up, it would be prudent to have a plan of scheduled maintenance for the new structure; and a question came up as to why the project is moving ahead given the fact that the entire project is in the wetland buffer with steep slopes.

PLANNING AND ENGINEERING DEPARTMENTS

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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: August 4, 2016

RE: Project: Green Briar Resubdivision Sec. 6 Lots 35&36
Applicant: Greenbriar Somers Corp. & 2-4-36 Green, LLC
Location: Driftwood Drive Somers, (Section 6.11 Block 2 Lots 77 and 78)
Zoning: R40 Residence District
Actions: Request for a Preliminary Subdivision Approval for Resubdivision to Merge Two Lots Designated as Sec. 6 Lots 35 and 36

Application Status

Prior to submission of this application for re-subdivision the applicant submitted applications for a wetland permit, tree removal permit (for 2 trees), steep slope permit and stormwater management and erosion and sediment control permits. Since that time, DEC issued a Wetlands Permit on July 26, 2016.

Due to the current request for a Resubdivision, the request for the original permits will be incorporated as part of the resubdivision approval resolution.

SEQRA

The applicant has submitted a Short Form EAF since the original submission. The action is an unlisted action as indicated by State and local SEQRA regulations. Since more than one agency is involved, a coordinated review is required and the Planning Board should declare itself lead agency after which 30 days is required for it to accept its status as such

assuming no objections by other agencies. The thirty day period would pass on September 9, so the Board could accept lead agency status at its meeting of September 14, 2016.

Application of Subdivision Requirements

Even though the request is for the merging of two existing lots, the action is subject to subdivision review pursuant to Section 150-4 Resubdivision which states: "A resubdivision, as defined herein is subject to the same procedure, rules and regulations applying to an original subdivision."

Wetland Mitigation Plan Under Town Code Chapter 167-9

This application was originally made to the Planning Board only for the associated permits and not for the resubdivision of the subject lots. As part of that earlier application, a request for a Freshwater Wetlands Permit was submitted to NYSDEC. NYSDEC granted a permit on July 26, 2016 that authorizes disturbance of NYS Freshwater Wetland F-31, Class 1, associated with the construction of a one-family townhouse, stormwater structures, and rip rap protection and sediment removal from an existing velocity dissipater. The total area of disturbance within the wetland proper is 400 SF and the disturbance area within the 100 foot adjacent area is 0.25 acres.

The applicant is requesting that the provision of a Mitigation Plan under Town Code Chapter 167-9 be waived. The Town Consulting Engineer should advise the Planning Board regarding this request.

Tree Permit

Two trees are identified as requiring removal. A permit is needed for this number of trees if they are located within a wetland buffer.

Open Space Committee

In a memorandum of July 27, 2016, the Open Space Committee asked about provision of scheduled maintenance for any new velocity dissipation structure that would be provided. Has this been considered by the Applicant and discussed with the Town Consulting Engineer?

Cc: Steve Woelfle
Joe Barbagallo
Rob Wasp
Roland Baroni
Joe Buschynski

Z:\PE\Subdivision files\Greenbriar Section 6 lots.35-36\RE-Subdivision 2016\Planner comments 08-04-16.docx

Short Environmental Assessment Form

Part 1 - Project Information

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: <i>Green Briar Section 6 Lots No. 35+36</i>			
Project Location (describe, and attach a location map): <i>Driftwood Drive</i>			
Brief Description of Proposed Action: <i>Combine lot nos. 35+36 in Section 6 of Green Briar Subdivision (F.M. #22944, filed 9-30-87) into a single 0.32 acre lot and develop the lot with one residence.</i>			
Name of Applicant or Sponsor: <i>Greenbriar-Somers Corp.</i>		Telephone: <i>845-371-2100</i>	
		E-Mail: <i>mbs@ourrocklandoffice.com</i>	
Address: <i>75 N. Middletown Road</i>			
City/PO: <i>Nanuet</i>		State: <i>NY</i>	Zip Code: <i>10954</i>
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.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
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: <i>NYSDEC - Wetlands Permit</i> <i>NYCDEP - Individual Residential Stormwater Permit</i>			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>0.32</i> acres	
b. Total acreage to be physically disturbed?		<i>0.28</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.32</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: <i>Wetland # F-31; 225 sq. ft. alteration associated with sediment removal from existing velocity dissipation structure</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>Existing street drainage system discharges to an out fall located at the edge of wetland # F-31</i>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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: _____ _____	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: _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Greenbriar-Somers Corp.</u>	Date: <u>8/17/15</u>	
Signature: <u>Joseph D. Dunlop (Engr. for Applic.)</u>		

NOTICE OF SEQRA ACTIONS – GREEN BRIAR REQUEST FOR RESUBDIVISION OF SECTION 6.11 BLOCK 1, LOTS 77, 78 SUB LOTS 35 & 36 FOR CREATION OF ONE 0.32 ACRE LOT FROM TWO EXISTING LOTS IN AN R40 ZONE

Notice of Intent to Act as Lead Agency

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

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

The Planning Board of the Town of Somers, Westchester County, New York, has received an application from Greenbriar Somers Corp. & 2-4-36 Green, LLC for a resubdivision to merge two existing lots (Section 6.11 Block 1 Lots 77,78 sub lots 35 & 36 into one 0.32 acre lot for construction of one house located on Driftwood Drive. The lot being resubdivided is located in an R40 Residence District.

The Somers Planning Board at its meeting of August 10, 2016 declared its intent to establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code. Unless an objection is expressed by any other involved agency within 30 days from the date of this notice, the Somers Planning Board shall assume this role.

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

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

TITLE OF ACTION: Green Briar request for resubdivision to merge two existing lots into one lot with associated Tree Preservation, Stormwater Management and Erosion and Sediment Control, Steep Slope and Wetland Permits

DESCRIPTION OF ACTION: The proposed action is a resubdivision of two existing lots (6.11-1-77,78 Sub Lots 35, 36) into one 0.32 acre lot for construction of one house. The lots are located on Driftwood Drive and are part of the Green Briar development. The lot being resubdivided is located in an R40 Residence District and is part of the larger Green Briar subdivision. In addition, the applicant requires associated Tree Preservation, Stormwater Management and Erosion and Sediment Control, Steep Slope and Wetland Permits. A

wetland permit was previously applied for separate from the request for the resubdivision and a wetland permit was issued by the NYSDEC on July 26, 2016.

LOCATION: The subject property is located on Driftwood Drive- Tax Lot 6.11-1-77,78 Sub Lots 35, 36.

SUPPLEMENTAL INFORMATION: A Short Environmental Assessment Form (EAF) has been prepared for the Proposed Action. This form and copies of the proposed subdivision are being distributed to all involved and interested Agencies (see attached list), and this information is also available for review in the Planning and Engineering office at the Town House and on the Town's web site.

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

Telephone: 914-277-5366

Date of this Notice: August 10, 2016

**SEQR DISTRIBUTION LIST – GREEN BRIAR REQUEST FOR RESUBDIVISION OF SECTION 6.11 BLOCK 1,
LOTS 77, 78 SUB LOTS 35 & 36 FOR CREATION OF ONE 0.32 ACRE IN AN R40 ZONE**

Involved Agencies

Somers Planning Board (Lead Agency)
Somers Town House
335 Route 202
Somers, New York 10589

New York State Department of Environmental Conservation
Division of Environmental Permits--Region 3
21 South Putt Corners Road
New Paltz, New York 12561-1696
Attn.: Daniel T. Whitehead, Regional Permit Administrator

New York City Department of Environmental Protection
465 Columbus Avenue
Valhalla, New York 10595
Attn.: Cynthia Garcia

Westchester County Department of Health
25 Moore Avenue
Mt. Kisco, New York 10549
Attn: Frederick Beck

Interested Agencies

Westchester County Planning Board
432 Michaelian Office Building
White Plains, New York 10601

Town of Somers Open Space Committee
Somers Town House
335 Route 202
Somers, New York 10589

Somers Bureau of Fire Prevention
Somers Town House
335 Route 202
Somers, New York 10589

Town of Somers Highway Department
Somers Town House
335 Route 202
Somers, New York 10589

Other- Lead Agency Representatives

Syrette Dym, Director of Planning
Somers Town House
335 Route 202
Somers, New York 10589

Woodard & Curran Engineering P.A P.C.
709 Westchester Avenue Suite L2
White Plains, NY 10604
Attn: Joseph Barbagallo, Senior Vice President

Stephens, Baroni Reilly & Lewis LLP
175 Main Street White Plains, NY 10601
Attn: Roland A. Baroni, Esq.

Other- Project Sponsor Representatives

Bibbo Associates, L.L.P.
Mill Poon Offices
293 Route 100, Suite 2013
Somers, NY 10589
Attn: Joseph J. Buschynski, P.E.

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4093

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: August 5, 2016

RE: Project : Best Plumbing Supply, Inc. Modifications to Special
Exception Use Permit
Applicant: Best Plumbing Supply, Inc.
Location: 49 Route 138 (Section 28.15, Block 1 , Lots 2 & 4)
Zoning: R120 Residence District
Actions: Request for Modifications to Special Exception Use Permit

As indicated in the attached memorandum to the Town Board of July 27, 2016, Best Plumbing Supply, Inc. is requesting modifications to their special exception use permits. At its meeting of August 4, 2016, the Town Board accepted the application, declared its intent to be lead agency and referred the request to the Planning Board for its review and comment.

Therefore, this item appears on the Planning Board agenda of August 10, 2016 for discussion by the Planning Board for comment back to the Town Board.

Attach.

Cc: Town Board
Roland Baroni
Patty Kalba
Jonas Weiner

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PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4093

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



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

MEMORANDUM

TO: Town Board
FROM: Syrette Dym, Director of Planning
DATE: July 27, 2016
RE: Best Plumbing Supply, Inc. – Application for Modifications to Special Exception Use Permit of June 10, 2004

Best Plumbing Supply, Inc. has submitted an application to modify their special exception use permit issued by Town Board Resolution on June 10, 2004, as modified by a Resolution of September 3, 2010.

Background

The relevant conditions of those resolutions are as follows:

Town Board Resolution of June 10, 2004 –

- **Condition 10** – *“Except as otherwise specifically permitted herein, the permitted business activities conducted on the subject site shall regularly occur on weekdays only (Monday through Friday). Except as otherwise provided herein, the subject site shall be open between the hours of 6:00 A.M. and 6:00P.M., but the principal business activity conducted on the subject site shall not commence earlier than 8:00A.M. and shall not continue after 5:00 P.M. Sales activities, including showroom sales and “over-the-counter” retail sales shall not commence earlier than 9:00A.M. and shall not continue after 5:00P.M. No shift work shall be conducted on the subject site, unless the Town Board, in its discretion, approves an amendment to this special exception use permit authorizing such shift work.”*
- **Condition 11** – *“Trucking activities associated with use of the subject site shall occur only between the hours of 7:30 A.M. and 5:00 P.M. on weekdays only*

(Monday through Friday), but no trucks shall enter or leave the site between the hours of 7:40 A.M. and 8:15 A.M. on days that the John F. Kennedy High School is in session.”

Town Board Resolution of September 3, 2010

This Resolution approved an amendment to Condition #10 of the Resolution of June 10, 2004 to read as follows:

- **Condition 10** – *“Except as otherwise specifically permitted herein, the permitted business activities conducted on the subject site shall regularly occur on weekdays and Saturdays only (Monday through Saturday). Except as otherwise provided herein, the subject site shall be open between the hours of 6:00 A.M. and 6:00P.M., but the principal business activity conducted on the subject site shall not commence earlier than 8:00A.M. and shall not continue after 5:00 P.M. No shift work shall be conducted on the subject site, unless the Town Board, in its discretion, approves an amendment to this special exception use permit authorizing such shift work. Only sales activities may occur during Saturday business hours (between 9:00 AM and 5:00PM). Warehouse, office and truck deliveries may not occur on Saturdays and may only occur Monday through Friday.”*

Application Request

The current modification sought by the applicant would permit the following:

1. Conduct Showroom Sales activities on Sundays from 11:00 am to 5:00pm
2. Conduct Supply Sales and Pick-Ups on Saturdays from 8:00am to 5:00pm
3. Remove trucking activity restriction from 7:40am to 8:15 am on Mondays to Fridays

Town Board Actions at Meeting of August 4, 2016

The following are the actions that should be taken by the Town Board at its August 4, 2016 meeting:

- Accept application
- Town Board declares its intent to be lead agency under a limited SEQR review and to circulate such intent to interested and involved agencies along with copies of the short form EAF, and application.
- Referral of application to Planning Board for its review and recommendation

Cc: Town Clerk
Town Attorney
Planning Board
Town Consulting Engineer
Jonas Weiner

Z:\PE\Site plan files\best plumbing\best plumbing 2016\Best 2016 Request\Memo toTown Board 07-27-16.docx