

Telephone  
(914) 277-5366

FAX  
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

*Town of Somers*

WESTCHESTER COUNTY, N.Y.



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

**SOMERS PLANNING BOARD  
MEETING AGENDA  
AUGUST 13, 2014  
7:30 P.M.**

**CONSULTING SERVICES PROPOSALS**

**1. TIM MILLER ASSOCIATES, INC.**

Review and approve Consulting Services proposal for review of certain sections of the DEIS for Somers Crossing from Tim Miller Associates, Inc. Recommendation to Town Board for approval of the expansion of their existing contract.

**FREDERICK P. CLARK ASSOCIATES**

Review and Approval of FP Clark's scope of services for Hidden Meadow Subdivision

**INFORMAL APPLICATION WITH SKETCH PLAN**

**2. HERITAGE 202 CENTER [TM: 17.11-10-20]**

Application of Urstadt Biddle Properties Inc. for an Informal Appearance with Sketch Plan for property located at the Heritage 202 Center for the removal of existing shrubbery and the installation of approximately 1500-2000 SF of permeable patio pavers for pedestrian area.

**PROJECT REVIEW**

**3. SUSAN HAFT AND RIDGEVIEW DESIGNER BUILDERS, INC.  
[TM: 16.12-1-41, 42]**

- 3a.** Application for Amended Final Subdivision Plat Approval. Property is owned by Ridgeview Designer Builders and Susan Haft and is located on the east side of Lovell Street. Applicant is requesting the amendment of final subdivision approval to permit them to file the subdivision in two sections pursuant to Town Law Section 276(7)(b) and the Town of Somers Subdivision Regulations Section 150-13(K). Consideration of an Amended Negative Declaration and a Draft Resolution of Amended Final Subdivision Plat Approval.
- 3b.** Request for 90-day time extension from August 17, 2014 to and including November 17, 2014 if the Resolution of Amended Approval is not granted.

**4. HIDDEN MEADOW AT SOMERS [15.07-1-6]**

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

**5. FABRY WETLAND AND STORMWATER MANAGEMENT AND  
EROSION AND SEDIMENT CONTROL PERMITS [TM: 47.20-1-12]**

Application for a Wetland and Stormwater Management and Erosion and Sediment Control Permits for property owned by Christopher and Dina Fabry located at 135 Pinesbridge Road for the construction of a detached three car garage west of their single family residence.

**6. SOMERS REALTY PHASE 3 [TM: 4.20-1-15]**

Application for Preliminary Subdivision Approval, Steep Slopes, Wetland, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits to create Lots 3a, 3b, and 3c (53.2 acres), relative to the Site Plan application of Avalon Bay Communities, Inc. and Lot 4 (4.9 acres) and Lot 5 (0.9 acres) for future Commercial and firehouse uses, respectively of the Planned Hamlet for the proposed subdivision, roads and stormwater management improvements. Property is owned by Somers Realty Corp. and is located on the southeast side of Route 6 and Clayton Blvd. and is in the Planned Hamlet (PH) Zoning District.

- 7. AVALON SOMERS [TM: 4.20-1-13,14,15, p/o 12]**  
Application for Site Plan Approval, Steep Slopes, Tree Removal 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 53.2 acres. Also proposed is a community recreation building, pool and 324 parking spaces. Property is 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.
  
- 8. SOMERS REALTY PLANNED HAMLET MASTER PLAN SEWER CONNECTION [TM: 4.20-1-11.1, 15.1, 19]**  
Application for Steep Slopes, Wetland, Tree Removal and Stormwater Management and Erosion and Sediment Control Permits for Somers Realty Corp. for property located at Clayton Blvd. and Route 6 for the installation of the gravity sewer connection for Somers Commons Shopping Center.

Next Planning Board Meeting, September 10, 2014  
Agenda information is also available at [www.somersny.com](http://www.somersny.com)

7/05

TOWN OF SOMERS PLANNING BOARD  
REQUEST FOR INFORMAL APPEARANCE BEFORE PLANNING BOARD

FEE: \$150 WITHOUT CONCEPTUAL PLAN \$300 WITH SKETCH PLAN REVIEW  
Erosion and Sediment Control Application fee: \$100 for disturbances of at least one acre or for the placement or removal of 20 cubic yards of soil, plus \$500 for each additional acre of disturbance.

FEE PAID: \_\_\_\_\_ DATE PAID: \_\_\_\_\_

I. IDENTIFICATION OF APPLICANT:

A. OWNER: Urstadt Biddle Properties Inc. SUBDIVIDER: N/A  
ADDRESS: 321 Railroad Ave ADDRESS: \_\_\_\_\_  
Greenwich CT 06830  
TELE #: 203-863-8200 (8203) TELE #: \_\_\_\_\_  
B. SURVEYOR: \_\_\_\_\_ TELE #: \_\_\_\_\_  
ENGINEER: \_\_\_\_\_ TELE #: \_\_\_\_\_

II. IDENTIFICATION OF PROPERTY:

A. Project Name: Heritage 202 Center - Patio/Pavers  
B. Street abutting property: Route 202 and Heritage Hills Dr.  
C. Tax Map Design: Sheet Section 17.11 Block: 10 Lot: 20  
Zoning District: NS  
N/A E. Project (does) (does not) connect directly into (State) (County) highway.  
N/A F. Proposed drainage (does) (does not) connect directly into channel lines established by the County Commission of Public Works.  
G. Project site (is) (is not) within 500 feet of Town boundary.  
H. Proof that taxes have been paid.

III. BRIEF DESCRIPTION OF PROJECT PROPOSAL:

Remove existing shrubbery and install approximately 1500-2000 sf. of permeable patio pavers for pedestrian area.

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, Road Specifications, State Environmental Quality Review Act, Wetland and Steep Slope Ordinances, as applicable.

The comprehensiveness of the material submitted will determine the extent of comments that the Planning Board can make on a sketch plan. No materials received after the submission date of this application will be considered by the Board.

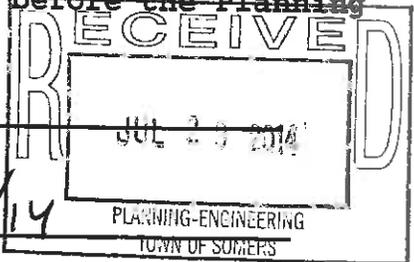
Ten (10) copies of all plans and written reports are requested.

By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.

The undersigned hereby requests an informal appearance before the Planning Board to discuss the proposed project.

\_\_\_\_\_  
Applicant  
Dot B L As Rep for  
Owner URP Inc.

Date: \_\_\_\_\_  
Date: 7/25/14



617.20  
Appendix B  
Short Environmental Assessment Form

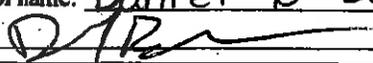
**Instructions for Completing**

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: <span style="font-size: 1.2em;">Installation of Patio/Pavers</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em;">Heritage 202 Center, Somers Rd. (Route 202) and Heritage Hills</span>			
Brief Description of Proposed Action: <span style="font-size: 1.2em;">Remove existing shrubbery from 2 "planting areas" and install new permeable paving units. Also, replace shrubbery with appropriate new nursery stock in 2 adjacent "planting areas."</span>			
Name of Applicant or Sponsor: <span style="font-size: 1.2em;">Urstadt Biddle Properties Inc.</span>		Telephone: <span style="font-size: 1.2em;">203-863-8203</span>	
Address: <span style="font-size: 1.2em;">321 Railroad Ave.,</span>		E-Mail: <span style="font-size: 1.2em;">DLogue@UBProperties.com</span>	
City/PO: <span style="font-size: 1.2em;">Greenwich</span>		State: <span style="font-size: 1.2em;">CT</span>	Zip Code: <span style="font-size: 1.2em;">06830</span>
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 type="checkbox"/> YES <input checked="" 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:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<span style="font-size: 1.2em;">4,920</span> acres	
b. Total acreage to be physically disturbed?		<span style="font-size: 1.2em;">0.46</span> acres $\approx$ 2000 s.f.	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<span style="font-size: 1.2em;">4,920</span> 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 checked="" 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			



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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Daniel B Logue</u>	Date: <u>7/25/2014</u>	
Signature: <u></u> *Rep for URP Inc.		

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

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

<input type="checkbox"/>	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.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

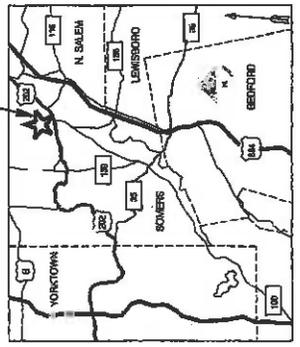
**RECEIVED**  
 Jul 29 2014  
 PLANNING-ENGINEERING  
 TOWN OF SOMERS



**HERITAGE 202 CENTER**  
 SOMERS NEW YORK

Usanit Biddle Properties Inc.  
 321 Railroad Avenue, Greenwich, Connecticut 06830  
 Telephone: 203-863-8200 Fax: 203-861-6755  
 Web Site: UBP-properties.com

**HERITAGE 202 CENTER**



VICINITY MAP

**LEGEND**

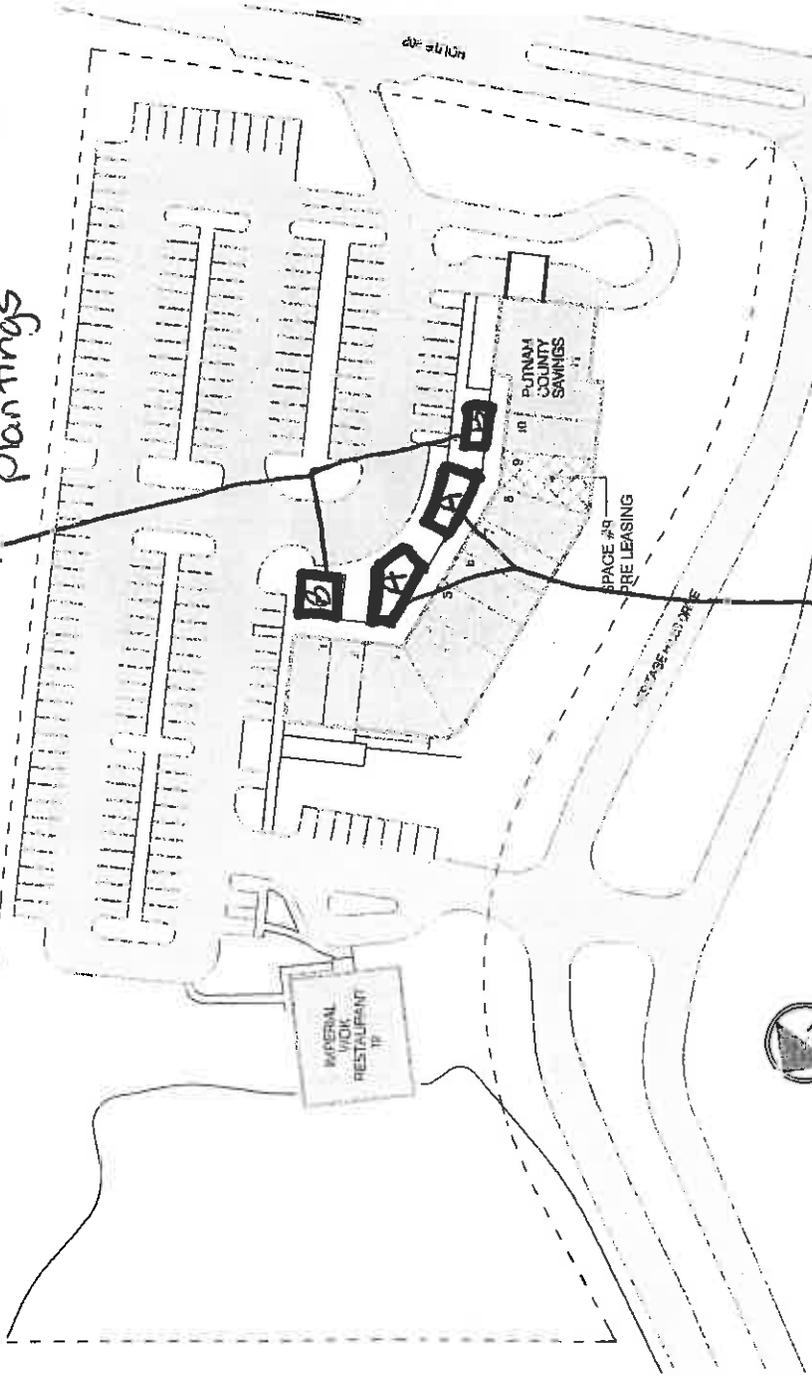
SPACE	TENANT	SQ. FT.
1	FRATELUS PIZZA	1036
2	L'POSH HAIR SALON	994
3	DOUGLAS ELLMAN REAL ESTATE	1703
4	SOMERS SMILES DENTIST	1724
5	ANNE'S NAILS	994
6	TAZZA CAFE	994
7	RAINBOW CLEANERS	994
8	VALBEN ELLENADO'S MARKET	1192
9	BETTER H&G RAND REALTY (AVAILABLE)	1192
10	RAYMOND OPTICIANS	994
11	PUTNAM COUNTY SAVINGS	3,164
12	MPERAL WOK RESTAURANT	4,258
<b>TOTAL SQ. FT.</b>		<b>19,258</b>
<b>PARKING LAND</b>		<b>167 SPACES</b>
		<b>4.9 ACRES</b>

DIMENSIONS ARE APPROXIMATE

SCALE: 1" = 40'  
 12/02/13

**B** - Remove existing shrubbery and install new nursery stock plantings

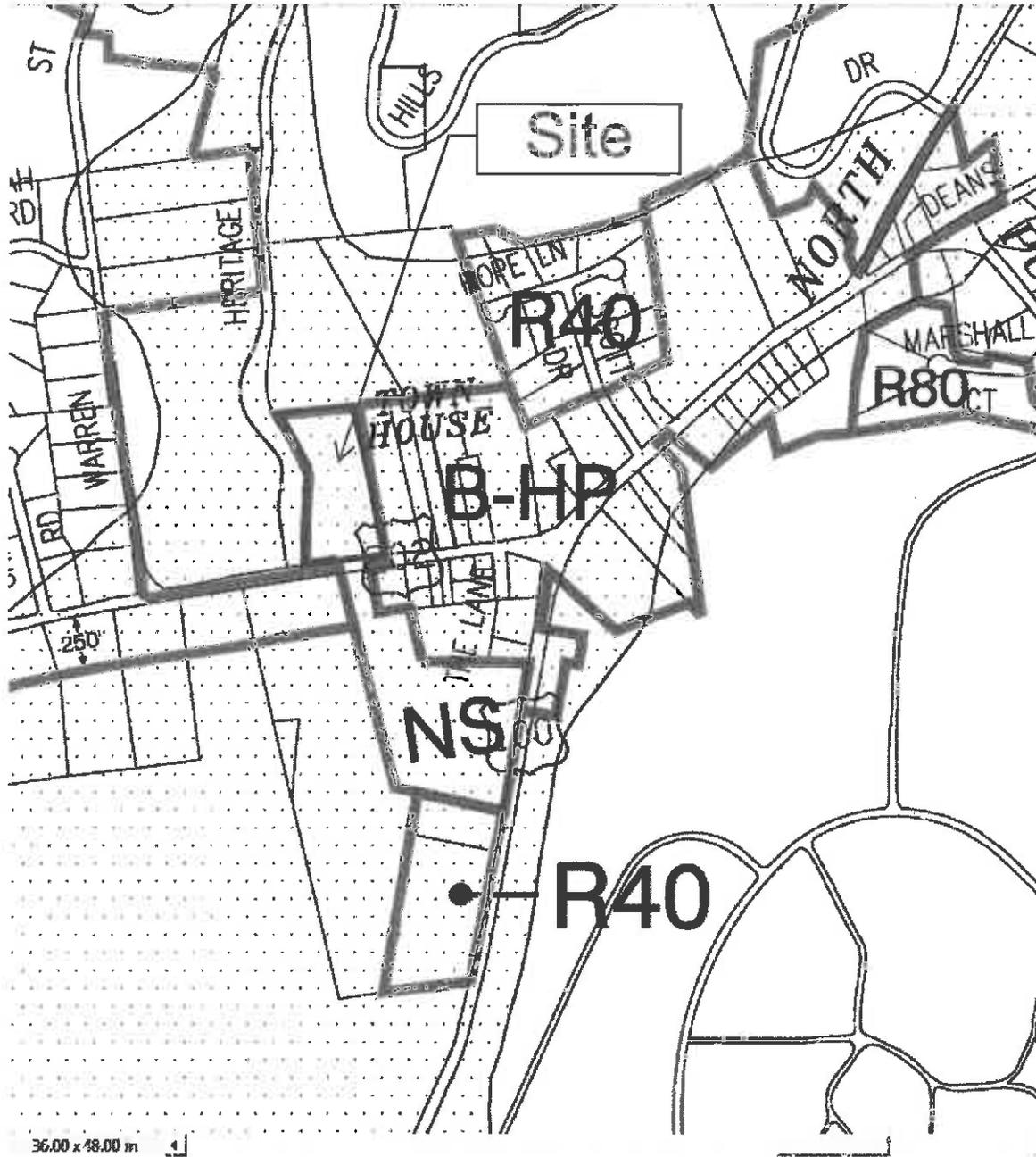
**A** - Remove existing shrubbery and install Hanover Permeable Paving Units on proper bedding - See details



SPACE AVAILABLE



0 30



Heritage 202 Center  
Zone: NS  
Patio Pavers Application

UBP Inc. 7/25/14

# HANOVER<sup>®</sup> GUIDELINE SPECIFICATION

## Paving and Surfacing

### Permeable Paving Units

**PRODUCT NAME:** Hanover<sup>®</sup> Permeable Paving Units

**MANUFACTURER:** Hanover<sup>®</sup> Architectural Products,  
5000 Hanover Road, Hanover, PA 17331  
717.637.0500 • Fax 717.637.7145  
info@hanoverpavers.com • www.hanoverpavers.com

#### 1 PRODUCT DESIGN:

##### BASIC USE:

Most any area capable of being paved can utilize Hanover<sup>®</sup> Permeable Paving Units. These pressed concrete paving units provide a surface equally suited to municipal, residential, and urban projects. Installations will benefit from its appearance, slip resistant properties, and ability to withstand snow removal and freeze thaw conditions. Typical installations include plazas, driveways, courtyards, walkways, parking areas, pool areas, low speed roadways, and tree grid paving.

##### COMPOSITION AND MATERIALS:

Hanover<sup>®</sup> Permeable Paving Units are made from Portland cement, fine and coarse aggregates. These high density, hydraulically pressed concrete paving units, are manufactured to (+/-) 1/16" tolerances. Each paving unit is uniform in size, permitting easy installation of any paving pattern. Several styles, sizes, thicknesses, colors and finishes are available.

##### LIMITATIONS:

Hanover<sup>®</sup> EcoGrid<sup>®</sup>, Aqua-Loc<sup>®</sup>, Permeable 4 1/2" x 9" (4 5/8" x 9 1/4") and Permeable 4" x 9" Scored are recommended for both pedestrian and low speed vehicular usage. The Permeable 3 1/4" x 18" is recommended for pedestrian use only.

#### 2 TECHNICAL DATA:

##### APPLICATION STANDARD:

Hanover<sup>®</sup> Permeable Paving Units meet or exceed ASTM specifications for concrete paving stones C936-82 requiring a minimum compressive strength of 8000 psi, maximum absorption of 5% or less at 50 cycles of freeze thaw testing per section ASTM C67.

##### PHYSICAL CHARACTERISTICS:

Hanover<sup>®</sup> Permeable Paving Units are resistant to oil spillage and diesel fuel. They have been designed with spacers on all four sides providing a uniform joint for water drainage.

##### Permeable Paving Unit Styles:

EcoGrid <sup>®</sup> -	Sized at 11 3/4" x 11 3/4" x 4", 39% open space
Aqua-Loc <sup>®</sup> -	Sized at 4 1/2" x 9" x 3" with a score, 10.6% open space
Permeable 4 1/2" x 9" -	Sized at 4 5/8" x 9 1/4" x 3", ADA Compliant, 6.94% open space
Permeable 4 1/2" x 9" Scored -	ADA Compliant, designed to be installed mechanically
Permeable 3 1/4" x 18" -	Sized at 3 1/4" x 18" x 4", ADA Compliant, pedestrian use only

##### Permeable Paving Unit Textures/Finishes:

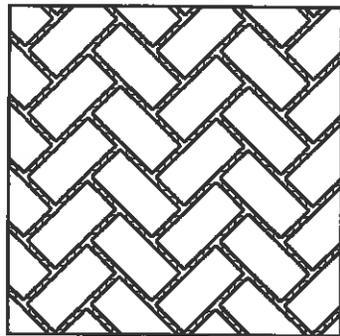
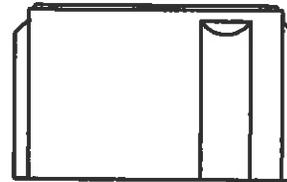
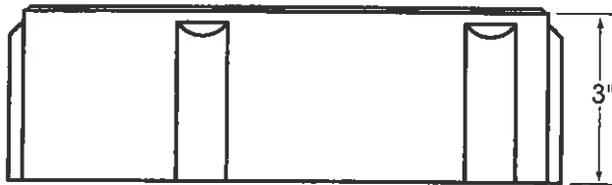
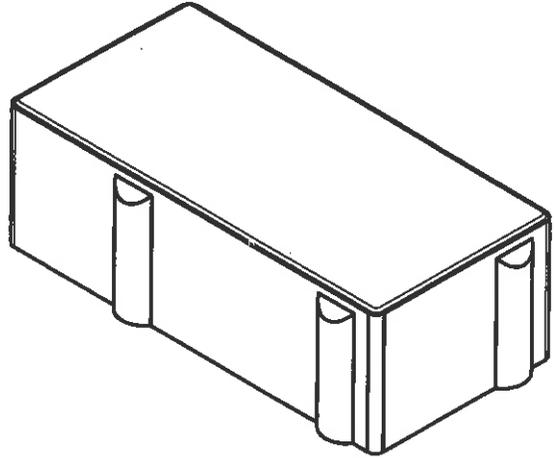
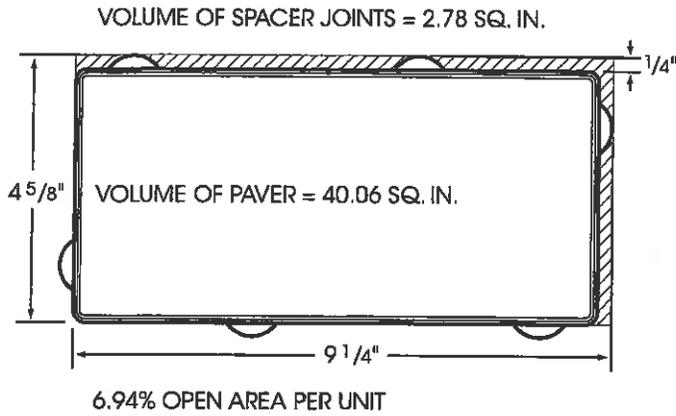
Natural -	close-knit surface, fine grain appearance
Tudor <sup>®</sup> -	lightly exposed aggregate, surface with a courser texture
Tumbled -	worn stone effect, aged appearance
Chiseled -	slightly chipped surface, rough edges
Square Edge -	smooth surface, non-beveled edge
Scored -	available in Traditional <sup>®</sup> 4" x 8" size; score is a false joint providing the appearance of a 4" x 4"
Ground -	smooth, but not polished with exposed aggregate, no bevel, 1/4" thinner in finished thickness

Hanover<sup>®</sup> Permeable Paving Unit thicknesses range from 3" - 4". Not all sizes are available in all thicknesses.

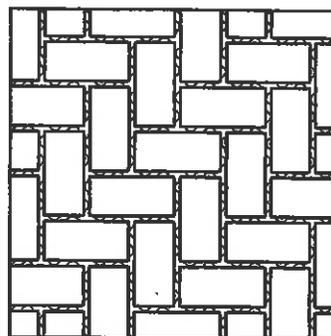
# PERMEABLE PAVING UNIT

## Permeable 4 1/2" x 9"

4 5/8" x 9 1/4" x 3"



45° Herringbone



90° Herringbone

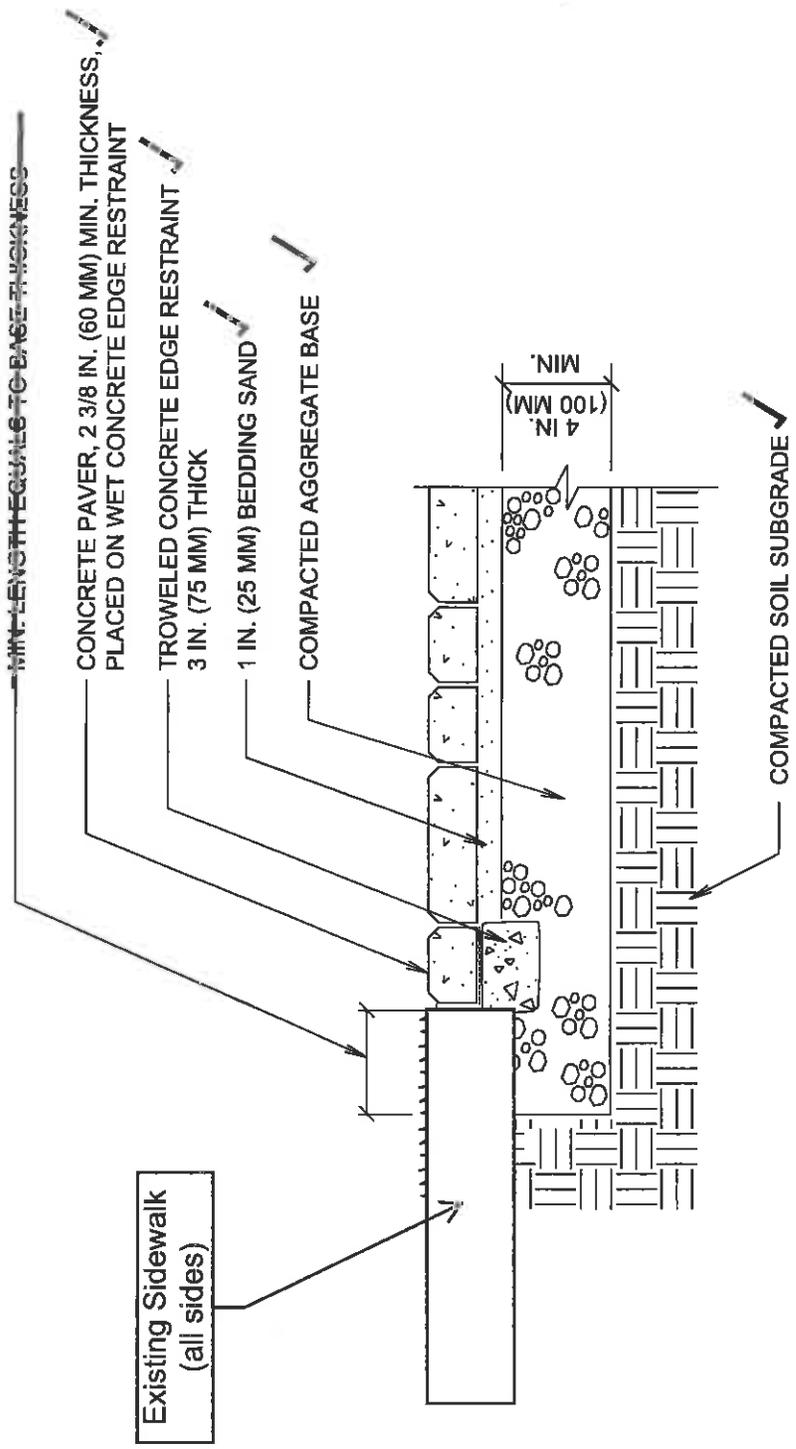
Please Note: Sizes shown are nominal. Products are made to fit metric modules.  
Overall dimensions include one spacer.

# HANOVER®

## Architectural Products

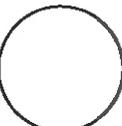
5000 Hanover Road, Hanover, PA 17331  
717.637.0500 fax 717.637.7145  
www.hanoverpavers.com

Heritage 202 Shopping Center



NOTES:

1. USE 5:1 (AGGREGATE: CEMENT) MIX FOR CONCRETE EDGE.
2. RECOMMENDED FOR ONLY NON-FREEZE THAW AREAS OVER WELL DRAINING SOILS.
3. CONSTRUCTION OF THIS DETAIL CAN BE USED ONLY ON RESIDENTIAL DRIVEWAYS IN NON-FREEZE THAW AREAS.
4. THICKNESS OF AGGREGATE BASE WILL VARY WITH SUBGRADE CONDITIONS AND CLIMATE. COLDER CLIMATES MAY REQUIRE THICKER BASES.

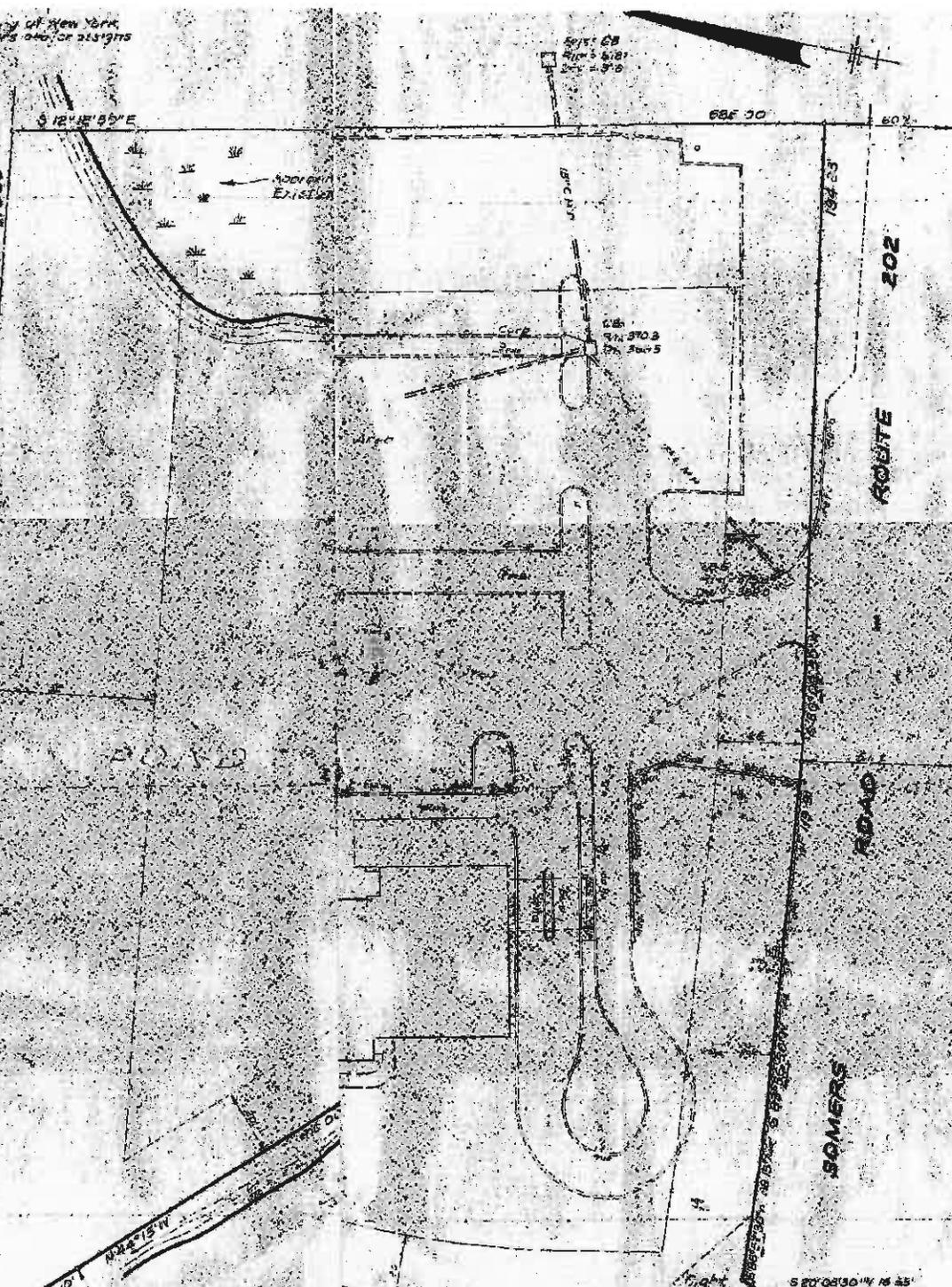
	DRAWING NO.	ICPI-05
	SCALE	NO SCALE

**PATIO/WALK/RESIDENTIAL DRIVEWAY W/  
TROWELED CONCRETE EDGE RESTRAINT**

CERTIFIED TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

In accordance with the existing Code of Practice for Road Surveys adopted by the New York State Association of Professional Land Surveyors, Certifications are given only to those materials and notations shown herein upon the field notes of this chain survey. Such field notations are not transferable.

CONVEYED BY THE ASSOCIATED LAND SURVEYORS OF THE STATE OF NEW YORK TO THE PUBLIC RECORDS OF THE COUNTY OF SOMERS.



All certifications herein are valid for the maps and copies thereof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.

The location of underground improvements shown herein are by others.

Surveyed & Prepared by  
**LONG SURVEYORS**  
 Long Surveyors  
 39, N. E. 23, Long  
 Brewster, New York 13503

Under the seal of the State of New York, I, the undersigned, do hereby certify that the above is a true and correct copy of the original field notes of this chain survey, as shown to me by the surveyor, on July 3, 1988 and

*[Signature]*  
 July 3, 1988

**DRIVE**

- Denotes Street Sign
- Denotes Corner Mark
- Denotes Asymmetrical
- Denotes Concrete Curb
- Denotes Center Line
- Denotes Water Line
- Denotes Light Pole

RECEIVED

T821  
R27

SOMERS

C-  
PB  
TP  
CTE

HOCHERMAN TORTORELLA & WEKSTEIN, LLP  
ATTORNEYS AT LAW

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

GERALDINE N. TORTORELLA  
ADAM L. WEKSTEIN  
NOELLE CRISALLI WOLFSON

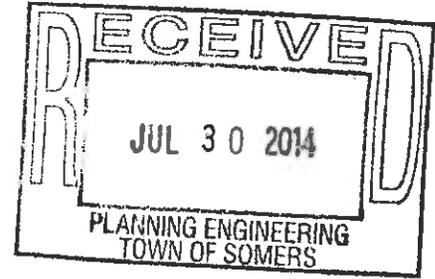
TEL: (914) 421-1800  
FAX: (914) 421-1856  
WEB: WWW.HTWLEGAL.COM

HENRY M. HOCHERMAN  
RETIRED

July 29, 2014

*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



692

Re: *Final Subdivision Plat Approval Issued to  
Susan F. Haft and Ridgeview Designer Builders, Inc.  
Lovell Street, Town of Somers  
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42  
Fifteenth Request for Extension of Time to November 17, 2014*

Dear Chairman Currie and Members of the Planning Board:

At its meeting on May 14, 2014, the Planning Board granted its fourteenth extension of Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to and including August 17, 2014. As you know, we are hoping that your Board grants Conditional Amended Final Subdivision Approval for this subdivision at its meeting on August 13, 2014 but, in case it does not, we are writing to request an additional 90-day extension of Final Approval to and including November 17, 2014 (the first business day after the ninetieth day, which is a Saturday). This would be our fifteenth request for an extension of Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

As we have discussed in your recent meetings, our clients have substantially completed the common driveway and drainage improvements, but a few items remain outstanding (e.g., installation of plantings in the stormwater basins, the curbing, the guiderail, and the asphalt layer on the common driveway). These items will not be completed prior to the August 17, 2014 expiration date. Therefore, in the event your Board does not approve our clients' application for Conditional Amended Final Subdivision Approval at its August 13<sup>th</sup> meeting, they seek a further extension of Final Approval to and including November 17, 2014.

**HOCHERMAN TORTORELLA & WEKSTEIN, LLP**

Hon. John Currie, Chairman  
and Members of the Planning Board

July 29, 2014

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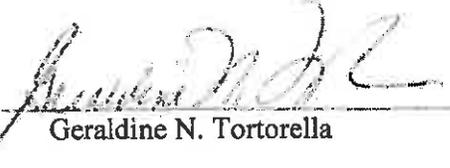
We understand from Mr. Eric Moss that the site is clean and stable with no erosion, and that the ponds, which are on-line, continue to function properly. We further understand that Mr. Steve Woelfle has continued to make periodic inspections and is aware of the status of the site work.

Kindly schedule this request for consideration and action at the Board's August 13, 2014 meeting should an extension be necessary.

Thank you for your courtesy in this matter.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: 

Geraldine N. Tortorella

GNT:mc

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

S:\# MATTERS\Moss 0056\Somers Subdiv 001\Letters\Currie 7-29-14 Fifteenth Extension Request.docx

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

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

PLANNING AND ENGINEERING DEPARTMENTS

**Town of Somers**

WESTCHESTER COUNTY, N.Y.

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



Planning Board Meeting Date of August 13, 2014

**PLANNING BOARD**  
**TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK**

Resolution No. 2014-0\_

*Granting of Amended Conditional Final Conservation Subdivision Approval, Steep Slopes Permit, Stormwater Management and Erosion and Sediment Control Permit and Tree Removal Permit*  
to

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

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

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

**WHEREAS**, the proposed preliminary conventional subdivision application was reviewed by the Planning Board on November 14, 2001, December 15, 2001 (site walk), July 10, 2002, August 14, 2002, January 8, 2003, February 26, 2003, May 14, 2003, May 28, 2003 and August 13, 2003, during which time the Planning Board received and considered correspondence from the public as well as Town staff, Town advisory boards, the Town

1 Planning Consultant and other Involved Agencies, and established a maximum lot count of  
2 five building lots based upon a revised conventional subdivision plan in accordance with §276  
3 & §278 of the New York State Town Law and Article IIIA, "Conservation Zoning" of the *Code*  
4 *of the Town of Somers*. Such maximum lot count was declared by the Planning Board in  
5 Resolution No. 2003-18 *Granting of Maximum 5-Lot Count Based on Conventional*  
6 *Subdivision Plan*; and

7  
8 **WHEREAS**, the proposed preliminary conservation subdivision application was further  
9 discussed and considered by the Planning Board at meetings on November 19, 2003,  
10 January 14, 2004, February 24, 2004, June 23, 2004, February 23, 2005, July 13, 2005,  
11 August 27, 2005 (site walk), September 7, 2005 (Planning Board declared Lead Agency),  
12 November 2, 2005, January 25, 2006, March 22, 2006, April 19, 2006, and June 14, 2006  
13 (Public Hearing). During such period, the Planning Board reduced the front lot line width to  
14 permit the use of a common driveway, considered the potential negative impacts of  
15 construction, drainage and other conditions on neighboring properties, considered wetlands  
16 and steep slopes protection and tree removal impacts, examined alternatives to reduce or  
17 mitigate such impacts, and considered the potential recreational needs resulting from the  
18 proposed subdivision; and

19  
20 **WHEREAS**, during such period of review and in response to the issues raised during the  
21 public hearing process, the Applicant reduced the lot count from five to four building lots; and

22  
23 **WHEREAS**, during such period, the Town Board authorized the use of a common driveway  
24 for access to four lots, subject to certain conditions acceptable to the Planning Board and  
25 satisfied by the Applicant; and

26  
27 **WHEREAS**, on June 14, 2006, the Planning Board, acting as Lead Agency, adopted a  
28 Negative Declaration pursuant to the New York State Environmental Quality Review Act  
29 ("SEQRA") and granted conditional "*Preliminary Conservation Subdivision Approval, Steep*  
30 *Slope Permit and Tree Removal Permit*" by Resolution No. 2006-16; and

31  
32 **WHEREAS**, the Applicant filed an application for final conservation subdivision approval for a  
33 five-lot subdivision of the 12.44 acres, which included a 3.22 acre deed restricted  
34 conservation parcel, a lot with an existing house, garage and structure (to be removed),  
35 comprised of 1.62 acres, and three additional lots consisting of 1.85 acres, 2.78 acres and  
36 2.97 acres; and

37  
38 **WHEREAS**, the application for final conservation subdivision approval was discussed at the  
39 Planning Board's meetings held on March 12, 2008, February 25, 2009, August 11, 2010 and  
40 August 25, 2010, at which time the Applicant indicated that a homeowners association of Lots  
41 1-4 would be formed to maintain all proposed stormwater management practices in good  
42 working condition in accordance with the long term maintenance requirements outlined within  
43 the Stormwater Pollution Prevention Plan, the common driveway in a safe, passable, all-  
44 weather condition, and the deed restricted conservation parcel. The Planning Board waived  
45 the requirement to hold a public hearing on the final subdivision application and, on August  
46 25 2010 granted, "**Conditional Final Conservation Subdivision Approval and Steep**  
47 **Slopes Permit, Stormwater Management and Erosion and Sediment Control Permit and**  
48 **Tree Removal Permit for the Susan F. Haft And Ridgeview Designer Builders, Inc.**

1 **Subdivision**” in accordance with §276 and §278 of Town Law and §150-13.J. “Planning  
2 Board Action,” of the *Code of the Town of Somers*, by Resolution No. 2010-06, subject to the  
3 modifications and conditions as set forth in that resolution (the “Original Conditional Final  
4 Conservation Subdivision Approval”); and  
5

6 **WHEREAS**, from the time of the Original Conditional Final Conservation Subdivision  
7 Approval to the date of this resolution, a period of approximately four years, the Applicant has  
8 applied for and received 14 different time extensions of the Original Conditional Final  
9 Conservation Subdivision Approval and all associated permit approvals from the Planning  
10 Board, all of which have been granted; and  
11

12 **WHEREAS**, during the period of approximately four years from the time of granting of the  
13 Original Conditional Final Conservation Subdivision Approval and this resolution, no final  
14 approved plat was submitted for signature by the Planning Board Chairman and, therefore, a  
15 fully executed plat was never filed with the County of Westchester; and  
16

17 **WHEREAS**, as permitted by the *Town of Somers Subdivision Regulations*, with the Town’s  
18 knowledge and subsequent to paying the engineering inspection fees, posting a soil erosion  
19 and sediment control bond and paying the recreation fees, the Applicant proceeded to install  
20 the required site infrastructure improvements for the conditional final conservation subdivision  
21 plat including utilities, the common driveway, most stormwater management practices and  
22 fencing but excluding some stormwater basin plantings, curbing, a guide rail and the asphalt  
23 coat on the driveway; and  
24

25 **WHEREAS**, all site improvements installed to date have been inspected on an ongoing basis  
26 by the Town Principal Engineering Technician who verified the status of such improvements  
27 to the Planning Board prior to approval of each extension request by the Board; and  
28

29 **WHEREAS**, required fees including recreation fees, erosion control bond and engineering  
30 inspection fees have been paid; and  
31

32 **WHEREAS**, by application to the Planning Board dated June 16, 2014 for Amended Final  
33 Conservation Subdivision Plat Approval, the Applicant requested permission to file the  
34 subdivision in two Sections pursuant to *Town Law Section 276(7)(b)* and *Town of Somers*  
35 *Subdivision Regulations Section 150-13(K)*; and  
36

37 **WHEREAS**, pursuant to such request, the Applicant submitted the following documents:

- 38 1. Application for Amended Subdivision Approval prepared by Timothy Allen, P.E. and  
39 signed by Susan F. Haft on behalf of the Applicants
- 40 2. Short Form Environmental Assessment Form, prepared by Timothy Allen, P.E. and  
41 signed by Ms. Haft;
- 42 3. The following plat sheets prepared by Jeffrey De Rosa, L.S. De Rosa Land  
43 Surveying, dated June 11, 2014:
  - 44 a. Subdivision Plat showing Sections I and II and their relationship to  
45 one another;
  - 46 b. Subdivision Plat of Section I showing Lots 3 and 4, Conservation  
47 Parcel Section I, a sliver of land in Section I to be conveyed to the owner

1 of Section II, and the majority of the common driveway access, grading,  
2 drainage and utility easements; and  
3 c. Subdivision Plat of Section II showing Lots 1 and 2, Conservation  
4 Parcel Section 2, and the sliver of land from Section I that is to provide  
5 frontage on Lovell Street to Lot 2; and  
6

7 **WHEREAS**, on June 19, 2014, the Applicant provided the application fee and tax  
8 letters for the Haft and Ridgeview properties indicating taxes paid were up to date; and  
9

10 **WHEREAS**, the layout of the Lots 1, 2, 3 and 4 are proposed as originally approved  
11 and no changes to those lots or to the access, grading, drainage and utility easements  
12 previously approved are proposed; and  
13

14 **WHEREAS**, the only layout change being proposed is to the Conservation Parcel  
15 which was originally approved as a single parcel, and is now being proposed as two  
16 parcels, Conservation Parcel Section I and Conservation Parcel Section 2, to follow  
17 the division line between the Haft and Ridgeview parcels; and  
18

19 **WHEREAS**, each Conservation Parcel will be created at the time the Section on which  
20 the Parcel is located is filed in the Westchester County Clerk's Office; and  
21

22 **WHEREAS**, the Applicant will still form a homeowner's association to own and  
23 maintain the Conservation Parcels and enforce the covenants and restrictions relative  
24 to such Parcels and to maintain the common driveway and drainage system in  
25 accordance with the applicable approvals, membership in which will be mandatory for  
26 the Owner of each Lot in a Section upon filing the Section plat for that lot in the Office  
27 of the Westchester County Clerk; and  
28

29 **WHEREAS**, the homeowners association will be formed and all easements, covenants  
30 and restrictions shall be recorded at the time the Section I Plat is filed in the Office of  
31 the Westchester County Clerk and notes to this effect which also explain the Sections  
32 are included on the Section Plats; and  
33

34 **WHEREAS**, at its meeting of July 9, 2014, the Planning Board considered the  
35 application and identified as an area of concern the entity that would maintain the  
36 conservation easements in the Conservation Parcels since the Westchester Land  
37 Trust, the entity expected to hold and maintain the easement at the time of the August  
38 25, 2010 approval, confirmed to the applicant that it was no longer in a position to  
39 accept and hold them; and  
40

41 **WHEREAS**, the Applicant suggested the Town Board as an alternative candidate to  
42 hold and retain responsibility for the conservation easements, but some Planning  
43 Board members questioned the feasibility of this alternative and were not in favor of  
44 having the Town be responsible for conservation easements on the isolated, privately-  
45 owned Conservation Parcels; and  
46

47 **WHEREAS**, it was suggested that the homeowner's association could be responsible  
48 for maintaining the Conservation Parcels and enforcing covenants and restrictions

1 defining those obligations, subject to monetary consequences for failing to comply with  
2 such obligations and a mechanism for the Town to collect its expenses in the event of  
3 violations of those covenants and restrictions; and  
4

5 **WHEREAS**, the Planning Board scheduled a public hearing on the amended  
6 subdivision plat as required by Section 150-13(F)(1) of the *Somers Town Code* to be  
7 held on July 22, 2014 at a special Planning Board meeting; and  
8

9 **WHEREAS**, a public hearing was opened at the July 22, 2014 special meeting of the  
10 Planning Board and all those wishing to be heard were heard; and  
11

12 **WHEREAS**, the Planning Board closed the public hearing that same night; and  
13

14 **WHEREAS**, on July 22, 2014, the Planning Board reviewed the short-form EAF  
15 submitted by the Applicant as well as all other information and comments submitted to  
16 it and adopted an Amended Negative Declaration under SEQRA; and  
17

18 **WHEREAS**, one of the concerns raised by the public during the public hearing was the  
19 ongoing construction noise at the site, particularly related to rock removal by ripping,  
20 hammering and/or drilling which is identified as the preferred method of rock removal  
21 under Section 148-7.B(4)(k) of the *Town Code* and was the prescribed method of rock  
22 removal in Condition Number 8 of the Original Conditional Final Conservation  
23 Subdivision Approval, Resolution No. 2010-06; and  
24

25 **WHEREAS**, until now, the Planning Board has interpreted Section 148-7.B(4)(k) of the  
26 *Town Code* as providing that explosives may be used for rock removal "only if labor  
27 and machines are not effective," as determined by the Town. Based upon the public's  
28 concern over protracted rock removal by mechanical means that has occurred to date,  
29 the Planning Board, its consultants and the Planning Board Attorney recognized that if  
30 significant additional rock removal over sustained periods will be required for the  
31 construction of the residences on the lots, the use of existing labor and machine  
32 techniques for such rock removal may not be "effective," and determined that the  
33 Planning Board could authorize the use of explosives (i.e. blasting) in accordance with  
34 the Town of Somers Fire Prevention Code and all other applicable regulations by a  
35 person holding a current Class A or Class B Certificate of competence from the New  
36 York State Department of Labor in appropriate cases; and  
37

38 **WHEREAS**, the Applicant explained and the Planning Board acknowledged that the  
39 amount of rock removal yet to be completed was likely to be substantially less than  
40 has been required to date and would be limited to rock removal for and in connection  
41 with the foundations and footings for the residences to be built; and  
42

43 **WHEREAS**, the Planning Board requested that the Applicant estimate the amount of  
44 rock yet to be removed from the site for completion of all site construction and the  
45 estimated time it would take for such removal and provide such information to the  
46 Town Consulting Engineer for his review and corroboration, the purpose of which is for  
47 him to understand the time frame during which rock removal-related construction noise  
48 could be anticipated in the future; and

1  
2 **WHEREAS**, such information has been submitted to and reviewed by the Consulting  
3 Town Engineer who has concluded that, a determination of whether the rock removal  
4 method should be blasting rather than ripping, hammering and drilling, is more  
5 appropriately made at such time as construction of the houses commences; and  
6

7 **WHEREAS**, based upon the estimates, the Applicant has asked that it be given  
8 discretion, to be exercised in consultation with the Town Engineer, as to whether the  
9 scope of future rock removal warrants blasting under the circumstances; and  
10

11 **WHEREAS**, the Planning Board authorizes the use of blasting as a reasonable  
12 method of completing future rock removal on the Project Site, provided the Consulting  
13 Town Engineer, in conjunction with the Planning and Engineering Department, and the  
14 Applicant agree that such method is appropriate under the circumstances at the time  
15 construction of the residences proceeds, that such blasting is undertaken in  
16 accordance with all applicable laws and that a pre-blast survey is undertaken by the  
17 Applicant; and  
18

19 **WHEREAS**, at its meeting of August 13, 2014 the Planning Board considered the  
20 regulations of Section 150-13(K) of the *Town of Somers Subdivision Regulations* with  
21 respect to filing a subdivision plat in Sections, and determined the following:

- 22 (a) That the Sections are logical in their extent. The access and stormwater  
23 improvements are identical to those previously approved, the Sections  
24 follow the dividing line between the Haft and Ridgeview parcels, and each  
25 section encompasses at least 10% of the total number of lots contained in  
26 the approved final subdivision plat (i.e., of the four house lots and two  
27 conservation easement parcels proposed, two lots and one conservation  
28 parcel are part of each Section); and  
29 (b) That conditional or final approval of the Sections of the final subdivision plat  
30 are being sought and will be granted concurrently with conditional or final  
31 approval of the entire plat, subject to reasonable requirements imposed by  
32 the Planning Board. The extent of each Section is shown on the overall final  
33 subdivision plat and each Section Plat specifies those conditions that must  
34 be complied with prior to filing any Section, which include completion or  
35 bonding of all stormwater practices, the asphalt course on driveway, and  
36 installation of the curbs and guiderail; and  
37 (c) No Section will be approved for filing prior to another section or sections  
38 upon which it depends for street access and traffic circulation and no  
39 Section is being approved for filing if a prior section has not first been  
40 satisfactorily completed.  
41 (d) In addition to the foregoing, the easements, covenants and restrictions  
42 required by this resolution will be recorded and the homeowners association  
43 formed at the time of the filing of the Section I Plat and the common  
44 driveway providing access to each of the Lots and the stormwater  
45 management system for the entire subdivision are substantially completed  
46 except for a few limited remaining items (as identified above) which will be  
47 bonded or installed prior to the Section Plat being filed; and  
48

1       **WHEREAS**, the above-noted plans and documents submitted with the application for  
2 amended final approval and subsequent changes and revisions to those plans and  
3 documents and those submitted as part of the amended application are the subject of  
4 this approval decision and will be revised in accordance with this Resolution.  
5

6       **NOW, THEREFORE, BE IT RESOLVED**, that the foregoing **WHEREAS** clauses are  
7 incorporated herein by reference and are fully adopted as part of this approval, including the  
8 Amended SEQRA Negative Declaration referenced therein; and furthermore that the  
9 application of Susan Haft/Ridgeview Designer Builders, Inc. for **Amended Conditional Final**  
10 **Conservation Subdivision Approval and Steep Slopes Permit, Stormwater Management**  
11 **and Erosion and Sediment Control Permit and Tree Removal Permit for the Susan F.**  
12 **Haft And Ridgeview Designer Builders, Inc. Subdivision** as shown and described by the  
13 materials enumerated herein, **IS HEREBY GRANTED** in accordance with §276 and §278 of  
14 Town Law and §150-13.J. "Planning Board Action," of the *Code of the Town of Somers*,  
15 subject to the following modifications and conditions as set forth below:  
16  
17

18       ***Conditions Required Prior to Signing of Plat***

- 19
- 20       1. That the submitted final plat bears the endorsement of the Westchester County  
21       Department of Health.
  - 22
  - 23       2. That the performance bond/security that has been posted to cover the costs of soil  
24       erosion and sedimentation control measures on the site during the course of  
25       construction shall be maintained in effect in the amount previously recommended by  
26       the Consulting Town Engineer and in the form, sufficiency and manner of execution  
27       previously determined to be satisfactory to the Town Attorney and approved by the  
28       Town Board.
  - 29
  - 30       3. The following required infrastructure improvements shall be constructed and  
31       completed prior to the filing of Section I of the proposed Amended subdivision:  
32
    - 33               a. The single layer asphalt on the common driveway
    - 34               b. Guide rail for common driveway
    - 35               c. Detention basin plantings
    - 36               d. Curbing
    - 37

38       In the alternative, a performance bond/security shall be posted to cover the costs of  
39       such outstanding improvements, in such amount or for such value as recommended  
40       by the Consulting Town Engineer and in such form, sufficiency and manner of  
41       execution as are satisfactory to the Town Attorney and approved by the Town Board.  
42       Except as otherwise set forth below, no building permit shall be issued until completion  
43       of the outstanding infrastructure improvements or posting of this performance bond.  
44

- 45       4. An engineering inspection fee for the subdivision has been paid in accordance with the  
46       Fee Schedule adopted by the Town Board.  
47

- 1 5. The Applicant shall reimburse the Town for any outstanding review fees, as applicable,  
2 consistent with §133-1 of the *Town Code* as well as State and Local Environmental  
3 Quality Review laws.
- 4
- 5 6. The final plat shall reflect the new section, lot and block numbers for each of the new  
6 lots per the Town Assessor.
- 7
- 8 7. As of the effective date of this resolution, the Applicant has paid the recreation fees for  
9 the two new buildable lots in accordance with the Fee Schedule adopted by the Town  
10 Board.

### 11 Ongoing Conditions

- 12 1. That all improvements shown on the plans be installed in accordance with the  
13 construction standards and specifications of the Town and as detailed on the  
14 improvement plans approved by this action.
- 15
- 16 2. All references to "the Applicant" shall include the Applicant's successors and assigns.
- 17
- 18 3. Disturbance to Town regulated wetlands and 100 foot buffer areas, steep slope areas  
19 and trees shall not exceed that which is depicted on the proposed plans, unless  
20 otherwise modified by the Planning Board.
- 21
- 22 4. That all work associated with this application shall be subject to the satisfaction of the  
23 Consulting Town Engineer.
- 24
- 25 5. All work shall be performed in accordance with the approved "Stormwater Pollution  
26 Prevention Plan" prepared by Bibbo Associates, LLP., dated January 3, 2005 and  
27 approved by NYCDEP on July 27, 2007 and then amended March 1, 2010 for which  
28 amended approval by NYCDEP was granted on May 11, 2010 .
- 29
- 30 6. Sedimentation and erosion control measures employing best management practices  
31 as outlined in NYS DEC's booklets entitled, "*Reducing the impacts of Stormwater  
32 Runoff From New Development*" dated September 2001 (or more recent revisions)  
33 and the "*New York State Standards and Specifications for Erosion and Sediment  
34 Control*", also known as the Blue Book, and "*New York State Stormwater Design  
35 Manual*," dated April 2008 (including all updates and/or revisions) are required to be  
36 followed to ensure that all disturbed areas are stabilized and revegetated.
- 37
- 38 7. That all work associated with this subdivision application shall be subject to the  
39 approval of the Consulting Town Engineer in accordance with Chapter 93 Stormwater  
40 Management and Erosion and Sediment Control, Chapter 150 Subdivision of Land,  
41 Chapter 148 Steep Slopes Protection, and Chapter 156 Tree Preservation of the *Code  
42 of the Town of Somers*.
- 43
- 44 8. If rock removal is required in connection with construction of the residences on the lots  
45 (or any remaining infrastructure), the Applicant, in consultation with the Town Engineer  
46 and the Planning and Engineering Department, will first determine if the quantity or  
47  
48

1 duration of rock removal warrants removal by blasting instead of ripping, drilling or  
2 hammering. If blasting is determined to be the preferred means of rock removal, the  
3 Applicant shall obtain a blasting permit and comply with all applicable prerequisites  
4 and requirements for blasting set forth in the *Town Code*.  
5

6 9. That construction activity shall be limited from 7:00a.m. to 6:00p.m., and that no  
7 construction activity shall occur on Sundays or legal New York State holidays.  
8

9 10. That the Declaration of Covenants, Conditions, Restrictions and Easements in relation  
10 to the homeowners association, be filed simultaneously with the filing of the Section 1  
11 Plat and recorded in the Office of the Westchester County Clerk, Division of Land  
12 Records. Such Declaration shall include covenants and restrictions for the  
13 Conservation Parcels memorializing the limitations on the use of such Parcels, the  
14 homeowners association's responsibility to monitor the Parcels and enforce the  
15 restrictions, the Town's right to enforce the covenants and restrictions should the  
16 homeowners association fail to do so, and the mechanism by which the Town will be  
17 able to recover its costs and expenses of enforcement in such event. Such  
18 Declaration will be subject to the review and approval of the Town Attorney.  
19

20 11. That the Stormwater Management and Erosion and Sediment Control Permit, and the  
21 Steep Slopes Protection Permit be valid for a period of two (2) years from the date of  
22 this resolution. If the work has not been completed within the allotted timeframe, the  
23 applicant shall request an extension for each of the original permits prior to the  
24 expiration of the original permit.  
25

26 12. A homeowner's association shall be formed prior to filing the Section I Plat.  
27 Membership in the homeowners association shall be mandatory for the owner of lots  
28 shown on any Section filed in the office of the Westchester County Clerk. Members of  
29 the homeowners association shall share all costs of the homeowners association  
30 including, without limitation, the costs of owning the Common Driveway and  
31 maintaining the Common Driveway and the Stormwater Management basins and  
32 facilities as described above.  
33

34 13. The Conservation Lots shall be created at the time each section on which the Parcel is  
35 located is filed in the Westchester County Clerk's Office.  
36

37 14. Maintenance and preservation of both Conservation Parcels shall be the responsibility  
38 of the homeowner's association as set forth in the covenants, easements and  
39 restrictions discussed in Condition #10 above.  
40

41 15. The Planning Board will file a copy of the overall Subdivision Plat with the Town Clerk.  
42

43 16. Section II of the Plat shall be filed no more than three years from the date of filing of  
44 the Section I Plat or the approval of Section II will lapse.  
45

46 **BE IT FURTHER RESOLVED** that the Planning Board Chairman is authorized to sign the  
47 Section I Plat in accordance with the procedures and requirements specified in §150-14.D of  
48 the "Subdivision of Land" regulations of the Code of the Town of Somers, and §276 of Town

1 Law. In accordance with §150-13.M of the Code of the Town of Somers, this conditional  
2 approval of the final subdivision plat shall expire on **February \_\_, 2015**, 180 days from the  
3 date of this resolution granting conditional approval, unless the above requirements have  
4 been certified as complete with respect to the Section Plats by the Planning Board's  
5 professional staff, or unless such time limit is extended by the Planning Board in accordance  
6 with §150-12.N of the Code of the Town of Somers. The request for time extension shall be  
7 made by the Applicant **prior to** expiration of the specific time period.

8  
9 Once the requirements have been certified as completed by the endorsement of a Section  
10 Plat by the Chairman of the Planning Board, the Section Plat shall be filed with the  
11 Westchester County Clerk, Division of Land Records, within 62 days after the date of signing  
12 by the Planning Board, or approval shall expire. The Applicant shall submit seven (7) copies  
13 of the subdivision Section Plat showing all signatures and acknowledgments of filing to the  
14 Planning Board Secretary within 30 days after the date of filing with the County. In addition, a  
15 copy of the filed Section Plat drawing shall be provided on diskette to the Planning and  
16 Engineering Department.

17  
18 No building permits will be issued on any lot shown on the subdivision plat until the required  
19 copies of the plat have been delivered to the Planning Board in accordance with §150-14.H of  
20 the *Code of the Town of Somers*. [The Applicant would like the foregoing sentence to read:  
21 "Except for a single building permit for a new residence on the parcel known as Section  
22 16.12, Block 1, Lot 41 (which is an existing building lot), no building permits for new  
23 residences will be issued on any lot shown on a Section Plat until the required copies of the  
24 Section Plat have been delivered to the Planning Board in accordance with §150-14.14 of the  
25 *Code of the Town of Somers*."] Upon completion of all Common Driveway and Stormwater  
26 improvements, the Applicant shall submit an as-built plan to the satisfaction of the Consulting  
27 Town Engineer.

28  
29 Any change in a Section Plat which is filed in the office of the Westchester County Clerk  
30 constitutes a "resubdivision" which is subject to the same procedure, rules and regulations  
31 applying to an original subdivision, as stated in §150-4, "Resubdivision", of the *Code of the*  
32 *Town of Somers*.

33  
34 This resolution shall have an effective date of August 13, 2014.

35  
36 **BY ORDER OF THE PLANNING BOARD**  
37 **OF THE TOWN OF SOMERS**

38  
39  
40  
41 \_\_\_\_\_  
42 **John Currie, Chairman**

\_\_\_\_\_ **Date**

43 **CERTIFICATION**

44  
45 I hereby certify that this is a true and correct copy of Resolution #2014-01 adopted by the  
46 Town of Somers Planning Board granting **Amended Conditional Final Conservation**  
47 **Subdivision Approval and Steep Slopes Permit, Stormwater Management and Erosion**  
48 **and Sediment Control Permit and Tree Removal Permit**, subject to the modifications

1 stated herein, to Susan F. Haft and Ridgeview Designer Builders, Inc. at a regular meeting  
2 held on August 13, 2014.

3  
4  
5  
6  
7

\_\_\_\_\_  
**Syrette Dym**  
**Director of Planning**

\_\_\_\_\_  
**Date**

DRAFT

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

Date: July 22, 2014

This notice is issued pursuant to Article 8, "Environmental Quality Review" of the *Environmental Conservation Law*, 6 NYCRR Part 617, and Chapter 92 "Environmental Quality Review", of the *Code of the Town of Somers, New York*.

The Town of Somers Planning Board, acting 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 does not have to be prepared.

**Name of Action:** Ridgeview Designer Builders, Inc./Susan Haft  
Amended Final Subdivision  
[TM#16.12-1-41 &42]

**SEQR Status:** Unlisted Action

**Description of the Action:** The proposed action is to amend a previously approved 4-lot final conservation subdivision plan for a 12.35 acre property consisting of an existing house, steep slopes, a wetland area and a wetland buffer, to permit the subdivision plat to be filed in two Sections pursuant to Chapter 150 "Subdivision of Land," Section 150-13(K) of the *Code of the Town of Somers* and *New York State Town Law* Section 276(7)(b). Consistent with the originally approved plan (the "Original Plan"), all four building lots are to be accessed using a common driveway that has been substantially completed as of the date hereof. The development contains three stormwater quality basins and two conservation parcels (one in each section) totaling approximately 3.1 acres that will be subject to restrictive covenants prohibiting construction of buildings or impervious surfaces, surface or subsurface mining or drilling operations, dumping of waste or offensive materials, and excavation of soil or other material therein except as may otherwise be approved by the Planning Board. The wetland and wetland buffer areas will be encompassed within the conservation parcels. The three stormwater quality basins have already been substantially completed.

The subdivision plat will be filed in two sections. The first section ("Section I") will consist of two building lots (Lots 3 and 4), one conservation parcel, a sliver of land to be transferred to the owner of the second section ("Section II") and eventually used for frontage for one of the lots in that section (the "Frontage Strip"), and all access, grading, drainage and utility easements in which the common driveway and stormwater management improvements have been substantially constructed. Section II consists of two building lots (Lots 1 and 2), a conservation parcel and the Frontage Strip.

**Location:** The subject site is located on the **east** side of Lovell Street, generally north and easterly of Benjamin Green Lane, is shown on the Town Tax Maps as Section 16.12 Block 1 Lots 41 and 42, and is located within the "R40" Residential District (the "Project Site").

**Reasons Supporting This Determination:** See Attachment.

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

**For further information:**

**Contact Person:** Syrette Dym, AICP, Town Planner  
**Address:** Somers Town House  
335 Route 202  
Somers, NY 10589  
**Telephone:** (914) 277-5366

**For Unlisted Actions, a copy of this Notice has been filed with: Lead Agency**

**Attachment to Amended Negative Declaration  
for Ridgeview Designer Builders, Inc./Susan Haft  
Amended Final Subdivision**

**Reasons Supporting This Determination:**

Based upon a review of the Applicant's submitted short form Environmental Assessment Form (EAF), all other application materials that were prepared for this action, and information presented to or known by the Somers Planning Board including, without limitation, the fact that the access and drainage improvements in the subdivision have been substantially constructed, the Planning Board has made a determination of significance as follows:

1. The proposed Action will not create a material conflict with an adopted land use plan or any zoning regulations. The Town's Land Subdivision Regulations specifically permit the filing of a subdivision plat in sections.
2. The proposed Action will not result in a change in the use or intensity of use of the land, particularly when compared to the Original Plan and in view of the fact that the majority of access and drainage improvements have been substantially constructed.
3. The proposed Action will not impair the character or quality of the existing community, which is predominantly single-family residences.
4. The proposed Action is not within or in reasonably close proximity to a Critical Environmental Area ("CEA") and, therefore, it will not have an impact on any CEA.
5. Neither the proposed Action nor the ultimate development plan for the Project Site will result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkways.
6. The proposed Action will not cause an increase in the use of energy.
7. The proposed Action will have no impact on existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed Action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources. There are none on or in the vicinity of the Project Site.
9. The proposed Action will not result in an adverse change to natural resources including wetlands, waterbodies, groundwater, air quality, flora or fauna. The wetland areas and brook are within the Conservation Parcels which will be subject to restrictive covenants prohibiting intrusive uses or disturbance thereof and there are no other waterbodies on the Project Site. Further, the underlying construction of the subdivision will be conducted in a manner respectful of any existing species.

10. The proposed Action will not result in an increased potential for erosion, flooding or drainage problems. Both the Town and the New York City Department of Environmental Protection ("DEP") approved an extensive stormwater pollution prevention plan ("SWPPP") which establishes a system for the temporary and permanent prevention of soil erosion on the Project Site, the collection, treatment, management and/or discharge of stormwater runoff from new impervious surfaces, and the installation, operation and maintenance of a system of stormwater quality basins. Together, these measures will serve to prevent erosion and an adverse change in drainage conditions on and in the vicinity of the Project Site. The permanent stormwater control measures have been substantially completed as of the date of this Amended Negative Declaration.
  
11. The proposed Action will not create a hazard to environmental resources or human health. With respect to concerns over the impact of construction-related noise associated with rock removal and earth movement on neighboring residential property owners, the Planning Board determined that most of such noise associated with the installation of the subdivision infrastructure has occurred; that rock removal was anticipated when the Original Plan was approved; that the remaining rock and earth removal is anticipated to be limited to foundation related work for the new homes which, by its limited nature, will be limited in scope and duration; and that the rock removal left to be completed is not inconsistent with what was anticipated with the Original Plan. With respect to the movement of boulders on the project site, the Planning Board understands that such material is used for construction of new rockwalls and considers it a reasonable aspect of the construction process.

C-  
PB  
TP  
ETE  
Applicant

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

Telephone  
(914) 277-3637  
Fax  
(914) 276-0082

MICHAEL BARNHART  
CHAIRMAN



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**MEMO TO:** Richard Williams, Senior Project Engineer - Insite Engineering, Surveying & Landscape Architecture, P.C.

**FROM:** Open Space Committee

**RE:** Hidden Meadow - 16 Route 6

**DATE:** July 22, 2014

At our monthly meeting on July 17, 2014, the Open Space Committee reviewed Drawing SP-1, last revised July 8, 2014 and would like to recommend the following: a strip of existing native forest trees should remain along the property boundary adjacent to the town houses; the focus should be not only on native plants, but those that are deer resistant as well; and the spur leading to the Town property should be eliminated.

cc: Planning Board  
Town Planner

PLANNING AND ENGINEERING DEPARTMENTS

Telephone  
(914) 277-5366  
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**Town of Somers**  
WESTCHESTER COUNTY, N.Y.

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Steven Woelfle  
Principal Engineering Technician  
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Syrette Dym, AICP  
Director of Planning  
sdym@somersny.com

**MEMORANDUM**

**TO:** Town of Somers Planning Board

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

**DATE:** July 17, 2014

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

**Application Request:**

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

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

## **Background**

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

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

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

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

### **Preliminary Actions by Planning Board**

#### ***Planning Board Meeting of November 13, 2013***

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

#### ***Planning Board Meeting of January 8, 2014***

- Planning Board accepts lead agency status

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

*Planning Board Meeting of February 12, 2014*

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

*Planning Board Meeting of March 14, 2014*

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

*Planning Board Meeting of March 25, 2014*

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

*Planning Board Meeting of April 9, 2014*

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

*Planning Board Meeting of April 22, 2014*

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

*Planning Board Meeting of June 11, 2014*

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

**Basis of Comments**

*Drawing SP-1 Revision Date July 8, 2014*

- Cover Letter –July 8, 2014

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

## **Main Issues for Planning Board Meeting of July 22, 2014**

### Plan Layout

#### **Garbage Enclosures**

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

#### **School Bus Stop Parking**

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

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

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

#### **Recreation Area Details**

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

### **Details of Site and Residential Unit Retaining Walls**

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

### **Treatment of Road to Adjacent Town Parkland**

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

### **Timeline**

#### *Town Board Actions*

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

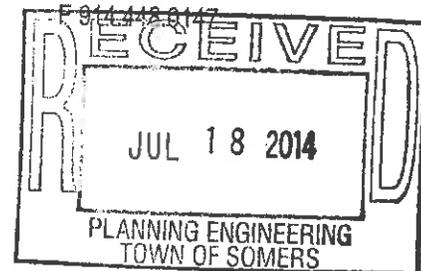
Subsequent to the closing of the public hearing, at a separate meeting, a Negative Declaration for the Master Plan and zoning text change needs to be drafted, reviewed by and voted on by the Town Board. A Draft Resolution of adoption of the Master Plan modifications and zone text amendments needs to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

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

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

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

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## MEMORANDUM



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

### GENERAL

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

### DOCUMENTS RECEIVED

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

### PERMITS AND APPROVALS REQUIRED

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



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

## **DISCUSSION**

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

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

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





- shall demonstrate adequate capacity to convey runoff collected by the 100 year design rainfall without surcharging.
- b. The Applicant shall update the plans to indicate rim and invert elevations on all stormwater infrastructure in future design submittals.
  - c. The Application proposed to construction two Pocket Wetlands Areas (NYSDEC Type W4) on the site. Proposed Pocket Wetland Area "1.2P" is shown as the second practice receiving stormwater from the Surface Sand Filter. The following comments are based upon our initial review of the proposed wetlands design.
    - i. The Applicant shall prepare a Wetlands Planting Plan based upon Appendix H of the NYSDEC Stormwater Management Design manual.
    - ii. The Applicant shall prepare a final profile view construction detail for the proposed wetland area that shows all applicable invert elevations for the proposed wetland system to be confirmed through review of the final SWPPP.
    - iii. The Applicant shall provide deep hole test pit excavation data for the proposed location of each Pocket Wetland Area with future submittal.
  - d. The Applicant proposes to construct a surface sand filter as part of the proposed site stormwater infrastructure. The proposed surface sand filter is shown as the first treatment practice in series routing to proposed Pocket Wetland Area "1.2P". The following comments are related to our review of the proposed surface sand filter design.
    - i. The Applicant shall provide site investigation data to demonstrate minimum 2 foot vertical separation between the invert of the proposed sand filter and groundwater/bedrock. Adequate vertical separation will be confirmed by future deep hole excavations to be conducted within the proposed sand filter practice.
    - ii. The provided HydroCAD report indicates that a portion of the stormwater flow resulting from the 1 year design storm is bypassed directly to the proposed Pocket Wetland Area "1.2" at the proposed flow splitter structure. The entire 1 year design storm must be routed though the proposed surface sand filter in order to address NYC DEP requirements to provide two treatment practices in series. The Applicant shall revise the flow splitter structure design to address NYC DEP requirements.
    - iii. The Applicant shall provide a construction detail for the proposed hydrodynamic separator unit located prior to acceptance of the Final SWPPP.
  - e. The Applicant proposes to utilize porous pavement for a portion of the proposed unit driveways and also on the lower roadway within the development. Porous pavement systems must be designed in accordance with Chapter 5 of the NYSDEC SWMDM. The following comments are based upon our initial review of the proposed porous pavement areas.



- i. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils.
  - ii. The Applicant shall update the final design plans to demonstrate that proposed porous pavement driveways will be constructed at no greater than a maximum slope of 5% grade.
  - iii. The Applicant shall update the final design plan to show the location and connection of porous pavement bypass pipe outlets, if intended to be proposed, as suggested by the provided construction detail.
  - iv. The Applicant shall prepare a porous pavement sizing summary worksheet to demonstrate that storage for the 10 year runoff volume is contained below the pavement section, as required by Chapter 5 of the Stormwater Management Design Manual.
  - v. The Applicant should consider if additional provisions are necessary to prevent infiltration of stormwater into adjacent building basements and footing drains where porous patios are proposed upgradient (on the western face) of the structure.
  - vi. The Applicant shall revise the provided construction detail for porous pavement to incorporate a non-woven geotextile fabric on sidewalls of the stone reservoir cross section.
- f. The revised site layout incorporates two Bioretention Filter areas within the site stormwater system design. One of these filters will be constructed within the common center green located between Proposed Road B and Proposed Road C. The second Bioretention Filter is proposed to be constructed along the shoulder of Proposed Road A and U.S. Route 6 adjacent to the site entrance. The following comments are based upon our initial review of the proposed Bioretention Areas:
- i. The NYSDEC Stormwater Management Design Manual requires that 75% of the required Water Quality Volume must be provided prior to filtration in the stormwater practice. The Applicant shall revise the Bioretention filter design calculations to eliminate filtration media void space storage from the provided storage calculation.
  - ii. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils.
- g. The revised site layout incorporates a series of eleven (11) rain garden areas located along the eastern and southern limits of development to provide water quality treatment and Runoff Reduction Volume (RRv) treatment for runoff from impervious roof areas and the proposed multi-sport court surface. The following



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

- i. The Applicant shall prepare a rain garden area practice design summary worksheet that provides a breakdown of rain garden water quality storage by stone, soil and ponding layers, consistent with the Chapter 5 requirements of the NYSDEC Stormwater Management Design Manual.
    - ii. The Applicant shall revise the plans to show the location and connection of all Rain Garden underdrains, if intended to be proposed, prior to approval of the final site SWPPP.
  - h. The Applicant shall prepare sizing calculations to support the provided detail for the proposed level spreader spillway. Spillway stone stabilization must be sized to convey peak flows resulting from the 100 year design storm.
  - i. The Applicant has prepared a draft Stormwater Maintenance Agreement for review and acceptance by the Consulting Town Engineer and Town Attorney. Draft easement review comments will be communicated directly to the Applicant's Engineer.
  - j. Improvements to the shoulder of US Route 6 are subject to the design standards, review and approval of the NYSDOT. The Applicant shall provide supporting design documents related to Route 6 improvements for review and record by the Consulting Town Engineer.
  - k. The provided Utilities Plan drawing sheet suggests that the proposed stormwater conveyance pipe from drainage subcatchment 1.3S may conflict the pipe shown to discharge to Proposed Bioretention Filter #2 from the site driveway area. The Applicant shall demonstrate that adequate clearance will be provided to accommodate the pipe crossing or revise the plan as necessary.
  - l. The Applicant shall revise the plan to provide rip-rap along drainage flowpath adjacent to the 6 shoulder expansion embankment within the site. Rip-Rap stone shall be sized based upon peak flows resulting from the 100 year design storm.
  - m. The Applicant has provided an updated RRV calculation worksheet to supplement calculations provided under Appendix A. We have completed a preliminary review of the provided calculations at this time. In the event that further technical comments are determined, such comments will be provided during the upcoming meeting of the Planning Board.
4. It is our understanding that the Applicant does not wish to dedicate constructed roadways to the Town of Somers. The Applicant shall prepare draft easement agreement documents for review by the Consulting Town Engineer and Town Attorney.
  5. The Applicant's SWPPP and Environmental Assessment acknowledge that a phased construction approach is necessary to ensure that no greater than 5 acres of land are disturbed at one time. The Applicant begun development of a land disturbance phasing plan as referenced in the SWPPP and depicted on drawing sheet "SP-4". The Applicant must complete development of an acceptable land disturbance phasing plan prior to approval of the final site SWPPP.



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



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

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

#### Wastewater Engineering Report

- a. Section 4 – The Applicant must provide design calculations for the pump station and force main discharge will be included in future submittals.
- b. Section 4 - Future discussion of pump station design should include system controls and emergency power.

#### Water Engineering Report

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

#### Utility Plan and Details

- e. SP-3 - While we note the preliminary nature of these plans, an initial review of the proposed pump station location does not show much space or provisions for access, controls, and emergency power.
  - f. D-2 – Please note that all future plan details and design calculations must consider Class 52 Ductile Iron Pipe for the proposed water main.
  - g. D-2 – Please provide clarification about the method of pipe restraint. There is a detail for thrust blocks on D-2, the notes specify Field Lok mechanical joints, and the Engineer's report calls for Mega-lug fittings for restrained joints.
  - h. The Applicant shall prepare a utilities profile to illustrate all layout of sanitary sewer and water service infrastructure in profile view.
12. The proposed site layout includes construction of access roadway terminating at the eastern property boundary of the adjacent Town of Somers owned parcel (the Windsor



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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Wasp".

Robert Wasp, EIT, CDT  
Assistant Consulting Town Engineer

On behalf of,

A handwritten signature in black ink, appearing to read "Joseph C. Barbagallo".

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

## MEMORANDUM



**TO:** Town of Somers Planning Board  
**CC:** Marilyn Murphy, Planning Board Secretary  
**FROM:** Joseph C. Barbagallo, P.E., BCEE  
**DATE:** August 8, 2014  
**RE:** Fabry Residence  
Wetland Activity Permit  
135 Pines Bridge Road  
TM: 47.20-1-12, R-80 District

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### GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our initial comments related to our review of the applications for environmental permits that have been submitted for the project located at 135 Pines Bridge Road. The applications relate to the construction of a new detached garage structure on the existing residential lot. The application also proposes to construct a rain garden area in order to offset disturbance within existing Town of Somers regulated wetland buffer area. The following documents were received during the current review period:

### DOCUMENTS RECEIVED

- Cover Letter, by Tim Miller Associates, Inc., dated June 30, 2014, revised July 9, 2014.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 167 "Wetland and Watercourse Protection", by Christopher Fabry, dated June 24, 2014.
- NYSDEC State Environmental Quality Review: Short Environmental Assessment Form (EAF), by Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, P.C., dated July 30, 2014.
- "Short Environmental Assessment Form Supplemental Narrative", prepared by Steve Manno, Tim Miller Associates, Inc., dated June 24, 2014.
- "Fabry Residence Garage", Drawing Sheets: "SP-1", A1" – "A7" & "E1", prepared by John L. Downs Architect Planner, LLC., dated June 4, 2014.
- Survey: "Survey of Property Prepared For Christopher S. & Dina M. Fabry", prepared by Terry Bergendorff Collins, November 14, 2013.
- "Mitigation/Drainage Plan for Fabry Residence", Drawing Sheet, prepared by Tim Miller Associates, Inc., dated July 23, 2014.

### PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Wetlands Activity Permit
- NYSDEC: State Environmental Quality Review



## DISCUSSION

The Applicant has provided preliminary project drawings that describe the proposed garage construction and rain garden design. Erosion and sediment control based stormwater pollution prevention plan (SWPPP) elements, layout plan drawing sheet and construction details to describe the proposed sanitary sewer design. The following is a summary of our comments at this time. It should still be noted that additional comments may be issued upon the review of more detailed design submittals.

1. The Applicant shall revise the plan to include a limit of land disturbance line and shall note total land disturbance in square feet (as referenced by the provided project narratives)
2. The provided application for wetlands activity permit identifies that total project excavation earthwork involves 267 cubic yards of material. Based upon this information, it was communicated to the Applicant during initial application review, that coverage under the Town of Somers Stormwater Management and Sediment and Erosion Control permit would be necessary due to the fact that greater than 50 cubic yards of project earthwork was involved.

Our office has been forwarded a letter by Tim Miller Associates, dated August 6, 2014, which identifies that the initial earthwork estimate was made upon inaccurate information. The letter states that the correct project earthwork volume is estimated at 19 cubic yards. Based upon the revised earthwork volume and previously identified project land disturbance, a stormwater management and erosion and sediment control permit will not be required.

The Applicant shall be required to prepare an erosion and sediment control plan for temporary site disturbances due construction activity. A satisfactory erosion and sediment control plan shall be required to contain the following information.

- a. Identify limits of erosion and sediment control practice installation (i.e. silt fence, temporary soil stockpile area,)
  - b. Provide construction details for all proposed erosion and sediment control devices,
  - c. Include a detailed description of the proposed construction sequence and maintenance and inspection procedures for erosion and sediment control devices through final site stabilization.
3. The Applicant is proposing to install a rain garden as mitigation for the impact to the wetland buffer, and has provided information related to the design of the proposed site rain garden. The Planning Board should review this practice and determine whether additional mitigation is required, or request further demonstration that the loss of wetland buffer function is adequately mitigated. The following comments relate to our initial review of the provided rain garden design information:
    - a. The Applicant shall identify how stormwater is intended to reach the rain garden area (surface runoff or direct pipe discharge from roof leaders). The plan shall be



- updated to show the location of roof leaders and stormwater conveyance pipe, if proposed.
- b. Prepare a cross section detail based upon the proposed rain garden footprint and material depths. The construction detail shall identify maintenance obligations for the proposed rain garden, including:
    - i. Weeding, watering and replacement of deceased vegetation,
    - ii. Removal of accumulated sediment and mulch replacement
  - c. Provide material specifications for proposed rain garden cross section materials (i.e soil media and drainage layer) on the plan.
  - d. Revise the plan to show the location of stabilized overflow outlet spillway at the intended rain garden discharge point.
4. The Applicant shall update the plans to show the existing locations of the site groundwater supply well and septic system infrastructure, including the septic tank and adsorption field areas.
  5. The provided plans appear to indicate that the proposed garage structure will be constructed in the path of the existing electrical service connection between the existing utility pole and the residential dwelling. The Applicant shall clarify if relocation of the existing electrical service will be required as a result of construction activities and note whether the electrical service is above ground or through buried conduit.
  6. The Applicant shall update the plans to identify the date of and party who completed the most recent site wetlands boundary delineation and survey.

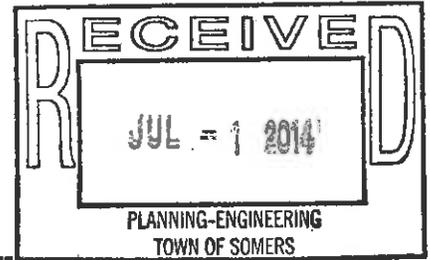
Please feel free to contact our office anytime with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph C. Barbagallo".

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

**TIM  
MILLER  
ASSOCIATES, INC.**



10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax [www.timmillerasociates.com](http://www.timmillerasociates.com)

June 30, 2014

Mr. Steven Woelfle  
Principal Engineering Technician  
Town of Somers  
335 Route 202  
Somers, New York 10589

RE: Wetland Application for Christopher and Dina Fabry  
135 Pinesbridge Road  
Town of Somers, Westchester County, New York

Dear Mr. Woelfle:

In accordance with Chapter 167, Wetlands and Watercourse Protection, of the Town of Somers Code, we are submitting this application for an Environmental permit ("Wetland and Watercourse Protection") on behalf of Christopher and Dina Fabry, the owners of the property located at 135 Pinesbridge Road (collectively, the "Applicant").

The property, which is designated on the tax assessment map of the Town as Section 47.20, Block 1, Lot 12, consists of approximately 1.87 acres and is located on the east side of Pinesbridge Road (the "Property"). The Property is located in an R80 Residence District of the Town and is currently developed with a single family residence.

The Applicant is proposing to construct a detached garage northwest of the existing residence. The proposed plans for the garage are enclosed, along with the requisite application forms. As shown on the enclosed site plan, the Property includes a wetland area as defined by the Town of Somers. This wetland area was delineated, surveyed and located on the site plan. It is located west of the proposed garage. The construction of the proposed garage will not impact the onsite wetland as the garage is proposed to be constructed outside of the wetland boundaries. This area is within the 100 foot buffer. However, this buffer is completely grass/lawn associated with the single family residence.

*The Site Wetland*

The site wetland is approximately 4,924 square feet (sq. ft.) and is located east of Pinesbridge Road and west of the proposed garage. As shown on the site plan the wetland originates offsite to the north, at the bottom of the slope from the surrounding areas to the east. It is located in the northwestern corner of the site, adjacent to the northern property line and Pinesbridge road. Drainage from the surrounding watershed begins to concentrate on the adjacent parcel, is conveyed through the Fabry site via a narrow channel with some adjacent wetland vegetation, under the existing driveway and Pinesbridge Road and into a wetland on the west side of Pinesbridge Road. The wetland is surrounded by existing

development, and is the equivalent of a drainageway with some native vegetation on the fringes. The primary function of this regulated feature is the conveyance of stormwater; there is no existing "buffer" adjacent to the wetland.

#### *Wetland Permit Application*

Under Chapter 167 of the Code of the Town of Somers, the proposed action is a regulated activity subject to the issuance of an administrative permit from the Town's Engineering Department.

As required by Section 167-5, the following information is provided

1. The completed "Application for Environmental Permit" which contains the name of the Applicant and the address of the Property for which the permit is sought;
2. A completed "Affidavit" of ownership;
3. A completed "Certification" form;
4. A completed "Applicant Acknowledge";
5. A completed Environmental Assessment Form (short form);
6. A list of property owners within a 100 foot radius of the Property;
6. Site plan drawing entitled Fabry Residence Garage - Proposed Partial Site Plan SP1, prepared by John L. Downs and last revised on 06-04-2014;
7. Architectural drawings entitled Fabry Residence Garage - A-1, A-2, A-3, A-4, A-5, A-6, A-7, and E-1; and
7. Check made payable to the Town of Somers in the amount of \$300 representing the application fees.

#### *Conclusion*

The construction of the proposed garage will not impact or disturb the onsite wetland. However, disturbance of the wetland buffer is anticipated. The current wetland buffer is observed to be level residential lawn in the area of the proposed disturbance for the garage. The lawn is observed to cover the buffer area up to the delineated wetland boundary line.

Mr. Woelfle  
June 30, 2014

On behalf of the Applicant, we respectfully request that you kindly review the enclosed materials and issue the requisite permit. Please do not hesitate to contact me if you have any questions or if you need any additional information.

We look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Marino", with a small flourish at the end.

Steve Marino, PWS  
Senior Wetland Ecologist  
Tim Miller Associates, Inc.

Cc: Christopher and Dina Fabry  
Janet J. Giris - Delbello Donnellan Weingarten Wise & Wiederkehr, LLP  
John L. Downs - Architect Planner, LLC

TOWN OF SOMERS  
WESTCHESTER COUNTY, NEW YORK  
APPLICATION FOR ENVIRONMENTAL PERMIT  
CHAPTER 167 "WETLAND AND WATER COURSE PROTECTION"

APPLICATION FEE:

Alteration of Wetlands: \$200 minimum fee plus \$100 per 5,000 S.F. of regulated area or proposed portions thereof to be disturbed.

Annual Maintenance Permit Renewal Fee: Administrative Permit: \$25.00, Planning Board Permit: \$75.00

OWNER: Christopher and Dina Fabry Tel.#: (914) 403-3876

Mailing Address: 138 Pinesbridge Rd., Katonah, NY 10536

APPLICANT: Same as above Tel. #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

State authority: \_\_\_\_\_ If other than owner, authorization must be submitted in writing.

PREMISES: Sheet: 47.20 Block: 1 Lot: 12

Situated on the East side of Pinesbridge Road (Street), 400 feet from the intersection of Laura Lane & Pinesbridge Rd (Street)

DESCRIPTION OF WORK AND PURPOSE: Construction of a detached three car garage.

SIZE OF ACTIVITY AREA: \_\_\_\_\_

Is work proposed in Wetland: No or Wetland Control Area: Yes

Is there an existing house located on the site: Yes

Is pond, lake or detention basin proposed to be cleaned: Yes

Functions provided by Wetland: Filtration

Wetland Expert delineating Wetland: Steve Marino, PWS

ESTIMATED QUANTITY OF EXCAVATION: 267 C.Y. CUT      FILL

ESTIMATED TOTAL VALUE OF WORK: ±\$30,000

PROPOSED STARTING DATE: 7/2014 PROPOSED COMPLETION DATE: 10/2014

PLANS PREPARED BY: John L. Downs DATED: \_\_\_\_\_

*\*\*Plans must be submitted with application.\*\**

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: N/A

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

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_ BLOCK \_\_\_\_\_ LOTS \_\_\_\_\_  
See attached list from GIS

APPLICANT'S SIGNATURE: Christopher S. Fabry DATE: 6/24/14  
Starr Marie Fabry

OWNER'S SIGNATURE: Christopher S. Fabry DATE: 6/24/14  
Starr Marie Fabry

\*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION MAP OF WETLANDS AS THEY EXIST IN THE FIELD OR AS SHOWN ON SOMERS ENVIRONMENTAL MAPS.

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

Administrative Permit: \_\_\_\_\_

Planning Board Permit: \_\_\_\_\_

**AFFIDAVIT TO BE COMPLETED BY OWNER OTHER THAN CORPORATION**

STATE OF NEW YORK )

ss:

COUNTY OF Westchester )

Christopher Fabry, being duly sworn, deposes and his wife Dina are <sup>the plan</sup> and says: that he is the owner in fee of all the property shown on ~~plat~~ <sup>the plan</sup> entitled Proposed Partial Site Plan, prepared by John L. Downs

application for approval of which is herein made. The deponent acquired title to the said premises by deed from Michael D. Dirmeier dated May 28, 2004, and recorded in the Office of the Clerk of the County of Westchester on September 10, 2004, <sup>at Control No.</sup> ~~in Liber~~ 442120213

~~of Conveyances at Page~~                     . That the statements contained herein are true to the best of deponent's knowledge and belief, and are made for the purpose of obtaining the approval of the submitted application by the Planning Board of the Town of Somers.

(Signed) Christopher D. Fabry  
Dina Marie Fabry

Sworn to before me this 24 day of June, 2014.

                      
NOTARY PUBLIC-STATE OF NEW YORK  
(Notary Public)  
No. 04504833705  
Qualified in Dutchess/Putnam County  
My Commission Expires July 31, 2014

**APPLICANT ACKNOWLEDGEMENT**

By making this application, the undersigned Applicant agrees to permit Town officials and their representatives to conduct on-site inspections in connection with the review of this application.

The applicant also agrees to pay all expenses for the cost of professional review services required for this application, as referred to in §133-1 of the Code of the Town of Somers. As such, an Escrow Account, according to §133-2 of the Code of the Town of Somers, may be required.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant: Christopher S. Zabry Date: 6/24/14  
Stu Marie Fabry Date: 6/24/14

Signature of Property Owner: Christopher S. Zabry Date: 6/24/14  
(if different from applicant) Stu Marie Fabry Date: 6/24/14

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

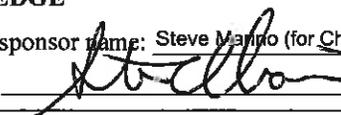
**Instructions for Completing**

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

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

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Fabry Residence Garage			
Project Location (describe, and attach a location map): 135 Pinesbridge Road			
Brief Description of Proposed Action: The applicant is proposing to construct a three car garage west of their existing single family residence.			
Name of Applicant or Sponsor: Christopher and Dina Fabry		Telephone: 914-403-3876	
		E-Mail: fabrycontracting@yahoo.com	
Address: 135 Pinesbridge Road			
City/PO: Katonah		State: New York	Zip Code: 10536
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"/>
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:			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.87 acres	
b. Total acreage to be physically disturbed?		0.06 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.87 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			



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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Steve Manno (for Christopher and Dina Fabry)</u>		Date: <u>06-24-2014</u>
Signature: <u></u>		

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

<input type="checkbox"/>	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.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

C-TP  
CTE

**McCULLOUGH, GOLDBERGER & STAUDT, LLP**

**ATTORNEYS AT LAW**

**1311 MAMARONECK AVENUE, SUITE 940**

**WHITE PLAINS, NEW YORK**

**10605**

**(914) 949-9400**

**FAX (914) 949-2510**

**WWW.MCCULLOUGHGOLDBERGER.COM**

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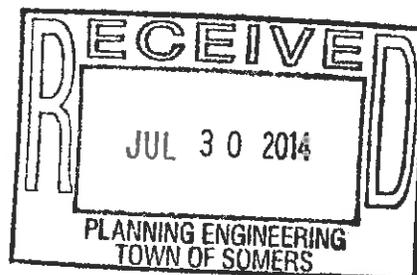
**FRANK B. McCULLOUGH, JR.  
CHARLES A. GOLDBERGER  
JAMES STAUDT  
LINDA B. WHITEHEAD  
SETH M. MANDELBAUM**

**JOANNA C. FELDMAN  
DEBORAH A. GOLDBERGER  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
MEREDITH A. LEFF  
RUTH F.-L. POST  
KEVIN E. STAUDT  
STEVEN M. WRABEL**

**KEITH R. BETENSKY  
COUNSEL**

**FRANK B. McCULLOUGH (1905-1998)  
EVANS V. BREWSTER (1920-2005)**

July 30, 2014



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

**Re: Somers Realty Planned Hamlet Master Plan  
Preliminary Subdivision Application #3  
AvalonBay Somers residential site plan**

Dear Chairman Currie and Members of the Board:

I am writing to follow up on the discussions at your July 9 meeting and to address some of the comments we have received. This submission will not address the technical comments contained in the Woodard & Curran Memorandum of July 3, 2014. Our engineers are working on responses to those and will be reviewing directly with Woodard and Curran prior to resubmission to you. As was discussed at the meeting, our engineers are also working on the phosphorous calculations. With respect to other items requested in the Woodard & Curran Memorandum, the wetland mitigation plans are also being finalized consistent with the Findings and Master Plan approval and will be submitted for a later meeting, and the improvement plans for Route 6 are also being finalized and will be submitted to NYSDOT and to you and your engineer. These improvements will also be in accordance with the Findings Statement and Master Plan approval.

I would like to address some of the comments in the Memorandum from Syrette Dym, Town Planner, dated July 3, 2014. In many instances, our responses are to provide clarification and obtain confirmation from the Planning Board on certain items.

First, with respect to the discussion on page 1 and 2 under item #1, some clarification is necessary with respect to the items listed by the Town Planner as modifications to the Master Plan which are in addition to those I referenced in my initial submission letter. As we indicated, we believe the modifications are minor and do not necessarily require a modification of the

Master Plan, and we believe it is important to clarify what the actual modifications are. The Memorandum states in relevant part as follows:

*Additional modifications not included in that letter include: (4) Elimination of 80,000 square foot assisted living facility and 30,000 square foot mixed professional office/retail/restaurant use moved south of Clayton Boulevard as part of the Subdivision 2 approval by not showing any evidence of location for these uses; (5) a reserve parcel has been identified on Insite Drawing MC-1 Proposed Post-Development Drainage Boundaries that was not identified in the Planned Hamlet Master Plan; (6) Proposed lot 3c, to be conveyed to Avalon Bay, was previously identified as a community recreation area and now is a subdivided lot with no identified; and (7) the Planned Hamlet Master Plan called for the development of 152 townhouse units which were to be fee simple units and Avalon is building rental units with a differing bedroom count than previously proposed and analyzed for purposes of impacts on traffic, parking, utilities, community facilities and fiscal impacts.*

With respect to (4), the elimination of the assisted living facility and 30,000 square feet of office/retail/restaurant, we discussed this issue in some detail at your July 9 meeting. This is not a modification resulting from this application. The area proposed for residential use in this proposal was always proposed for residential use and there is no change in use proposed with this application. These uses were modified as part of the phase 2 application, with the provision that if we could find an area to locate them at a later date, we could still include them in the Master Plan. That change was already made and there was no "requirement" that they be provided, they were simply held in reserve. In fact, as we discussed at the meeting, we are currently considering the possibility of placing the assisted living facility on the "Reserve Parcel," and we are also looking to see whether additional commercial space can be provided within lot 4, already designated for commercial development. At the time of a site specific site plan for either of these uses, a further modification of the Master Plan would have to be approved. However, nothing is changing in this respect with this application. The language in the phase 2 resolution listing the modifications to the Master Plan approved at that time states as follows:

Relocation of 80 unit/80,000 square foot assisted living facility and 30,000 square feet of mixed professional office/retail/restaurant use to the south side of Clayton Boulevard, the ultimate amount and mix of such uses along with those previously identified south of Clayton Boulevard will be determined as part of future subdivision and site specific application with the PH Planned Hamlet District within the parameters of prior environmental determinations.

Clearly it was acknowledged that these uses may not be able to be located elsewhere on the site. Particularly relevant to the discussion at the last meeting is the last phrase, which states that the amount of the uses would be subject to the parameters of prior environmental determinations. We are working to determine how and where these uses could be located within the parameters, and also taking into consideration current stormwater regulations. Therefore, we do not believe that a modification of the Master Plan with respect to these uses is a part of the current application.

Item (5) in the above references the creation of the Reserve Parcel as a change. In fact, the subdivision line creating the Reserve Parcel is essentially the same as the subdivision line indicated on the subdivision map in the Master Plan. It was always anticipated this could be a separate parcel. This is not a change. As set forth, if and when a site plan application is submitted which proposes a different use on this parcel, a Master Plan modification would be required at that time.

Item (6) indicates lot 3c was previously identified as a community recreation area and this has changed. The Master Plan always indicated this parcel as part of the residential development as mostly open space (wetland areas), with the possibility of recreational facilities for the residential development in the area of the water tank. These were never required, but shown as something that could be constructed there as appurtenant to the residential development. I am not sure what was meant in the Memorandum by "community recreation area" but it was always intended just to serve the Somers Realty Planned Hamlet residential community, not the larger community. In fact, the Town has specifically indicated it did not want any Town recreational facilities in this area. I do not see what has changed here that would require a modification of the Master Plan.

Item (7) states the residential development was to be fee simple units. This is incorrect. This was never stated and it was always anticipated the units could be fee simple, condominium or rental. In any event, the Town cannot regulate the form of ownership. This provision goes on to state the Avalon proposal is for rental units with a differing bedroom count than previously proposed and analyzed for purposes of impacts on traffic, parking, utilities, community facilities and fiscal impacts. You may recall that the plan utilized for analyzing impacts in the EIS had 152 units in 234,000 square foot of total floor area as opposed to the 183,760 square feet ultimately approved. A bedroom count was never actually part of the Master Plan approval. The reduction in overall square footage was a result only of a zoning amendment adopted by the Town Board shortly before final approval which removed some of the density incentives being used to reach the figure of 234,000 square feet, and not as a result of any impact. With 234,000 square feet, the units were larger and the bedroom count was much greater than now proposed. Therefore, the proposed bedroom count is significantly less than what was originally utilized in analyzing impacts for traffic, utilities (flows) and fiscal impacts, thereby reducing the potential impacts. The parking requirement was per unit and was never analyzed in relation to bedroom count.

At the bottom of page 3 there is a reference to a future discussion of parking compliance. However, as you will recall, the parking for the residential development always stood on its own and was required to meet the code requirement of 2 spaces per unit. It was not part of the shared parking analysis.

On page 4 is the reference to the land donation along Mahopac Avenue. This was discussed at the meeting. The land donation was required in the Master Plan approval and the parcel was created in the phase 1 subdivision and can be deeded to the Town at any time. At the meeting it was clarified that Somers Realty was only required to donate the land, and not complete any improvements.

In the same paragraph there is a reference to the requirement for traffic calming measures along Road D. The requirement arose from a concern of the former Town Engineer that the original road running along the southern side of the development was a long stretch that may require traffic calming. With the changes to the road layout, this is no longer the case and there no longer is a long stretch of road. In fact, Figure 7 in the Master Plan indicated the locations of potential Traffic Calming Circles in response to this requirement. None of the intersections indicated as having these traffic calming measures exists in the current layout.

On page 7, comment FA3f relates again to parking and states that the parking should be measured against the requirements for multi-family units based upon the bedroom count, and also against the parking analysis undertaken as part of the review for the Mews Phase 2. Again, the residential was never a part of the parking analysis which only related to the shared parking reduction for the non-residential uses. As far as the parking requirements of the Zoning Code, while in the Master Plan approval we had agreed to provide two spaces per unit as set forth in 170-40A, for residential uses in the PH District, the Code states the requirement as alternatively the requirement of 170-40A, or per 170-12D(5), which has a parking requirement based upon bedroom count. This results in a lesser requirement of 291 spaces (1 1/3 per unit plus 1/3 per bedroom).

Comment FA3h on page 8 discusses the construction of proposed Town Road D as part of the last phase of the development. While there may be additional site plans, this is the last subdivision phase and therefore the last phase where Town roads are to be constructed since they get constructed as part of a subdivision. In addition, lot 3c is part of the residential parcels to be conveyed and therefore the road must be built at this time, or Somers Realty would not have the right to build it in the future and would not have access to its adjacent landlocked parcel. This paragraph incorrectly states the recreational facilities have been "relocated" to the interior of the Avalon development. This is not the case. The recreational facilities located off of Clayton Boulevard, including the clubhouse and pool, were always indicated at that location. As discussed above, the additional recreational facilities shown on lot 3c were illustrative only and Avalon could choose to construct them in the future if there is demand.

Comment FE3a on page 12 relates to the modification of Road B and elimination of the right of way connection to the property to the south. If the Board desires, we can modify the plan further to create a right of way to the property line, although we would not propose to construct a road within the right of way at this time. If and when the property to the south was to be developed, and if this access was approved to be utilized, the developer could improve the road within the right of way.

Comment FH3d on page 17 again relates to parking calculations and the relationship to prior approvals and the need for landbanked parking. As discussed above, the residential parking always stood on its own and was not part of the shared parking calculations and did not include any landbanked parking.

Chairman and Members of the Board  
July 30, 2014  
Page 5

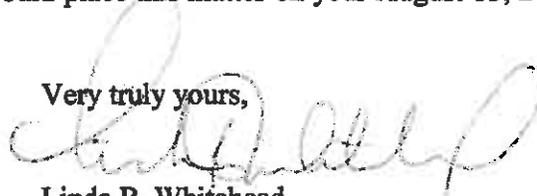
A number of comments indicate they are to be addressed by Woodard & Curran. Several of these are completed or not applicable, including FG3b, FG3d, FG3e, FG3j, and FH3e.

Finally for clarification, item J on page 21 indicates the Planning Board must determine if the recreation space provided solely for use by Avalon residents meets the requirement of the Master Plan. It should be pointed out that, other than the Village Green, which I believe Avalon has indicated it would dedicate to the Town, the other recreational amenities were always intended to be solely for the use of the residents of the development, and not Town improvements.

As we previously indicated, we are working with NYCDEP to address the comments received.

We look forward to continuing to review these applications with you and will continue to address comments as they are received and will provide revised plans as needed to address the comments. We would appreciate if you could place this matter on your August 13, 2014 agenda for further discussion.

Very truly yours,



Linda B. Whitehead

cc: Seth Capozza, Somers Realty  
Rich Williams, Insite Engineering  
Janet J. Giris, Esq., DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

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Syrette Dym, AICP  
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**MEMORANDUM**

**TO:** Town of Somers Planning Board  
**FROM:** Syrette Dym, Town Planner  
**DATE:** August 6, 2014  
**RE:** **Comments on Somers Realty Planned Hamlet Master Plan Preliminary Subdivision Application#3**

**Somers Realty Corporation – Planned Hamlet Zone Phase 3 Subdivision – Preliminary Subdivision Approval**

The current proposed action consists of the following components:

- 1. Proposed Amendment to the Somers Realty Planned Hamlet Master Plan pursuant to the Somers Zoning Code Planned Hamlet PH District Section 170-23.3 Approval process which states that: "The site plan required for each proposed development within a PH district shall be consistent with the approved site master plan. The site master plan may be amended only with the approval of the Planning Board."*

*The proposed amendments would include the following items, the first of which was identified in the application cover letter of June 9, 2014 from McCullough, Goldberger & Staudt LLP. That letter indicates that the subdivision plan is consistent with the approved Master Plan but then goes on to identify minor changes that include the following: (1) shortening of proposed Town Road B; (2) consolidation of AvalonBay site plan resulting in excess material due to imbalance of cut and fill and need for additional export from the site in addition to stockpiled material from construction of Clayton Boulevard associated with the*

*Mews 1 and 2; (3) additional area required for stormwater management facilities and associated minor disturbance outside of the designated Clearing and Grading Limit Line in area adjacent to Clayton Boulevard near the Route 6 entrance. Additional modifications not included in that letter include: (4) Elimination of 80,000 square foot assisted living facility and 30,000 square foot mixed professional office/retail/restaurant use moved south of Clayton Boulevard as part of the Subdivision 2 approval by not showing any evidence of location for these uses; (5) a reserve parcel has been identified on Insite Drawing MC-1 Proposed Post-Development Drainage Boundaries that was not identified in the Planned Hamlet Master Plan; (6) Proposed lot 3c, to be conveyed to Avalon Bay, was previously identified as a community recreation area and now is a subdivided lot with no identified; and (7) the Planned Hamlet Master Plan called for the development of 152 townhouse units which were to be fee simple units and Avalon is building rental units with a differing bedroom count than previously proposed and analyzed for purposes of impacts on traffic, parking, utilities, community facilities and fiscal impacts.*

*These modifications from the Somers Realty Planned Hamlet Master Plan that was the subject of the SEQRA Findings Statement of February 10, 2009, while many are identified in the long form EAF provided, may require further analysis to determine that they are not significant changes to the approved Master Plan and that their resulting impacts are the same as or less than those identified in the Findings Statement.*

- 2. Preliminary Subdivision#3 for Applicant Somers Realty Corporation, for the Somers Realty Planned Hamlet Master Plan to further subdivide prior created Lot 3 (Town Tax Map Sheet 4.20, Block 1. Lot 15) into five lots and several street right-of-ways totaling 62.3 acres. The right-of-ways include Clayton Boulevard extension to Route 6 and proposed town roads B, C, D, and E (3.3 acres); Lot 3A for AvalonBay Communities (45.4 acres); Lot 3B Village Green (1.4 acres) and Lot 3C Area north of Road D (6.4;) all three to be developed by Avalon Bay communities; Lot 4 is the Planned Hamlet commercial lot of 4.9 acres and Lot 5 is the firehouse parcel (0.9 acres).*
- 3. Steep Slopes Permit*
- 4. Wetland and Watercourse Protection Permit*
- 5. Stormwater Management and Erosion and Sediment Control Permit*

**Comments Relative to Letter of July 30, 2014 From Linda Whitehead Regarding Somers Realty Planned Hamlet Subdivision #3**

The Planning Board should consider the responses in the July 30, 2014 letter to determine whether it agrees that the modifications in the Plan do not rise to the level of required modification to the Planned Hamlet Master Plan.

The letter of July 30, 2014 only addressed some of the items raised in the Planned Hamlet SEQRA Findings of February 10, 2009 as identified in my comment memorandum of

July 3, 2014. The following are my comments to responses on those items actually addressed.

Modification Item #7 –

Whereas the July 30, 2014 memorandum indicates that no ownership type was specified in the consideration of environmental impacts and that bedroom count was not considered, there are several issues raised by review of the DEIS that need to be addressed by the applicant. They are the following:

- (a) The DEIS on page 3.1-13 under B.1.a D Requested Density Incentives makes clear that the as of right base density for the site was 140 units and that the additional 12 units were gained through the provision of density incentives that were available at the time of the DEIS. The analysis also states that the additional 12 units were granted because one of every three units of the base permitted density was to be reserved for senior citizen households. So in exchange for reserving 36 units for senior citizens, Somers Realty was requesting a bonus of twelve units, to equal the 152 unit total. The Applicant's memorandum of July 30, 2014 refers to removal of some density incentives in the PH zoning by the Town Board prior to final approval of the Master Plan. See page 3.1-13 of the DEIS. What the PH district allows is stated in Section 123-4 C, which states the following:

- a. "C. The a maximum floor area ratio (FAR) for any individually listed category of permitted use shall be 0.04, except a maximum of 0.06 and a minimum of 0.04 shall be required for multifamily residential [plus any incentive density increases which may be granted by the Town Board pursuant to the standards and requirements of Section 170-13A], and a maximum of 0.01 shall be permitted for use category S."

Section 170-13A referenced above, A.(3) Incentive density, only now relates to a permitted increase of not more than 50% beyond the basic permitted density for the provision of dwelling units designated for low/moderate income families". Therefore, the Applicant needs to provide the back-up that indicates how the additional 12 units were actually granted, and, if they were, why they would not require allocation of 36 units to senior housing. The applicant is already complying with the provision that requires 15% of the units be affordable, and does not appear to be gaining additional units through provision of affordable units above the required 15%. Once a determination of how 12 incentive units were arrived at, it can be determined whether any modification to the master plan may be required...

With regard to bedroom count and owner type, the DEIS based its Fiscal Impact analysis on a specific housing type, bedroom count and fee simple sales prices for both market and affordable units. This is demonstrated in Table 3.11-7 of the DEIS. While economic analysis may not be specifically as an item identified as required for SEQR review, the change to a rental project with a different bedroom

count has potential consequences for school generation rates and fiscal impacts to the Town and school district. While these impacts may ultimately not be deemed to be significant, they should be disclosed. As Table 3.11-7 also seems to show, 33 market rate units and 3 affordable units were identified as being reserved for persons 55 years of age and over – the 36 units referred to above as the incentive units that brought the total unit count from 140 to 152 units. If these additional units are attributable to these now deleted incentives (i.e., deleted prior to approval of the Planned Hamlet by the Town Board), their approval and seeming associated requirement of reserved senior units, may require reconsideration. This is particularly true in light of the adjacent Mews development serving persons 55 and older.

An additional important potential plan modification arising from the change from units originally envisioned as owner units to be governed by a homeowners association and to a rental community to be owned and managed by AvalonBay Communities, Inc. is the status of the internal road system. The original plan identified the major named roads as Town roads, as does this plan. It needs to be stated that all entry drives and internal roads and parking areas outside the named Town roads will be owned and maintained by AvalonBay. An item that will be checked and discussed relative to the Avalon Somers application specifically, is whether the parking spaces surrounding the named roads surrounding the Avalon Bay owned and maintained Town Green are or are not utilized to count toward the required parking total for the 152 residential units. Drawing SP-1.2 indicates 70 spaces around the Town Green. 24 ‘head-in’ spaces on Road E are shown to cross the property line into Lot 4 of the proposed subdivision. Please explain how this will be a Town dedicated right-of-way and, if the parking is to be Town owned and maintained, how a portion of these spaces encroaching into private land will be handled? .

**Comment FA3h:** Town Road D was shown on the Master Plan as providing future access opportunities to adjacent landlocked parcels to the south owned by Somers Realty as well as by Hy Shore and Theodore Tetenbaum. The new Plan now actually shows an extension of Road D to be constructed to the property line with the Somers Realty landlocked parcel but appears to eliminate potential connection to the Hy Shore and Tetenbaum parcels. What was the understanding of requirements for providing connection to these adjacent parcels as part of the Master Plan Development?

In addition, the DEIS and FEIS talk about the provision of an easement over R-40 lands owned by Somers Realty that would provide a connection to the Westchester County North County Trailway to the east. There is no identification on the plans of such easement. This needs to be addressed.

#### **Comments Still to be Addressed**

All the comments identified as “to be addressed by Woodard and Curran’, addressed in their memorandums still need to be addressed by the applicant.

## **Wetlands**

There needs to be identification that wetlands impacts have not changed due to changes in the clearing and grading limit lines and that impacts to wetland buffers have not changed. If there is any change, proposed mitigation should be identified.

Z:\PE\Subdivision files\Somers Realty Subdivision 3\Town Comments\Planner Submission Package Comments 08-06-14.doc

## MEMORANDUM



**TO:** Town of Somers Planning Board  
**CC:** Marilyn Murphy, Planning Board Secretary  
**FROM:** Joseph C. Barbagallo, P.E., BCEE  
**DATE:** August 8, 2014.  
**RE:** Avalon Bay Communities, Inc.  
Site Plan Application  
U.S. Route 6 and Mahopac Avenue  
TM: 4.20-1-13,14,15, PH

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### GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the site plan application that has been submitted for the proposed parcel located within the Planned Hamlet at the intersection of U.S. Route 6 and Mahopac Avenue. This site plan application has been filed and is being reviewed in conjunction with a subdivision plat application by Somers Realty Corporation for the further subdivision of the Planned Hamlet development and construction of Town Roadways and common infrastructure. This site plan is located on proposed Lot 3A within the Phase III subdivision and involves the construction of 152 housing units. The proposed housing units will be constructed among 17 residential buildings, along with 324 parking spaces and related site infrastructure. The project site will be served by public water supply and sanitary sewer utilities that will be constructed as part of the related subdivision plat application.

It should be noted that the SEQR process relative to the Site Plan was completed in February 2009 through Planning Board acceptance of the Final Environmental Impact Statement (EIS) and approval of the Planned Hamlet. The following documents were received during the current review period:

### DOCUMENTS RECEIVED

- Cover Letter, by Delbello, Donnellan, Weingarten, Wise & Weiderkehr, LLP, dated July 30, 2014.
- Letter, by Thomas J. Daly, PE, Milone & MacBroom, Inc., dated July 30, 2014.
- "Avalon Bay Somers – Hydraulic Computations Package", prepared by Milone & MacBroom, Inc.
- "Avalon Bay Somers", Drawing Sheets: **1, 7, 14, 15 & 22 - 27**, prepared by Milone & Macbroom, Inc., dated June 9, 2014, **last revised July 30, 2014.**
- "AutoTurn – Avalon Bay Somers", Drawing Sheet: "1 of 1", prepared by Milone & MacBroom, Inc., dated July 30, 2014.



## PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Site Plan Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- Town of Somers Fire Department: Approval of Proposed Hydrant Locations
- Town of Somers Architectural Review Board Approval
- NYC DEP: Approval of Stormwater Pollution Prevention Plan
- NYC DEP: Approval of Sanitary Sewer Connections
- NYSDEC: State Environmental Quality Review\*\*
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)
- Westchester County Department of Health (WCDOH): Approval of Water and Sanitary Sewer Systems

\*\* - If proposed development activities are determined by the Planning Board to warrant modification of the previously approved Master Plan and/or require additional review under SEQR.

## DISCUSSION

The Applicant has provided a limited submittal response focused on addressing specific comments related to the site stormwater design, exterior lighting, tree removal, and emergency vehicle site access. These documents consist of the following submittal items:

- Hydraulic sizing computations for stormwater conveyance pipes,
- AutoTurn analysis for required fire truck vehicle travel throughout the development,
- Photometric site analysis based upon proposed exterior lighting
- Revised construction details for various proposed site elements.

The following is a summary of our comments at this time. The status of all previously identified comments as well as new comments is shown in **Bold Type**. Further review of our other previously identified engineering comments will continue upon receipt of more detailed design information.

1. The provided application documents identify approximately 17 acres of disturbance are anticipated as a result of construction activities related to the Avalon Bay site plan. This **area** of disturbance is contained within the greater 22.7 acres of site disturbance for the overall Phase III Planned Hamlet subdivision. Based upon the Application submittal, the



Applicant intends to coordinate the preparation of a single comprehensive Stormwater Pollution Prevention Plan (SWPPP) for the entire Phase III Planned Hamlet Development.

Town Code Chapter §144-7, identifies that preparation of an acceptable SWPPP is a required element necessary for approval of a site plan. Based upon our understanding and interpretation of Town Code, although the SWPPP may contain similar content, rely on comprehensive plan elements (i.e., coordinated Land Disturbance Phasing Plan, Earthwork Plan) and should be coordinated with the general SWPPP for the Somers Realty Corp. subdivision, a separate SWPPP document must be submitted for the Avalon Bay Communities site plan. The Avalon Bay Communities SWPPP will also serve for required review for necessary approvals and permits from the NYC DEP and the NYSDEC SPDES General Permit (GP-0-10-001).

The Applicant has prepared a preliminary Stormwater Engineering Report and drawings to describe the proposed project stormwater infrastructure located on the Avalon Bay Communities Site Plan. These report items, including design of onsite stormwater collection structures, conveyance pipe and associated NYSDEC Runoff Reduction Volume (RRv) calculations are referenced in the preliminary SWPPP that was provided by Somers Realty Corp. We have completed review of the stormwater engineering report that has been provided and offer the following initial comments at this time. It should be noted that further comments may be added upon receipt of more detailed design information:

- a. Page 4 of the provided stormwater engineering report states that hydrologic rainfall intensities for applicable design storms were obtained from the NYSDOT Highway Design Manual. The applicant shall revise design calculations to consider rainfall data from the Northeast Regional Climate Center (NRCC) and SCS Type III rainfall distributions as were considered for the Somers Realty Corp. Subdivision SWPPP. **Partially Addressed. The provided hydraulic computations contain acceptable hydrologic rainfall data from the NRCC based upon peak hourly rainfall intensities for the 100 year storm. Although the provided data is acceptable for the hydraulic sizing of conveyance pipes, the Applicant will also be required to also consider rainfall depths for the respective 24 hour rainfall depths, as is considered by the stormwater practices being designed as part of the Somers Realty Subdivision, to which Avalon Bay will discharge to.**
- b. The Applicant has submitted hydraulic pipe design calculations for all proposed stormwater conveyance pipe based upon peak runoff rates resulting from the 10 year design storm. Hydraulic calculations and pipe sizing however shall demonstrate adequate capacity to convey runoff collected by the 100 year design rainfall without surcharging. **Addressed. Comment satisfaction to be confirmed by future SWPPP submittal.**
- c. The Applicant has provided RRv calculations based upon green infrastructure practices and stormwater management practices with RRv credit that are proposed on the Avalon Bay site plan. These calculations are referenced within the Somers Realty Corp. Comprehensive SWPPP.



The provided calculation methodology is inconsistent with the NYSDEC Stormwater Management Design Manual. The following sub-comments relate to our review of the provided RRv calculations:

- i. The water quality volume equation is not appropriate to be used for determination of required Water Quality Volume/RRv for projects located within the NYSDEC East of Hudson Watershed. As referenced by Chapter 10 of the NYSDEC Stormwater Management Design Manual, water quality volume is to be taken as the runoff volume for the respective drainage area based upon the 1 year design storm calculated by the SCS drainage methodology. The site specific minimum reduction factor "S" based upon Hydrologic Soil Group shall be multiplied by the appropriate water quality volume to determine the minimum required site RRv. **Not Addressed.**
  - ii. RRv credit shall be assessed for green infrastructure practices with area reduction (i.e., Rooftop Disconnect) by eliminating the reduced area from the initial required WQv/RRv calculation. **Not Addressed.**
  - iii. RRv credit shall be assessed for provided stormwater practices with volume reduction credit, by multiplying the reduction capacity factors contained on Table 3.5 of the NYSDEC Stormwater Management Design Manual for the respective design practice. It should be noted that the runoff reduction capacity for Infiltration is 90% while Bioretention Filters provide reduction capacity of 80% or 40% depending on the practice design configuration. **Not Addressed.**
- d. The provided project documents identify that seven infiltration areas will be constructed on the Avalon Bay site plan that will accept stormwater runoff from proposed building rooftops. The Applicant has included a typical construction detail for "Bio-Infiltration Area", as shown on drawing sheet "SD-2".

The practice design is required to conform with the technical standards of the NYSDEC Stormwater Management Design Manual (SMDM). Based upon the provided system cross section, the identified "infiltration areas" are more appropriately considered Bioretention Filter Areas as specified by the NYSDEC SMDM. The following comments are applicable based upon our initial review of these systems:

- i. The Applicant shall provide site investigation data to demonstrate minimum 2 foot vertical separation between the invert of the proposed filter system and groundwater/bedrock. **Not Addressed.**
- ii. The Applicant shall provide sizing calculations for proposed filter areas based upon minimum filter surface area and storage volume requirements as specified by Section 6.4 of the NYSDEC SMDM. **Not Addressed.**
- iii. The Applicant shall address how filter system pretreatment requirements for the proposed stormwater practices will be addressed. **Not Addressed.**



- iv. The Applicant shall revise the provided construction detail for the proposed practice to be consistent with the NYSDEC SMDM requirements. **Not Addressed.**
  - v. The Applicant shall update the plans and detail to utilize 8" diameter perforated pipe as the filter underdrain (if intended to remain proposed in future design submittals). **Not Addressed.**
  - vi. The Applicant shall prepare a Landscaping Plan for the proposed stormwater practices, consistent with the requirements of the NYSDEC SMDM. **Not Addressed.**
- e. The Applicant proposes to construct 8" diameter stormwater pipes to convey stormwater collected from building rooftops to proposed "infiltration areas". No further sizing details have been provided at this time. The Applicant shall provide hydraulic sizing calculations for proposed stormwater pipes based upon peak flows collected by the 100 year design storm. In addition, the plan shall be identified to show the location of all proposed cleanouts and drainage structures within the stormwater collection system. **Addressed. Comment satisfaction to be confirmed by future SWPPP and drawing submittals.**
- f. The Applicant proposes to utilize permeable pavers within a portion of the development driveway and parking spaces located within the northern portion of the site plan. Permeable paver systems must be designed in accordance with Chapter 5 of the NYSDEC SWMDM. The following comments are based upon our initial review of the permeable pavement areas.
- i. The Applicant shall provide site investigation data (soil percolation and deep hole testing) to demonstrate feasibility of the proposed porous pavement infiltration systems. Site investigation data shall demonstrate adequate separation to bedrock/groundwater and must prove adequate infiltration rates of site soils. **Not Addressed.**
  - ii. The Applicant shall provide sizing details for porous pavement areas. Consistent with the NYSDEC SWMDM, porous pavement system stone reservoirs must be designed to contain runoff volume from the 10 year design storm without flooding. **Not Addressed.**
  - iii. The Applicant shall provide a final construction detail for the typical permeable paver cross section that demonstrates the required material types, dimensions and that the required stormwater storage volume is provided. **Not Addressed.**
- g. The Applicant shall identify the point of connection for the proposed Trench Drain, as shown on drawing sheet "UT-1", to the stormwater conveyance system. **Addressed.**
- h. The Applicant shall update sizing calculations for proposed stabilized outlet apron practices to consider dissipation of peak runoff flows resulting from the 100 year design storm. **Not Addressed.**



- i. It is noted that the proposed stormwater collection system connection points to stormwater management practices designed under the Somers Realty Corp. Subdivision application, differ between the two application drawing sets. More specifically the system connection points to “Surface Sand Filter 2.1” and “Surface Sand Filter 3.1” are inconsistent. The Applicant shall coordinate the drawings and design calculations to reflect the intended design. **Comment satisfaction to be assessed by future submittal.**
  - j. The Applicant has included a construction detail for typical “Rain Garden Area”, but no rain gardens are shown on the plan view layouts. The Applicant shall update the plans to show rain garden areas where proposed, or eliminate the rain garden detail from the drawing set. **Not Addressed.**
  - k. The Applicant shall update the Avalon Bay drawings to superimpose the maintenance access driveways to Stormwater Management Practices designed under the Somers Realty Corp application, on the site plan. **Not Addressed.**
  - l. The Applicant shall prepare draft Stormwater Maintenance Agreement for all permanent stormwater management practices on Avalon Bay Communities site plan for review by the Consulting Town Engineer and Town Attorney. **Not Addressed.**
2. The site development activities involve greater than 2 acres of site disturbance and requires the approval of the project Stormwater Pollution Prevention Plan (SWPPP) from NYC DEP. In addition, NYC DEP project approval is required for proposed sanitary sewer connections to the site. The Applicant shall be required to address all NYC DEP requirements for issuance of all necessary permits and approvals. **Not Addressed.**
3. The provided site plan construction drawings include an erosion and sediment control plan and construction details and notes related to erosion and sediment control practices limited to within the Avalon Bay Communities site plan. The Applicant must prepare an **acceptable** erosion control plan as part of the SWPPP document that is necessary for site plan approval. The following comments are focused upon our review of the identified site erosion and sediment control plan elements within the Avalon Bay Communities drawing set:
  - a. Temporary sediment traps are shown to be constructed within several of the proposed “Infiltration Areas” as shown on the drawings. While it is unclear if the Applicant wishes to pursue further design of the identified stormwater practices as infiltration basin, bioretention filters or other stormwater management practice, it should be noted that Temporary Sediment Traps are prohibited to be located in the proposed location of an infiltration practice. **Not Addressed.**
  - b. The Applicant shall provide sizing calculations for proposed temporary sediment traps based upon the NYSDEC New York Standards & Specifications for Erosion & Sediment Control, latest edition. **Not Addressed.**
  - c. Update the plans to show approximate grading for temporary diversion swales intended to be used during construction activity. Swales shall be sized based



- upon the NYSDEC New York Standards & Specifications for Erosion and Sediment Control. **Not Addressed.**
- d. Update the plans to remove all references to the installation of hay/straw bales as a temporary erosion and sediment control practice. **Not Addressed.**
  - e. The provided drawings indicate that's stone check dams will be installed within temporary diversion swales during construction activities. The Erosion and Sediment Control Plan shall be updated to shall the spacing of proposed check dams based upon the provided diversion swale longitudinal slopes. **Not Addressed.**
  - f. Revise the provided Land Grading Notes to indicate that all inactive disturbed site areas will be stabilized within 14 days of work completion in that area, or if no additional work is intended to occur within 14 days. **Not Addressed.**
  - g. Revise the provided Land Grading notes to reference that all site soils will be restored following the completion of construction activities in accordance with NYSDEC Stormwater Management Design Manual Chapter 5 Soil Restoration Standards. **Not Addressed.**
  - h. Remove all construction details for erosion and sediment control practices not shown to be implemented on the site on plan view layouts. Such details appear to include but are not be limited to: Pipe Slope Drain and Water Bar. **Not Addressed.**
  - i. Update the plan to show temporary grading intended for soil stockpile areas at their respective maximum capacity. The total available stockpile volume must be shown to adequately store excess cut material prior to off-site export, as referenced to the Earthwork Plan and Land Disturbance Phasing Plan. **Not Addressed.**
4. The Applicant shall coordinate their intended sequence of construction and erosion & sediment control plan with the Land Disturbance Phasing Plan and Site Earthwork Plan that are being prepared as part of the Somers Realty Corp. Phase III Subdivision SWPPP. In particular, Avalon Bay Communities shall ensure that their provided earthwork quantities and limits of phased construction activity are consistent with those considered by Somers Realty Corp. **Not Addressed. Comment Satisfaction to be assessed by future coordinated application submittals.**
  5. The "Lot Development Table" as shown on provided drawing title sheet number "01" identifies provided lot area and Water and Sanitary Sewer loading demands for the Avalon Bay site plan compared to those anticipated at the time of Master Plan approval. These quantities differ from those identified on Master Plan Conformance Drawing 'MC-1' that was included with the Subdivision Plat submittal by Somers Realty Corp. The Applicant shall confirm that the provided data is correct and consistent with other provided project review documents. **Not Addressed.**



6. The Applicant shall revise the provided construction detail for typical drainage catch basin to specify a Campbell Foundry Type 2541 frame and grade, and show top of frame set 1 inch below surrounding pavement, as specified by Town Code. **Addressed.**
7. The Applicant shall revise the provided construction detail for typical drainage manhole to specify a Campbell Foundry Type 1203 Frame and Cover and show top of frame set 1 inch below surrounding pavement, as specified by Town Code. Proposed covers shall read the word "DRAIN" as specified by Town Code. **Addressed.**
8. The Applicant shall revise the provided construction detail for proposed wood guardrails to address the following comments, as required by Town Code Section §A174-28:
  - a. Revise the detail to utilize a support post equivalent or equal to a 12" diameter circular pressure treated timber post. **Addressed.**
  - b. Revise the detail to specify the minimum embedment of the post footing as 3'-6" below ground surface and identify exposed post height as 2'-3.5" above ground surface. **Addressed.**
  - c. Revise the detail to note that posts shall be spaced at four feet on-center. **Addressed.**
9. The Applicant is required to satisfy Town of Somers Fire Department requirements for the construction of firefighting measures within the proposed site plan. The final site layout plan shall depict the final locations of fire hydrants and truck pull-off locations, as determined by the Town of Somers Fire Department. **The Applicant has provided an AutoTurn analysis that considers travel by a Ladder Truck Fire Department design vehicle through the development. Based upon the provided drawing, we feel generally comfortable with the depicted vehicle travel. Some vehicle body travel is depicted within the western driveway entrance to the development. The Applicant should consider mountable curb on the center island to provide access in the event that wheel travel falls outside the curb limits, or widen the entrance.**  
**Final comment satisfaction is subject to determination by the Town of Somers Fire Department.**
10. The provided site layout plans show the proposed locations of street lighting fixtures to be constructed within the Avalon Bay Communities Site Plan. A construction detail for "Typical Light Standard" is included on drawing sheet "SD-5". The following comments relate to the proposed development lighting:
  - a. The Applicant shall certify that all proposed light fixtures are dark sky compliant. **Partially Addressed. The Applicant shall provide documentation of proposed fixture compliance with International Dark-Sky Association standards.**
  - b. The Applicant shall prepare a site photometric plan based upon the layout and intensity of light fixtures. **Addressed. The provided photometric plan identifies the location of 59 lighting features throughout the development which produce average and maximum illumination levels of 0.06 and 2.0 foot-candles throughout the development, respectively.**



**While determination of comment satisfaction is subject to the discretion of the Planning Board, it is our recommendation that the proposed illumination intensities are consistent with what is appropriate for such a development.**

11. The Applicant has provided preliminary design layout and details for the proposed water service and sanitary sewer connections within the site plan development. The water service and sanitary sewer systems are proposed to connect to the water main, sanitary gravity sewer and pump station in construction as part of the Somers Realty Corp. Phase II and Phase III construction projects. Our office has completed initial review of the design layout and has prepared comments as cited below. It should be noted that these comments reflect the conceptual level of detail that has been provided and that additional comments will be issued upon future submittal of detailed design documents:

Water and Wastewater Systems Engineering

- a. Provide Engineering Reports for the proposed Water and Sewer Systems, including hydraulic design calculations. **Not Addressed.**
  - b. Provide profile view drawings of the proposed water and sanitary sewer systems. The profiles shall demonstrate that adequate vertical separation is provided at all proposed pipe crossings as shown on the project layout plan drawings. **Not Addressed.**
  - c. Update the design plans to size and material of water pipes and connections. **Not Addressed.**
  - d. Revise the construction detail for sanitary sewer manholes to identify benches within the Manhole and address how inflow from elevated inlets will be accepted. **Partially Addressed. The construction detail should also identify channel depths.**
  - e. Provide a construction detail for typical House Trap. **Addressed.**
  - f. The proposed sanitary sewer main has several segments where additional length of pipe is proposed upstream of the first service connection. Please clarify why this layout element is proposed. **Addressed.**
  - g. Revise the construction detail for Hydrant to specify stainless steel tie rods instead of galvanized. **Addressed.**
  - h. Revise the Combination Valve detail to only consist of an air release valve, and remove references to use on a force main. **Partially Addressed.**
  - i. The Applicant shall evaluate the possibility of looping the water main back to "Town Road C" / Clayton Boulevard within the eastern portion of the Avalon Bay development. This alternative layout will eliminate the dead end in the distribution system and provide hydraulic redundancy to serve the project. **Not Addressed.**
12. The grading and utilities plans do not include proposed electrical and gas service utilities for the development within the Avalon Bay development. Future detailed plan submittals shall include the proposed layout of site electrical service and gas service mains within the site layout. **Addressed. The final layout of electric and gas service main providers**



**shall be confirmed by the Applicant and utility provider prior to issuance of a Building Permit.**

13. The provided plans indicate that several retaining wall segments are proposed to be constructed within the proposed site plan. It should be noted that structural design calculations must be provided for all retaining walls in excess of 4 feet in exposed height. Structural design calculations shall be signed and sealed by a licensed professional engineer and must be accompanied by a construction detail and cross section view showing materials, to describe the proposed wall design and aesthetics. **Not Addressed.**
14. The Applicant has provided tree survey data and a Tree Removal Schedule on drawing sheet "EX-5". The Applicant shall revise the **tree** schedule to include column titles for what appear to be measured tree calipers. In addition, the Tree Removal Plan shall be updated to also identify trees to be protected during construction, if any existing site trees are proposed to remain following site development. **Addressed.**
15. The provided site grading plans depict that the proposed Village Green area will be constructed with a mounded high point near the center within the walkway loop. The proposed elevation difference across the interior green area is shown to be approximately 10 feet. The Planning Board may wish to consider if an alternative grading plan should be prepared for the Village Green that better suits recreational opportunities within the open space. **Not Addressed.**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Barbagallo".

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

PLANNING AND ENGINEERING DEPARTMENTS

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

**Town of Somers**  
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE  
835 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, Town Planner  
**DATE:** August 6, 2014  
**RE:** Comments on Avalon Bay Somers Residential Site Plan Application Package

**AvalonBay Communities, Inc. - Site Plan Approval for Somers Avalon**

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 Lot 3A at 45.4 acres and Lot 3B as the Village Green lot at 1.4 acres to be subdivided as part of the associated Somers Realty, Inc. subdivision application...*
2. *Tree Removal Permit*
3. *Stormwater Management and Erosion and Sediment Control Permit*
4. *Steep Slope Protection Application*

## *Zoning Analysis*

The Zoning Data Table provided on the Cover Sheet of the June 9, 2014 submission reflects most but not all categories of required compliance. Under “Characteristics”, there is no indication of FAR and needs to be to show that the FAR is a minimum of 0.04 and a maximum of 0.06, plus the density increase that brought the FAR to a point that permitted the 12 additional units over the 140 identified in the DEIS (page 3.1-13, B.1) as the base density permitted and the incentives shown on page 3.1-16 Table 3.1-4 of the DEIS of the Planned Hamlet Master Plan of July 2007 showing the incentives that were later removed from the PH zoning by the Town Board. This issue of the total number of units permitted and whether the 12 additional units were granted based on an anticipated provision of 36 senior units needs to be discussed by the Applicant with the Planning Board, as discussed in the comment memorandum of August 6, 2014 regarding Somers /Realty Phase #3 Subdivision. If, due to changes in the zoning, modifications to the Master Plan relative to number of units needs to made, this has to be determined. The applicant needs to present a discussion of how the 152 units were derived and whether that number can be supported by the existing density incentive regulations as well as those in force at the time of approval. Also, it needs to be determined whether senior units are required and/or wanted given the adjacent development of 147 senior affordable units. As stated in the associated August 6, 2014 memorandum to Somers Realty, the 15% affordable units are required and do not count as a basis for consideration of provision of incentive units. In any event, the applicant should provide a description of the distribution by size and location of initial affordable units and whether this distribution will remain constant over time.

Design Guideline Setbacks from Paved Road indicate that buildings on the Village Green should have a required/permittted setback of “0 feet or 5 feet”. Whereas it would appear that the proposed buildings, setback at 25’ minimum from the Village Green would certainly meet that requirement, it is in fact, a misinterpretation of the intent of this Planned Hamlet Design guideline. The intent of the guideline, as stated in either the DEIS or Master Plan document, (read but which I could not again find at this time), is that in this case, the “0 feet to 5 feet” is a maximum permitted setback, in that the buildings were envisioned to form a streetwall lining the sidewalk across from the Tow Green to establish an urban pedestrian environment. Please identify the setback measurement for each building across from the Town Green in narrative and on the site plans.

### **Parking and Site Layout Design**

A breakdown of parking needs to be provided that includes the number of spaces in garages, the number of handicapped spaces and whether the 70 spaces provided on Roads B, C and D are part of the 304 space parking count. As stated in the associated memorandum to Somers Realty, spaces adjacent to subdivision parcel number four encroach into that parcel. An explanation of why this has been shown this way and how it is proposed to be legally managed needs to be provided.

Reading of the DEIS (location of cite still to be determined) seemed to indicate that mountable curbing was to be encourage to permit movement of animals across the site even after its redevelopment. The site plan drawings indicate provision of cast in place concrete curbing and integral concrete curbing at sidewalks in Layout Notes on sheets LA-1, 2 and 3, contrary to this concept.

The Planned Hamlet PH District Design guidelines Section 170-24 of the Town Code states that parking lots in residential areas should be avoided and be divided into relative small areas framed by buildings and landscaping. The residential loop around the clubhouse, presents a basically linear parking lot with only minimal tree planting islands. The DEIS indicated that there would be “wide planted medians in the parking areas” for filtering and recharge. While this was intended for the non-residential areas, given the nature of proposed residential parking, it may be appropriate to consider such medians in this area. In fact, the loop design itself, while lined with sidewalks for pedestrian connections, does not achieve the more linear, village like concept of the conceptual master plan. The area around the Town Green is more in keeping with the original planned hamlet concept, forced to have a more linear, village like design because of its relationship to the Town Green.

The Planning Board should consider asking for an alternative layout of this western loop, even though it is likely to create additional disturbance. The increased disturbance, would be less than that of the original design, and might better achieve some of the originally conceived design elements, albeit modified for an apartment rather than townhouse building type.

### **Treatment of Town Green**

Drawing LS-2 shows landscaping but no detailed use plan for the Town Green. Details of planned use areas and designs including seating, refuse cans, lighting, passive and active recreation areas, if any, need to be provided.

### **Playscape**

Details of the area identified as a “playscape” need to be provided.

### **Lighting**

A lighting plan showing light spill for the entire project needs to be provided. Although a detail of street lights is provided, please provide a detail of building lights and their location, if they are to be provided.

## **Retaining Walls**

Several locations have modular block retaining walls with four foot fencing on top. Identify the heights of the retaining walls where they occur. Is there any retaining wall on which the fence will not be placed? Where are these?

## **Architecture and Visual**

The architectural plan set submitted by Edwin R. Kinsey, Jr. AIS, Architect, shows each building type floor plan and building elevation. The layout of where each of these buildings is located is shown on the Milone & MacBroom plan drawings LA-1 and LA-2. Although all the information is provided in plan, it is difficult to understand how each building type works, the total number of units per building and especially how each individual unit is accessed from outside, as specified by the Town Board. Therefore, please provide additional information on the plans identifying what the many doors on each building represents, i.e., entry way to apartments or to some type of mechanical space, the unit sizes per building and the number of units per building. In addition, please provide a chart that provides this information in matrix form so it is clear how many of each building type there is, how many units per building and what type of units per building, i.e. loft or terrace, etc. This will help to clarify the organization of units and buildings in the plan.

## **Garbage**

Whereas Sheet LA-2 indicates a Recycle Center, there does not appear to be any designation for where regular garbage is collected. Please indicate on the drawings and describe in narrative, the plan for garbage collection and pick-up. Also, explain if each resident is required to bring their recyclables to the central recycling center and how this works, if the same, at other Avalon projects.

## **Guide Rail System**

Detail drawing SD-4 identifies the design for the timber post guide rail. Review of the drawings submitted, however, do not indicate a location where these would be used or the length of run of such a fence. Please indicate where this is on the drawings, and if not already identified, please indicate on the drawings and specify the distance they will run.

## **Landscape Plan**

More detailed comments will follow on the landscape plan and design particularly as it relates to the design guidelines of the Planned Hamlet District Section 170-24 of the zoning ordinance.

### **Soil Stockpile Locations**

Drawing SP-2 shows typical soil stockpile areas during implementation of the stormwater pollution prevention plan. The plans here and on the Somers Realty subdivision plans still do not identify the relationship of these submitted plans to the designated soil stockpile area approved as part of the Phase 2 Somers Realty subdivision and Mews Phase 2 development and need to. Coordination of removal of this earlier stockpile and construction phasing of the Phase 3 subdivision and Avalon project needs to be described.

### **Tree Removal**

Sheet EX-5 seems to list all the trees on site but does not indicate which the trees that are to be removed are. To make it easier to cross reference drawings EX-1, EX-2, EX-3 and EX-4 with the list, the list needs to identify trees to be removed and provide a legend that totals all trees on site, those to be removed and those to remain. With this information, cross referencing can occur related to the tree removal fee paid for removal of 101 trees.

**McCULLOUGH, GOLDBERGER & STAUDT, LLP**

**ATTORNEYS AT LAW**

**1311 MAMARONECK AVENUE, SUITE 340**

**WHITE PLAINS, NEW YORK**

**10605**

**(914) 949-8400**

**FAX (914) 949-2510**

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**FRANK S. McCULLOUGH, JR.  
CHARLES A. GOLDBERGER  
JAMES STAUDT  
LINDA B. WHITEHEAD  
SETH M. MANDELBAUM**

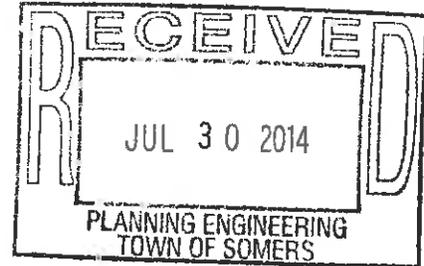
**JOANNA C. FELDMAN  
DEBORAH A. GOLDBERGER  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
MEREDITH A. LEFF  
RUTH F.-L. POST  
KEVIN E. STAUDT  
STEVEN M. WRABEL**

**KEITH R. BETENSKY  
COUNSEL**

**FRANK S. McCULLOUGH (1905-1998)  
EVANS V. BREWSTER (1920-2005)**

**FILE COPY**

**July 30, 2014**



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

**Re: Somers Realty Planned Hamlet Master Plan  
Installation of Sewer Connection for Somers Commons Shopping Center**

**Dear Chairman Currie and Members of the Board:**

As you will recall, in February 2009 the Planning Board approved the Somers Realty Planned Hamlet Master Plan (the "Master Plan") for the property owned by Somers Realty Corp. located on Route 6 and Mahopac Avenue (the "Property") and adopted a SEQRA Findings Statement. As a condition of those approvals, Somers Realty was required to provide an easement to the owner of the Somers Commons shopping center to allow for a connection from the shopping center to the new pump station, which would allow the shopping center to eliminate its pump station. This was a strong recommendation of the prior Town Engineer. That easement was granted and the agreement recorded (after review by the Town Attorney). The owners of The Mews 1 and 2 took title to the property subject to the easement. The location of the easement has been shown on the plans and filed maps for the first two phases of the Somers Realty Planned Hamlet Master Plan.

With construction of the pump station now moving forward, Somers Realty has been having discussions with the owner of the shopping center regarding moving forward with the installation of the sewer connection. The parties have reached agreement whereby Somers Realty will undertake the installation of the sewer connection on behalf of the Somers Commons shopping center owners. The sewer line, as was always anticipated, will require temporary disturbance to steep slopes and a small area of wetland buffer. In addition, removal of four (4) trees is required.

Chairman and Members of the Board

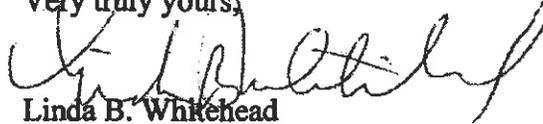
July 30, 2014

Page 2

We are now submitting to you herewith a Wetland and Watercourses Protection, Steep Slope Protection, Stormwater Management and Erosion and Sediment Control and Tree Removal permit applications together with an Environmental Assessment Form and plans.

We look forward to reviewing these applications with you. We would appreciate if you could place this matter on your August 13, 2014 agenda for discussion.

Very truly yours,



Linda B. Whitehead

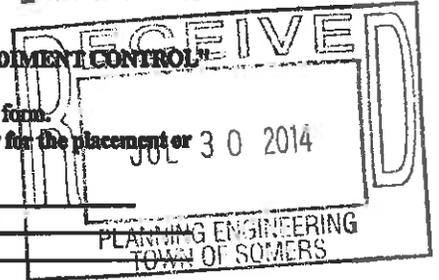
**Enclosures**

cc: Seth Capozza, Somers Realty  
Rich Williams, Insite Engineering  
Ken Kearney  
Stephan Rapaglia, Esq., Urstadt Biddle Properties, Inc.

11/03

TOWN OF SOMERS  
WESTCHESTER COUNTY, NEW YORK  
APPLICATION FOR ENVIRONMENTAL PERMIT  
CHAPTER 93 "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL"

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Application Processing Affidavit must also be completed. Click here for form.  
APPLICATION FEE: \$100 for disturbances of five thousand (5,000) square feet and/or for the placement or removal of 50 cubic yards of soil, plus \$500 for each additional acre of disturbance.

OWNER: See attached List of Owners Tel #: See attached List of Owners  
Mailing Address: See attached List of Owners  
APPLICANT: Somers Realty Corporation Tel #: 917-584-6527  
Mailing Address: 15 Charles Street, Apartment 12G, New York, New York 10014  
State authority: If other than owner, authorization must be submitted in writing

PREMISES: Sheet: 420 Block: 1 Lot: 11.1, 15.1, & 19

DESCRIPTION OF WORK AND PURPOSE:  
Construction of a gravity sanitary sewer line with sewer manholes.

SIZE OF ACTIVITY AREA: 1,280+/- feet by 24 feet  
(include all construction activity area)

VOLUME OF EXCAVATED MATERIAL: 280 C.Y.+/- to be excavated and replaced as backfill over the sewer pipe, 90 C.Y.+/- to be excavated as spoil and replaced with sewer pipe and gravel.

IN CONJUNCTION WITH:  
Wetland Permit: X Steep Slopes Permit: X Tree Preservation Permit: X  
Site Plan: Subdivision: STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

PROPOSED STARTING DATE: 8/11/14 PROPOSED COMPLETION DATE: 11/30/14  
PLANS PREPARED BY: INSH E.N.G. DATED: 7/30/14

\*\*Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application.\*\*

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:  
WCDOT - NYCDOT; SEWER EXTENSION APPROVALS

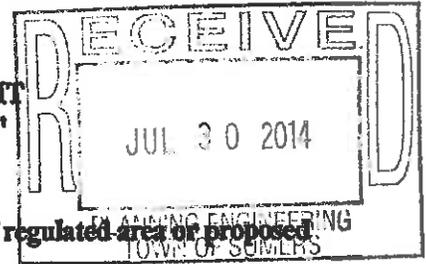
LIST OF PROPERTY OWNERS OF RECORD OF LANDS AND CLAIMANTS OF WATER RIGHTS WITHIN 100 FEET OF SUBJECT PROPERTY  
NAME ADDRESS BLOCK/LOT  
See attached List of Property Owners Within 100 Feet

APPLICANT'S SIGNATURE: [Signature] DATE: 7/30/14  
OWNER'S SIGNATURE: [Signature] DATE: 7/30/14

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

Office Use Only  
Administrative Permit: \_\_\_\_\_  
Planning Board Permit: \_\_\_\_\_

TOWN OF SOMERS  
WESTCHESTER COUNTY, NEW YORK  
APPLICATION FOR ENVIRONMENTAL PERMIT  
CHAPTER 148 "STEEP SLOPE PROTECTION"



APPLICATION FEE:

Alteration of Steep Slopes: \$150.00 minimum fee plus \$75.00 per 10,000 S.F. of regulated area or proposed portions thereof to be disturbed.

OWNER: See attached List of Owners Tel. #: See attached List of Owners

Mailing Address: See attached List of Owners

APPLICANT: Somers Realty Corporation Tel. #: 917-584-6527

Mailing Address: 15 Charles Street, Apartment 12G, New York, New York 10014

State authority: N/A If other than owner, authorization must be submitted in writing.

Premises: Sheet: 4.20 Block: 1 Lot: 11.1, 15.1, & 19

Situated on the SE side of U.S. Route 6 (Street) 0 feet from the intersection of Clayton Boulevard (Street)

Description of Work and Purpose: Construction of a gravity sanitary sewer line with sewer manholes.

Estimated Quantity of Excavation: 280 C.Y.+/- to be excavated and replaced as backfill over the sewer pipe,

Size of Activity Area: 24,000 SF +/- 90 C.Y.+/- to be excavated as spoil and replaced with sewer pipe and gravel.

Total Value of Work: \$120,000

Slope Category: 15% - 25%: 1,200; 25% - 35%: or >35%: 6,600 S.F.

Soil Types: U<sub>h</sub>, U<sub>o</sub>ORTHENTS SMOOTHED

Proposed Starting Date: 10/1/14 Proposed Completion Date: 11/30/14

Plans Prepared by: Insite Engineering Dated: 7/30/14

\*\*Plans must be submitted with application.\*\*

List of Applicable County, State, or Federal Permits:

WCDM + NYCDEP: SEWER EXTENSION APPROVALS

List of Property Owners of Record of Lands and Claimants of Water Rights within 100 feet of Subject Property.

NAME	ADDRESS	BLOCK	LOTS
See attached List of Property Owners with 100 Feet			

Applicant's Signature: [Signature] Date: 7/30/14  
 Owner's Signature: [Signature] Date: 7/30/14  
 Applicant: [Signature] Attorney: [Signature]

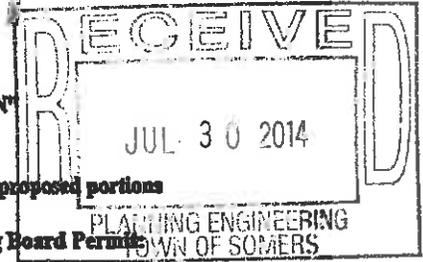
\*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION AND SIZE OF SLOPE CATEGORIES.

.....Office Use Only.....  
 Administrative Permit: \_\_\_\_\_  
 Planning Board Permit: \_\_\_\_\_

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TOWN OF SOMERS  
WESTCHESTER COUNTY, NEW YORK  
APPLICATION FOR ENVIRONMENTAL PERMIT  
CHAPTER 167 "WETLAND AND WATER COURSE PROTECTION"



APPLICATION FEE:

Alteration of Wetlands: \$200 minimum fee plus \$100 per 5,000 S.F. of regulated area or proposed portions thereof to be disturbed.

Annual Maintenance Permit Renewal Fee: Administrative Permit: \$25.00, Planning Board Permit: \$75.00

OWNER: See attached List of Owners Tel.#: See attached List of Owners

Mailing Address: See attached List of Owners

APPLICANT: Somers Realty Corporation Tel. #: 917-584-6527

Mailing Address: 15 Charles Street, Apartment 12G, New York, New York 10014

State authority: NA If other than owner, authorization must be submitted in writing.

PREMISES: Sheet: 4.20 Block: 1 Lot: 11.1, 15.1, & 19

Situated on the SE side of U.S. ROUTE 6 (Street), 0 feet from the intersection of CLAYTON BOULEVARD (Street)

DESCRIPTION OF WORK AND PURPOSE:

Construction of a gravity sanitary sewer line with sewer manholes.

SIZE OF ACTIVITY AREA: 24,000 sq +/-

Is work proposed in Wetland: No or Wetland Control Area: Yes

Is there an existing house located on the site: No

Is pond, lake or detention basin proposed to be cleaned: No

Functions provided by Wetland: REFER TO SOMERS REALTY EIS

Wetland Expert delineating Wetland: TIM MILLER ASSOCIATES, INC.

ESTIMATED QUANTITY OF EXCAVATION: 280 C.Y. +/- to be excavated and replaced as backfill over the sewer pipe,

ESTIMATED TOTAL VALUE OF WORK: \$120,000

PROPOSED STARTING DATE: 10/1/14 PROPOSED COMPLETION DATE: 11/20/14

90 C.Y. +/- to be excavated as spoil and replaced with sewer pipe and gravel.

PLANS PREPARED BY: INSITE ENG. DATED: 7/20/14

\*\*Plans must be submitted with application.\*\*

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:

WCRDH + NYCDEP: SEWER EXTENSION APPROVALS

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

NAME	ADDRESS	BLOCK	LOTS
<u>TO BE PROVIDED</u>			

APPLICANT'S SIGNATURE: [Signature] DATE: 7/30/14

OWNER'S SIGNATURE: [Signature] DATE: 7/30/14

\*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION MAP OF WETLANDS AS THEY EXIST IN THE FIELD OR AS SHOWN ON SOMERS ENVIRONMENTAL MAPS.

Office Use Only

Administrative Permit: \_\_\_\_\_

Planning Board Permit: \_\_\_\_\_

## MEMORANDUM



**TO:** Town of Somers Planning Board  
**CC:** Marilyn Murphy, Planning Board Secretary  
**FROM:** Joseph C. Barbagallo, P.E., BCEE  
**DATE:** August 8, 2014  
**RE:** Somers Commons Gravity Sewer  
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes  
Protection Permit, Wetland Activity Permit and Tree Removal Permit.  
U.S. Route 6  
TM: 4.20-1-15, PH District

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### GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our initial comments related to our review of the applications for environmental permits that have been submitted for the project located along the eastern shoulder of U.S. Route 6. The applications relate to the construction of a new gravity sewer main from the existing sewer pump station within the Somers Commons Shopping Center to the new pump station located within the Somers Realty Planned Hamlet. As a result of the new gravity sewer construction, the existing pump station connection in Somers Commons Shopping Center will be decommissioned and existing flows will be routed through the new pump station in the Planned Hamlet. An easement for the proposed gravity sewer line was provided through approval of the Somers Realty Phase II Subdivision Plat, but the system layout and design details were not contemplated at that time. The following documents were received during the current review period:

### DOCUMENTS RECEIVED

- Cover Letter, by McCullough, Goldberger & Staudt, LLP, dated July 30, 2014.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 148 "Steep Slope Protection", by Linda Whitehead, dated July 30, 2014.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 167 "Wetland and Watercourse Protection", by Linda Whitehead, dated July 30, 2014.
- Town of Somers Planning Board: "Application for Environmental Permit, Chapter 93 "Stormwater Management and Erosion and Sediment Control", by Linda Whitehead, dated July 30, 2014.
- Town of Somers Planning Board: "Tree Removal Permit Application, Section 156, Tree Preservation", by Linda Whitehead, dated July 30, 2014.
- NYSDEC State Environmental Quality Review: Short Environmental Assessment Form (EAF), by Jeffrey Contelmo, PE, Insite Engineering, Surveying & Landscape Architecture, P.C., dated July 30, 2014.



- "Short Environmental Assessment Form Supplemental Narrative", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated July 30, 2014.
- Figure: "Vicinity Map", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated July 30, 2014.
- "Somers Realty Corp/Somers Commons Gravity Sewer Line", Drawing Sheets: "PP-1", "D-1" & "D-2", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated July 29, 2014.

## PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Wetlands Activity Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- NYSDEC: State Environmental Quality Review\*\*
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)
- NYC DEP: Sewer Extension Approval
- Westchester County Department of Health (WCDOH): Approval of Sanitary Sewer Extension

\*\* - If proposed development activities are determined by the Planning Board to warrant modification of the previously approved Master Plan and/or require additional review under SEQR.

## DISCUSSION

The Applicant has provided a preliminary erosion and sediment control based stormwater pollution prevention plan (SWPPP) elements, layout plan drawing sheet and construction details to describe the proposed sanitary sewer design. The following is a summary of our comments at this time. It should still be noted that additional comments may be issued upon the review of more detailed design submittals.

1. The Applicant shall revise the final plan to more clearly delineate the identified limits of land disturbance, including staging areas (0.60 acres).
2. The provided application documents identify that greater than 5,000 square feet, but less than 1 acre of land disturbance is anticipated by the proposed construction activities. In accordance with Chapter 93 of Town Code and the NYSDEC SPDES General Permit (No. GP-0-10-001), the Applicant is required to prepare and erosion and sediment control based stormwater pollution prevention plan (SWPPP) for the temporary site disturbance.

Based upon our review of the documents, several of the required erosion and sediment control SWPPP elements are addressed by the provided drawing sheets. The following is



a summary of our comments related to outstanding SWPPP components and the proposed erosion and sediment control plan:

- a. The Applicant shall revise the final SWPPP submittal to include the following information in accordance with Town Code Chapter 93 and the NYSDEC SPDES General Permit:
    - i. Inspection form to be used by the Qualified Inspector during weekly site erosion & sediment control inspections.
    - ii. Contractor Certification Statement
    - iii. Product Cut Sheet and Maintenance Summary for "Dirtbag Pumped Silt Control System".
  - b. Revise the plan to identify the location of proposed temporary topsoil stockpile area during construction.
  - c. Revise the Construction Sequence to incorporate specific sequence details to related to:
    - i. Disturbance and installation of stabilization within identified steep slope areas,
    - ii. Temporary road plating of the proposed sewer trench through Clayton Boulevard during construction.
    - iii. Coordination with construction of the Somers Realty Pump Station,
    - iv. Decommissioning and retrofit of the existing Somers Commons Pump Station
    - v. Temporary disturbance and restoration of existing permanent erosion and sediment control practices (i.e., check dams, stabilized spillways)
  - d. Provide a construction detail for "Erosion Control Blanket", as referenced on drawing sheet "PP-1".
  - e. Revise the erosion and sediment control program notes to reference the Chapter 5 Soil Restoration Requirements of the NYSDEC Stormwater Management Design Manual, latest edition.
  - f. Revise the statement contained by Erosion & Sediment Control Note No. 21.
  - g. Revise Erosion & Sediment Control Note 20 to indicate that the Qualified Inspector will be responsible for weekly inspections.
3. The Applicant shall provide the draft permanent easement and maintenance agreement for the proposed gravity sewer main for review to ensure consistency with the proposed improvements.
  4. The Applicant shall revise the Construction Detail for "Town Road Pavement Replacement" to include a description of and required dimensions for "keyed -in" asphalt placement (saw-cut and milling) along the edge of trench within Clayton Boulevard.



5. The Applicant has provided preliminary design layout and details for the proposed gravity sewer construction to the new Somers Realty Corp. pump station. Our office has completed initial review of the design layout and has prepared comments as cited below. It should be noted that these comments reflect the conceptual level of detail that has been provided and that additional comments will be issued upon future submittal of detailed design documents:

Wastewater Systems Engineering

- a. Provide Engineering Reports for the proposed Gravity Sanitary Sewer Systems, including hydraulic design calculations.
  - b. Revise the construction detail for sanitary sewer manholes to identify benches within the Manhole. Several manholes have minor drops from inlet to outlet. The Applicant shall revise the profile to have the inlet pipe connect at the manhole bench.
  - c. Provide detailed procedures for decommissioning of the existing pump station within the Somers Commons Shopping Center.
  - d. Provide a construction detail for the proposed gravity sewer pipe connection to the proposed the existing pump station at Somers Commons Shopping Center and the pump station being installed as part of the extension of Clayton Boulevard. Include all relevant design details and invert elevations.
  - e. In the Engineering Report, evaluate whether there will be excessive velocity in the sewer segment between SMH #10 and SMH#11.
6. The Applicant shall prepare a construction cost estimate, based upon the proposed sewer construction and improvements. The construction cost estimate shall serve as the basis for determination of the construction bond.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Barbagallo', written over a horizontal line.

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