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
AGENDA
AUGUST 14, 2013
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for June 12, 2013.

TIME-EXTENSION

1. **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
   FINAL CONSERVATION SUBDIVISION APPROVAL
   [TM: 16.12-1-41 & 42]
   Application of Susan Haft and Ridgeview Designer Builders, Inc. for Final Conservation Subdivision Approval, Stormwater Management and Erosion and Sediment Control, Steep Slopes and a Tree Removal Permit. Request for a 90-day time-extension of Final Approval from August 19, 2013 to and including November 18, 2013 in accordance with §150-13.M. of the Code of the Town of Somers. This is the eleventh request for an extension of Final Subdivision Approval.

2. **SOMERS REALTY PLANNED HAMLET**
   FINAL SUBDIVISION APPROVAL AND LOT LINE CHANGE, WETLAND PERMIT, TREE PRESERVATION PERMIT AND STORMWATER MANAGEMENT AND EROSION CONTROL PERMITS
   [4.20-1-15, 18]
   Application for Final Subdivision and Lot Line Change, Wetland Permit, Stormwater Management and Erosion and Sediment Control, Tree Preservation Permits for Somers Realty Planned Hamlet.
   Request for a 90 day time-extension to the period of Final Subdivision Approval from July 22, 2013 to and including October in accordance with §150-13.M. of the Code of the Town of Somers. This is the first request for an extension of Final Subdivision Approval.

INFORMAL APPEARANCE

3. **DR, RALPH SMALL'S BUILDING**
   [TM: 17.11-2-6]
   Application of Dr. Small for property located at 356 Somerstown Road for discussion on the construction of an elevator to the exterior of the second floor of the building.

PROJECT REVIEW

4. **JONATHAN VILLANI/SOMERS DEVELOPMENT, LLC WETLAND PERMIT**
   [TM: 16.05-1-1]
   Application of Jonathan Villani and Somers Development LLC for a Wetland Permit for property located at 237 Tomahawk Street for the renovation of existing residential buildings and expansion of existing shed and restoration of landscaped areas.

DISCUSSION

5. **GRANITE POINTE SUBDIVISION**
   [TM: 27.05-3-2 & 5]
   Discussion on updated FSEIS completeness review proposal for professional services from Frederick P. Clark Associates.

FSEIS COMPLETENESS REVIEW RELATIVE ONLY TO STORMWATER

6. **GRANITE POINTE SUBDIVISION**
   [TM: 27.05-3-2 & 5]
   Review of the Granite Pointe Subdivision Final Supplemental Environmental Impact Statement (FSEIS) Completeness Review Relative to stormwater from Woodard & Curran.

Next Planning Board Meeting, September 11, 2013
Agenda information is also available at www.somersny.com

C-
PB
TP

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
OF COUNSEL

July 10, 2013

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TOWN OF SOMERS

524

Via Electronic Mail

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

Re: 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
Eleventh Request for Extension of Time to November 18, 2013

Dear Chairman Currie and Members of the Planning Board:

At its meeting on May 1, 2013, the Planning Board granted its tenth extension of Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to and including August 19, 2013. We are writing to request an additional 90-day extension of Final Approval to and including November 18, 2013 (the first business day after the ninetieth day, which is Sunday, November 17, 2013). This is our eleventh request for an extension of Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Since the last extension, our clients have continued to grade the site work related to the infrastructure. The next significant step will be installation of the utilities by New York State Electric & Gas Corporation ("NYSEG"). Contracts with NYSEG are in the process of being completed and our clients anticipate that aspect to be finished in the near future. However, this next step of work will cost a substantial amount which our clients are working on generating with other Ridgeview Builders work. In an effort to control the amount and duration of disturbance on the site, our clients are holding off on starting the next phase of infrastructure work until the utilities are installed. This temporary hiatus in work will allow the fill in the road sections to settle and compact naturally which should provide the best results prior to installing the top course of blacktop. Given the circumstances and the amount of work that is still outstanding, it is not realistic to complete the utilities or the balance of the infrastructure work prior to the August 19, 2013 expiration date. Therefore, our clients seek a further extension of Final Approval to and including November 18, 2013.

We understand from Mr. Eric Moss that the site is clean and stable with no erosion or runoff, that the ponds, which are on-line, are doing their job, and that he has advised Mr. Steven Woelfle of the status of work on the site.

Kindly schedule this request for consideration and action at the Board's the next available meeting prior to the expiration date, and let us know if an appearance is required.

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.
Mr. Matt Gironda
Ms. Susan F. Haft
Mr. Eric Moss

S:\# MATTERS\Moss 0056\Somers Subdiv 001\Letters\Currie 7-10-13 Eleventh Extension Request.wpd

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
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Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: **July 25, 2013**

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: **Susan Haft/Ridgeview Designer Builders, Inc. Subdivision Eleventh Time-Extension**

On July 10, 2013, a request for an eleventh 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On August 19, 2013, the previously granted time extension for the final subdivision approval will expire. The requested time extension, if granted would extend a 90 day approval up to and including November 18, 2013.

The Applicant has provided an explanation regarding the status of work on the project and the need for further subdivision approval extension for consideration by the Planning Board.

I have no issues with the Planning Board granting a further time extension for this project.

If you have any questions, please do not hesitate to contact me.

cc: Geraldine Tortorella, Esq.
Susan Haft

Z:\PE\Subdivision files\EricMossRidgeview\Time Extensions\11th time extension.doc

McCULLOUGH, GOLDBERGER & STAUDT, LLP
ATTORNEYS AT LAW
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JAMES STAUDT
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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
ARI L. TRAN

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

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TOWN OF SOMERS

July 18, 2013

529

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
Final Subdivision Approval, Resolution #2013-1

Dear Chairman Currie and Members of the Board:

We are writing to request a first 90 day extension of the final Subdivision Approval in this matter. We had hoped to have all approvals in hand to satisfy the conditions of the final approval before the expiration date. Unfortunately, due to the review times of the various other agencies, we do not yet have all the approvals in hand.

The expiration date per the resolution is July 22, 2013. This request is being submitted prior to such date. We respectfully request that this matter be placed on the agenda for your August 14, 2013 meeting.

Thank you for your continued cooperation in this matter.

Very truly yours,

Linda B. Whitehead

cc: Seth Capozza, Somers Realty
Peter Gregory, KCG Engineers, P.C.

PLANNING AND ENGINEERING DEPARTMENTS

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(914) 277-5366
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Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: July 25, 2013

RE: Request for First Time Extension Somers Realty Planned Hamlet Master Plan Final Subdivision Approval, Resolution #2013-1

On July 19, 2013, a request for a first 90-dayextension of the Somers Realty Planned Hamlet Master Plan Final Subdivision Approval, Resolution #2013-1 was received by the Planning and Engineering Department. Conditional Final Subdivision Approval was to expire on July 22, 2013 unless the conditions of approval were met or the time for approval was extended by the Planning Board. The Resolution specifically stated; "The request for time extension shall be made by the Applicant **prior to** expiration of the specific time period."

Since the date for expiration of the subdivision approval pre-dated the next Planning Board meeting of August 14, 2013 at which time the Planning Board can consider this time extension request, I asked for an interpretation by Town Attorney Roland Baroni. According to the Town Attorney, Town Law does not require the extension to be granted prior to expiration. Therefore, it was his opinion that, on balance, given the working in the resolution, he thinks it is sufficient that the request was made prior to the expiration. Therefore, the requested tie extension, if granted, would extend a 90 day approval up to and including October 20, 2013.

I have no issues with the Planning board granting a time extension for this project. If you have any questions, please do not hesitate to contact me.

Cc: Linda B. Whitehead
Seth Capozza, Somers Realty
Peter Gregory, KCC Engineers, P.C.

Z:\PE\Subdivision files\Somers Realty Subdivision 2\Extensions\First Extension.doc

7/06

Contact Info

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: $150.00 DATE PAID: 8/5/13

I. IDENTIFICATION OF APPLICANT:

A. OWNER: R. Ralph Small
ADDRESS: 3 Columbus Drive
Carmel, NY 10512
TELE #: 845.277.3444

SUBDIVIDER: jpl architects
ADDRESS: Joseph P Lazzarchick
PO Box 311
Somers, NY 10589
TELE #: 914.277.7232

B. SURVEYOR:
ENGINEER:

II. IDENTIFICATION OF PROPERTY:

A. Project Name: 356 Somerstown Road
B. Street abutting property: Somerstown Road (Route 202)
C. Tax Map Design: Sheet: 17.11 Block: 2 Lot: 6
Zoning District: BHPD
E. Project (does) (does not) connect directly into (State) (County) highway.
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:

Construct An Elevator To Second Floor Of Building. Exterior Alteration

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.

X _____ Date: 8/5/13
Applicant

X _____ Date: 8/5/13
Owner

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TOWN OF SOMERS

Appendix C
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR: Dr. Christopher Nicora

2. PROJECT NAME: 356 Somerstown Road (Route 202)

3. PROJECT LOCATION:
Municipality: Somers
County: Westchester

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
356 Somerstown Road (Route 202)
Somers, NY 10589

5. IS PROPOSED ACTION:
☐ New ☐ Expansion ☒ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Construct An Elevator To Second Floor Of Building. Exterior Alteration

7. AMOUNT OF LAND AFFECTED:
Initially 150 Sq. Ft. ~~acres~~ Ultimately 150 Sq. Ft. ~~acres~~

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☒ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☐ Residential ☐ Industrial ☒ Commercial ☐ Agriculture ☐ Park/Forest/Open space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☒ Yes ☐ No If yes, list agency(s) and permit/approvals
Building Department, Building Permit

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If yes, list agency name and permit/approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☐ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Dr. Christopher Nicora Date: 8/5/13

Signature:

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ 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 AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

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)

Date

AFFIDAVIT TO BE COMPLETED BY OWNER OTHER THAN CORPORATION

STATE OF NEW YORK)
COUNTY OF Westchester) ss:

Dr. Ralph Small, being duly sworn, deposes and says:

that he is the owner in fee of all the property shown on plat entitled 356 Somerstown Road (Route 202),

application for approval of which is herein made. The deponent acquired title to the said premises by deed from _____

dated 1/21/05, and recorded in the Office of the Clerk of the County of Westchester on 4/25/05, in Liber 45068 of Conveyances at Page 0811. 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) x Larry Small

Sworn to before me this 3rd day of August, ~~19~~ 2013

Kathleen Zill
Notary Public

KATHLEEN ZILL
Notary Public, State of New York
No. 01ZI5035105
Qualified in Westchester County
Commission Expires October 24, 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: _____ Date: 8/5/13

X Signature of Property Owner: _____ Date: 8/5/13
(if different from applicant)

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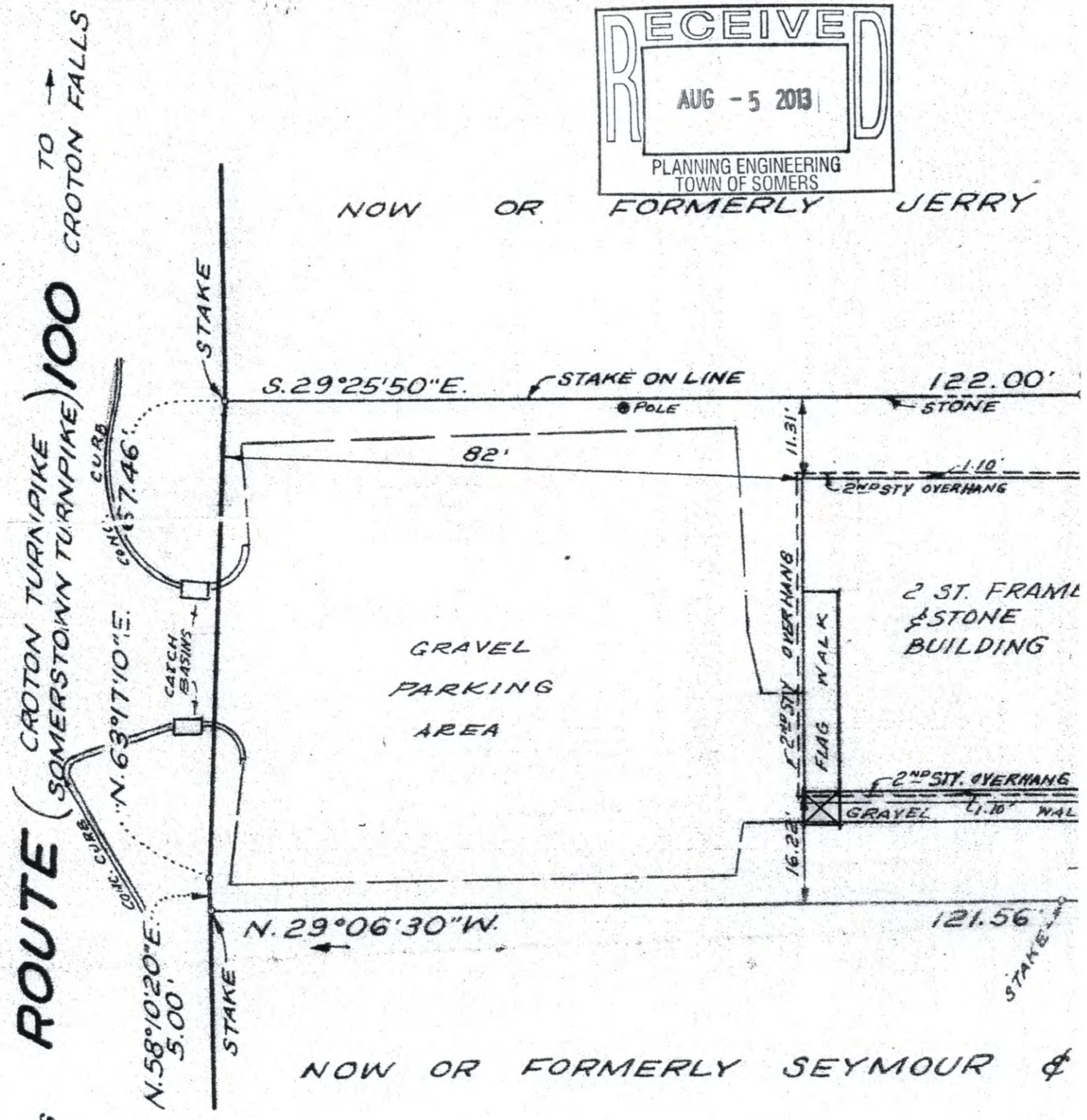
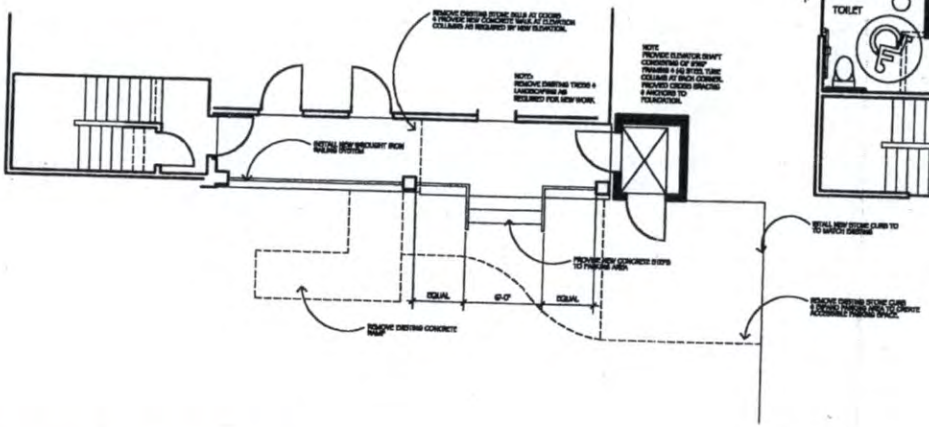
TOWN OF SOMERS



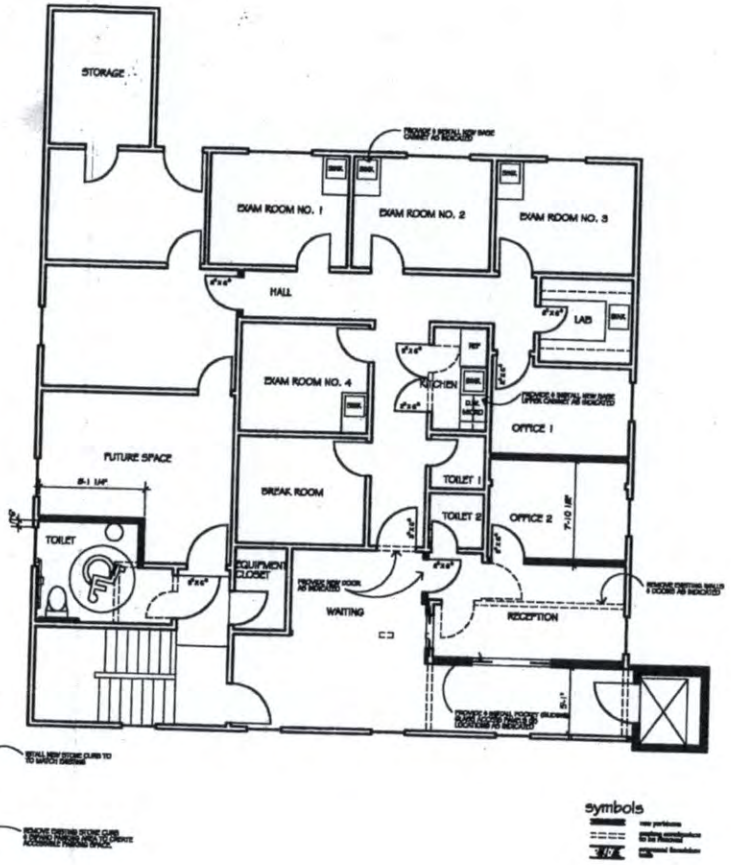
AREA = 16,042 SQ. FT.

CERTIFIED TO COMMONWEALTH LAND TITLE INSURANCE COMPANY AND TO HASTINGS ON HUDSON FEDERAL SAVINGS AND LOAN ASSOCIATION.



1 LOWER LEVEL PLAN

1/4 INCH = 1 FOOT



2 UPPER LEVEL PLAN

1/4 INCH = 1 FOOT

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TOWN OF SOMERS

proposed alterations
office space
356 somerstown road
somers, ny 10589

jpl architects

A 100

7/02

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TOWN OF SOMERS

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: Somer Derelopment LLC Tel.#:
Mailing Address: 237 Tomahawk Str., Baldwin, NY 10505
APPLICANT: Jonathan Villani Tel. #: 914-595-1071
Mailing Address: 435 Sherman Ave,
State authority: _____ If other than owner, authorization must be submitted in writing.

PREMISES: Sheet: 16.05 Block: 1 Lot: 1
Situated on the West side of Tomahawk (Rt. 118) (Street), 200 feet from the intersection of Travis Rd. (South) (Street)

DESCRIPTION OF WORK AND PURPOSE: Renovation of existing residences, expansion of storage shed, and restoration of landscape areas and lawn within wetland buffer.
SIZE OF ACTIVITY AREA: +/- 0.1 acres
Is work proposed in Wetland: _____ or Wetland Control Area: ✓
Is there an existing house located on the site: Yes
Is pond, lake or detention basin proposed to be cleaned: No
Functions provided by Wetland: See Wetland Report
Wetland Expert delineating Wetland: Evans Associates
ESTIMATED QUANTITY OF EXCAVATION: 0 C.Y. ____ CUT ____ FILL
ESTIMATED TOTAL VALUE OF WORK: $
PROPOSED STARTING DATE: 8/13 PROPOSED COMPLETION DATE: 10/13
PLANS PREPARED BY: John Annunziata DATED: 7/30/13
Plans must be submitted with application.
LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: N/A

LICENSED PROFESSIONAL ENGINEER JOHN J. ANNUNZIATA 047005 STATE OF NEW YORK

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

NAME	ADDRESS	BLOCK	LOTS
Antonio Malatesta	229/231 Rt 118	16.05	1/2.1
Lynn Marbach	3 Meadow Park Rd.	5.17	1/12

APPLICANT'S SIGNATURE: _____ DATE: 7/30/13
OWNER'S SIGNATURE: _____ DATE: 7/30/13

*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: _____

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
Jonathan Villani / Somers Development LLC

2. PROJECT NAME
237 Tomahawk Street

3. PROJECT LOCATION:
Municipality Somers (Baldwin Place) County Westchester County

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
west side of Route 118 - 237 Tomahawk Street

5. PROPOSED ACTION IS:
☐ New ☐ Expansion ☑ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Renovation of existing residential buildings on site and expansion of existing shed for storage of equipment and gardening tools. Restoration of landscaped areas surrounding buildings and clean-up of debris.

7. AMOUNT OF LAND AFFECTED:
Initially 4.5 acres Ultimately 4.5 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☑ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:
Residential area on west side of Route 118

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☑ No If Yes, list agency(s) name and permit/approvals:
Wetland Permit for work within regulated setback from local freshwater wetland and pond.

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☑ Yes ☐ No If Yes, list agency(s) name and permit/approvals:
Building permit for work on structures

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: JONATHAN Villani Date: 7/30/13

Signature:

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☑ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☑ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☑ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☑ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ 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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

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)

Reset

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
CHAPTER 67 "APPLICATION PROCESSING RESTRICTIVE LAW"

CERTIFICATION

I hereby certify that to the best of my knowledge no outstanding fees are due and owing to the Town of Somers for the following property:

Section 16.05 Block 1 Lot 1

Property Address 237 Tomahawk Street

Permit Applying For Wetland Permit

Furthermore, I hereby certify that to the best of my knowledge no outstanding violation (as that term is defined for the purposes of the Application Processing Restrictive Law, Paragraph 4D) of local laws or ordinances of the Town of Somers exist with respect to the above cited property or any structure or use existing thereon.

Signed _____ (Owner of Record)

Signed _____ (Applicant for Permit)

Richard Lipari
(Print Name)

Jonathan Villani
(Print Name)

Date 7/30/13

Date 7/30/13

CONFIRMATIONS

_____ Date: _____
Zoning Enforcement Officer

_____ Date: _____
Director of Finance for Fees

_____ Date: _____
Engineering Department

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: _____ Date: 7/30/13.

Signature of Property Owner: _____ Date: 7/30/13
(if different from applicant)

AFFIDAVIT TO BE COMPLETED BY CORPORATION OWNER

STATE OF NEW YORK)

ss:

COUNTY OF _____)

Richard Lipari, being duly sworn, deposes and says that he resides at 115 Mustato, Katonah 10536. in the County of Westchester, State of New York that he is the President of Corporation

(Title)

Somers Development LLC.

(Name of Corporation)

which is the owner in fee of all property shown on plat entitled S-16.05, Blk-1 Lot 1, application for approval of which is herein made. That said Somer Development LLC.

(Name of Corporation)

acquired title to the said premises by deed from Wilson, Hilton DBA H&S Investments recorded in the Office of the Clerk of the County of Westchester. on 9/2012 in Liber TBD of Conveyances at Page TBD

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) Richard Lipari

Sworn to before me this 31 day of July, 2013.

(Notary Public)

STEVEN DELAURENTIS
Notary Public, State of New York
No. 01DE4847980
Qualified in Westchester County
Commission Expires Sept. 30, 2013

One Inch = 100 Feet

Feet 50 100 150 200 250 300

Evans Associates
Environmental Consulting, Incorporated

WETLANDS DELINEATION REPORT

DATE: June 11, 2013

PROPERTY: Somers Development Property at 237 Tomahawk Street
Town of Somers (Hamlet of Baldwin Place)
Westchester County

REPORT BY: Evans Associates Environmental Consulting, Inc.

INTRODUCTION

Wetlands on the above-captioned property were evaluated in accordance with the Wetlands and Watercourse Protection Ordinance of the Town of Somers (Chapter 167 of the Town Code), and the technical criteria in the 1987 Army Corps of Engineers (ACOE) Wetland Delineation Manual as modified by the 2012 Regional Supplement for the Northcentral and Northeast Region (TR-12-1). The field delineation was conducted on June 6, 2013 by a Professional Wetland Scientist and a Certified Professional Soil Scientist of Evans Associates Environmental Consulting, Inc. The approximately 4.2-acre property is located on the west side of Tomahawk Street (Route 118), east of a bike/walk trailway. Areas immediately surrounding the property are mainly residential, with the exception of the trailway. The property contains several small buildings, a driveway and a shed. The west side of the property contains two, small, dug ponds, connected by a culvert. A watercourse flows through the ponds and off site to the south. Off site and to the north of the ponds is a small dam impounding a larger pond. The property is located within the Muscoot River Basin.

For the majority of the property, the edge of the ponds represents the edge of the wetlands. The few sections of wetland that fell outside of the pond edges were flagged with sequentially numbered, orange ribbon flagging depicting the words "Wetland Boundary." Flags were numbered A-1 through A-5 for the outflow of the ponds to the southern property boundary (Wetland A), and B-1 through B-5 encircling the northern on-site pond (Wetland B).

205 Amity Road
Bethany, CT 06524
Tel: 203.393.0630
Fax: 203.393.0196

WETLAND DESCRIPTION

Vegetation

Vegetation in Wetland A includes spicebush *(Lindera benzoin)* and elderberry *(Sambucus sp.)* shrubs, along with jewelweed *(Impatiens capensis)* and soft rush *(Juncus effusus)*. Vegetation in Wetland B includes American elm *(Ulmus americana)* and cottonwood *(Populus deltoides)* trees and saplings, elderberry and spicebush shrubs, along with sensitive fern *(Onoclea sensibilis)*. Pondweed *(Potamogeton sp.)* was documented in the ponds.

Soils

The wetlands consist mainly of the two small ponds, which contain open water. The soils in the wetlands adjacent to the ponds are mapped as Ridgebury loam. This soil is formed in glacial till and can be found in concave areas between ridges, along drainageways, at the base of slopes, and in depressions. Ridgebury loam is poorly drained and very deep to bedrock, but has a dense substratum that can perch water. Ridgebury loam is often found on the same slopes as upland Paxton and Woodbridge loams (on-site upland soils are described below). Ridgebury loam has an aquic moisture regime and is listed on hydric soils lists.

Hydrology

The wetlands are primarily sustained by the interception of the groundwater table. Evidence of wetland hydrology includes saturated soils, ponded and flowing water, and the presence of seeps.

UPLAND DESCRIPTION

Vegetation

Vegetation in the uplands of the property include red maple *(Acer rubrum)*, black locust *(Robinia pseudoacacia)*, apple *(Malus sp.)*, sassafras *(Sassafras albidum)*, and shagbark hickory *(Carya ovata)* trees and saplings, privet *(Ligustrum sp.)*, raspberry *(Rubus sp.)*, and multiflora rose *(Rosa multiflora)* shrubs, and Virginia creeper *(Parthenocissus quinquefolia)* vines. Lawn and some mature trees are located throughout the property and lining the driveway.

Soils

The soil in the uplands is mapped as Paxton loam. This soil is well drained, and very deep to bedrock. Paxton loam is formed in glacial till and is found on till plains, hills, and drumlins. Woodbridge loam is similar to, and often found in sequence with, Paxton and Ridgebury loams. Woodbridge loam is moderately well drained, which falls in-between the drainage classes of Paxton and Ridgebury soils. Paxton and Woodbridge loams each have a dense substratum.

REGULATORY JURISDICTIONS

Town of Somers Wetland Regulations
The Town of Somers regulates wetlands that are greater than 5000 square feet in area, primarily based on the presence of hydrophytic soils, hydrophytic vegetation, and hydrology as defined in Chapter 167, "Wetlands and Watercourse Protection," in the Town Code. In addition to regulating the wetland, the Town also regulates a wetland buffer, which is the area extending 100 feet horizontally from and paralleling the outermost wetland boundary or bank of the watercourse. The buffer may be increased to greater than 100 feet where designated by the approval authority. Both of the wetlands flagged continue off-site, and are likely to be greater than 5000 square feet in size.

New York State Department of Environmental Conservation Wetland Regulations
The DEC regulates wetlands in accordance with the New York State Freshwater Wetlands Act (Article 24 of the New York State Environmental Conservation Law). The DEC regulates wetlands that are 12.4 acres in size or greater, primarily based on vegetation, that are shown on, or are connected to wetlands shown on, the DEC Freshwater Wetland maps. In addition to regulating wetlands, the DEC also regulates 100-foot adjacent areas around the wetlands. The wetlands on the property are not shown on DEC maps and are therefore not regulated by the DEC. The nearest DEC-regulated wetland is Freshwater Wetland F-26, which is located on the far side of Tomahawk Street.

Federal Wetland Regulations (Army Corps of Engineers)
The ACOE is the federal agency that regulates wetlands under the Clean Water Act. The ACOE regulates wetlands based on the presence of hydrophytic vegetation, hydric soils, and wetland hydrology as defined in the 1987 ACOE Wetland Delineation Manual as modified by the 2012 Regional Supplement for the Northcentral and Northeast Region (TR-12-1). The ACOE regulates wetlands that are associated with hydrologic features that are connected to interstate waters (e.g., wetlands connected to streams that ultimately drain to the Hudson River). The ACOE does not regulate an adjacent area or wetland buffer. The on-site portion of stream flows off site to the southwest and connects with the Muscoot River, which eventually drains to the Hudson River. Therefore, the stream and its associated wetlands are regulated by the ACOE

New York City Watershed Regulations (NYC Department of Environmental Protection)
Within the New York City Watershed, the New York City Department of Environmental Protection (DEP) regulates certain activities, such as the installation of residential septic systems. The site is within the New York City Watershed as part of the Muscoot River Basin, and is therefore subject to DEP regulations.

WETLAND FUNCTIONS

The main function of the wetlands is to provide groundwater discharge (from seeps to surface water). They are also a passageway for surface water flow, when present from the dam above. The wetlands have some storage capacity for stormwater runoff, but this function is limited by the small size of the wetland ponds. Some habitat for fish and frog species may be present (fish were viewed in the ponds), but the water likely is not cold enough to support more sensitive species of fish, or less heat-tolerant species of amphibians. The ponds have poorly vegetated buffers which provide little protection from predation, and little foraging or nesting habitat near the wetlands.

Beth Evans, PWS
Principal

Eva Szigeti, CPSS
Soil Scientist

C-
PB
applicant

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WOODARD &CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Joseph Barbagallo, PE, BCEE
CC: Steve Woelfle, Principal Engineering Technician
FROM: Robert Wasp, EIT, CDT
DATE: August 7, 2012
RE: Jonathan Villani / Somers Development, LLC
Wetlands Activity Permit
237 Tomahawk Street
TM: 16.05-1-1, R 40 District

The purpose of this memorandum is to provide the Planning Board with a summary of our field inspection of observed site conditions at the property located at 237 Tomahawk Street. The subject property was issued a stop work order after observed site clearing activities were found to be operating without approved environmental permits. On August 2, 2013, Consulting Town Engineer, Joseph Barbagallo, PE visited the site which was followed with a detailed site inspection on August 6, 2013 by Woodard & Curran representative, Rob Wasp. These inspections were focused on understanding existing site conditions prior to the review of documents included under the received Application for Wetlands Activity Permit. The following is a summary of our observations:

- Significant site clearing has been undertaken – Based upon site observations, it is apparent that greater than 5,000 sq. ft. of existing land area has been disturbed and cleared on the property. Based upon the scale of site disturbance, the Applicant is required to obtain a Town of Somers Stormwater Management and Erosion and Sediment Control Permit in accordance with Chapter 93 of Town Code. (See Photos 1-4)
- Brush and other material has been stockpiled along the southern property line – Cleared brush, logs and debris have been stockpiled along the southern property line in close proximity to the neighboring residence. (See Photo No. 4).
- Silt Fences have been incorrectly installed on the site – Silt fence has been installed surrounding the existing pond and two identified wetland areas located on the western portion of the property. The silt fences have been improperly installed and currently do not provide protection for site watercourses. Silt fences must be installed in accordance with the NYSDEC New York Standards and Specifications for Erosion & Sediment Control, latest edition. Most notably:
    - Silt fence shall have a minimum embedment of 6 inches. (Photo No. 6)
    - Adjoining sections of silt fence must be overlapped and folded. (Photo No. 5)

Based upon our inspection findings, the Applicant must undertake immediate corrective actions to stabilize inactive disturbed portions of the site and to prevent future degradation to water quality in onsite wetlands. Following proper site stabilization and installation of erosion and sediment control measures, the requirement for additional wetlands buffer mitigation will be assessed. Additional

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comments related to the site application will be provided in our Planning Board review memorandum to be considered at the August 14th, 2013 meeting of the Planning Board.

Please feel free to call me at anytime at 914-448-2266 with any questions.

Sincerely,

Robert Wasp, EIT, CDT
Assistant Consulting Town Engineer

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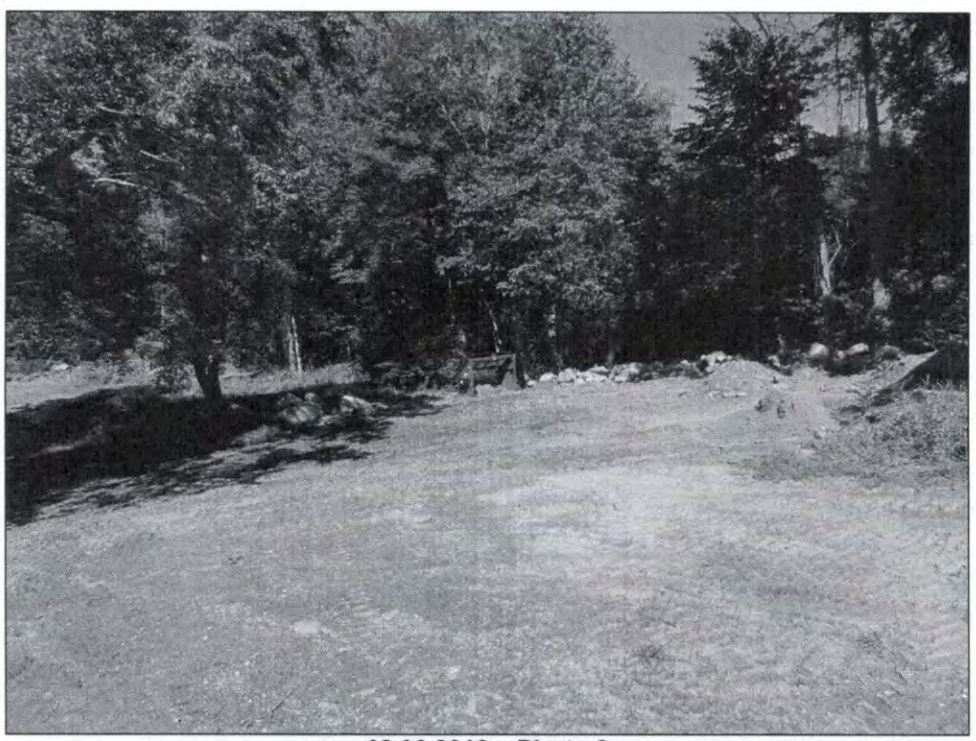
08.06.2013 – Photo 1
Ground Disturbance Along Eastern Border of Pond



08.06.2013 – Photo 2
Disturbance Adjacent to Northern Property Line

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08.06.2013 – Photo 3
Disturbance Along Western Border of Ponds

08.06.2013 – Photo 4
Debris Stockpiled on Southern Property Line

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08.06.2013 – Photo 5
Adjoining Silt Fence Segments Not Joined Properly

08.06.2013 – Photo 6
No Embedment of Existing Silt Fences

C-
PB
FPC
Applicant

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&CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: August 8, 2013
RE: Granite Point Subdivision
Review of Final Supplemental Environmental Impact Statement (FSEIS)
Tomahawk Street
TM: 27.05-3-2&5, R-40

GENERAL

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

DOCUMENTS RECIEVED

- Cover Letter, by Bibbo Associates, LLP, dated July 31, 2013.
- Email, by Steve Marino, Tim Miller Associates, dated July 31, 2013.
- "Granite Point Subdivision": Final Supplemental Environmental Impact Statement, Volumes 1, by Groundwater & Environmental Services, Inc. and Bibbo Associates, LLP, dated August 31, 2011, last revised July 31, 2013.

PERMITS AND APPROVALS REQUIRED

- New York State Department of Environmental Conservation General Permit No. GP-0-10-001.
- New York City Department of Environmental Protection: Approval of Remedial Action Work Plan (RAWP)
- New York City Department of Environmental Protection: Approval of Stormwater Pollution Prevention Plan (SPPP).
- New York State Department of Transportation: Highway Work Permit
- Westchester County Department of Health: Approval of Remedial Action Work Plan
- Town of Somers Planning Board: Approval of FSEIS

- Town of Somers Planning Board: Stormwater Management and Erosion & Sediment Control Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Permit
- Town of Somers Planning Board: Wetlands Activity Permit

DISCUSSION

As part of this FSEIS review relative to stormwater, it is the Planning Board's reviewing obligation to determine whether remedial site work environmental impacts have been mitigated. The Applicant has an approved Stormwater Pollution Prevention Plan from the NYSDEC, to which we have requested supplemental revisions to be incorporated. It is our understanding that the Applicant wishes to proceed by addressing the required SWPPP comments at the time of application for approval of a Town of Somers Stormwater Management & Erosion Control Permit, before remedial site work is commenced. Based upon the Applicant's commitment to address all comments prior to Town environmental permit issuance, we feel comfortable that the Board can have confidence that all environmental impacts relative to stormwater management will be mitigated.

Previously issued completeness review comments, as identified by our prior memorandum dated April 5, 2013, have been provided below for reference. These comments shall remain applicable during review of future Applicant Submittals for the approval of a Stormwater Management and Erosion Control Permit.

I - Comments Related to Completeness of Applicant Responses

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

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

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

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

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

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

Complete.

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

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

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

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

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

   Complete.

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

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

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

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

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

   Not Complete. The Applicant shall identify any specific handling and maintenance procedures for all stormwater infrastructure designed to collect and convey stormwater that has come in contact with lead contaminated soils. Such practices must be described in the site SWPPP.

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

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

   Not Complete. The provided SWPPP in Appendix O has been prepared to address all construction activities related to remedial site work. Several of our comments identify issues that should be addressed in a revised SWPPP submittal. Please see our additional comments identified under the SWPPP review section to follow.

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

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

   Not Complete. The Applicant shall design all site stormwater and erosion & sediment controls to provide the capacity to convey and adequately dissipate stormwater flows resulting from the 100 year design storm so that erosive and sediment-laden discharges to the adjacent reservoir property may be prevented.

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

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

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

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

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

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

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

    Response: See RAWP, Appendix O.

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

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

    Response: See RAWP, Appendix O

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

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

    Response: See RAWP, Appendix O.

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

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

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

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

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

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

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

16. *Comment(IV, 8):* Page 9, under 2.5.2: The excavation fence must be defined and detailed with the specific location of installation to be placed on the construction drawing. The decontamination station located at the common driveway will need to address how the existing property owner will be able to access his home. Will the station be located above the individual driveway? The section must provide details of the decontamination station including how stormwater will be treated, will the station have the ability to treat two-way traffic.

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

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

II - Comments Related to Stormwater Pollution Prevention Plan

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

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

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

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

Contents of stormwater pollution prevention plans.

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

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

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

(e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff. **Not Complete.**

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

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

(h) Dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils. **Complete, Additional information and details are required to be added to the SWPPP related to the specifications, details operation and maintenance of erosion and sediment control practices. See additional comments below under the Additional SWPPP Review comments section.**

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

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

(k) An inspection schedule for the developer or the contractor(s) that will be responsible for installing, constructing, repairing, inspecting and maintaining the erosion and sediment control practices included in the SPPP to ensure continuous and effective operation of the practices. The inspection schedule shall be in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. **Complete, However additional information and details are required to be added to the SWPPP related to the inspection, maintenance and reporting of erosion and sediment control practices. See additional comments below under the Additional SWPPP Review comments section.**

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

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

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

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

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

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

(d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms; **Complete, See additional comments identified below under the Additional SWPPP Review comments section.**

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

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

(g) An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice; **Partially Complete, Additional information, as identified under the Additional SWPPP Review comments section must be included in a revised SWPPP.**

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

(i) Inspection and maintenance agreements binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 93-8 of this chapter. **Not Complete. Please see our additional comments identified under the SWPPP review section to follow.**

Additional Comments Related to SWPPP and Erosion and Sediment Control Review

1. The use of areas designated for permanent stormwater basins as temporary sediment collection basins is not allowed unless the invert of permanent stormwater basins is designed to be constructed at lower elevation than the permanent stormwater feature. This convention requires the excavation of sediment laden basin soils prior to installation of permanent stormwater basins. See related Section I, Comment No 10 above.
2. The provided sediment trap sizing calculations have been prepared based upon volumes calculated from the NYSDEC water quality volume equation. For these calculations, The Applicant has used an improper value for the term "Rv" where a minimum value of 0.2 should applied. In addition, the NYSDEC New York Standards and Specifications for Erosion and Sediment Control, provides an alternative calculation method forminimum sediment trap storage volume. It is our understanding that the proposed sediment traps have been sized to accommodate larger volumes above the specified minimum storage. The Applicant shall revise the calculations summary table to demonstrate that all proposed sediment traps have been designed to accommodate the proper design volume.
3. The provided SWPPP and related Remedial Action Work Plan sections indicate that temporary sediment traps will be re-graded to their full volume for use as stormwater treatment basins at the conclusion of remedial site work and soil removal. The provided documents, however do not describe the design basis for permanent stormwater treatment basins. The Applicant shall provide design information to describe the proposed design of "stormwater treatment basins" The Applicant shall identify the design basis for their proposed basins (ponds, filtering, infiltration or other stormwater management practice) and shall provide documentation to demonstrate their feasibility, consistent with NYSDEC requirements.
4. The provided SWPPP and erosion control plan documents should address the clearing and removal of trees. The SWPPP and drawings should be updated to include a tree removal schedule, that identifies all trees to be removed by caliper and species

2. The Applicant shall be required to obtain coverage under the NYSDEC SPDES General Permit for Construction Activity. The Applicant shall provide documentation of filing an Notice of Intent to obtain SPDES coverage.

3. Given the site's location within the NYC DEP East of Hudson Watershed, stormwater practices shall be designed considering the provisions of Chapter 10 - Enhanced Phosphorous Removal Standards of the NYSDEC Stormwater Manual and additional

requirements of the NYC DEP. The Applicant shall be required to provide documentation of NYC DEP approval for the Remedial Action Work Plan SWPPP.

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

    a) The Applicant shall provide details for the proposed truck wheel wash station and its connection to sediment basin. The design details should include information to describe the truck washes station capacity as well as any required procedures for cleaning and maintenance of the truck wash station.

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

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

    d) The SWPPP should be revised to describe special provisions for the handling and temporary stockpiling of suspect contained soils. Related elements included under the project Health and Safety Plan (HASP) should be referenced in the site SWPPP. The SWPPP shall describe specific requirements for the protection and isolation of contaminated soil stockpiles, such as the use of plastic covers and other protective barriers.

    e) The Applicant shall describe the frequency of required site stormwater and erosion and sediment control inspections by a qualified professional, consistent with NYSDEC requirements. The SWPPP shall be revised to include a sample site inspection form to be completed by qualified inspection personnel.

    f) The SWPPP should be updated to reference all environmental sampling and monitoring programs, as outlined in the RAWP, including noise mitigation, air quality and odor control.

    g) The SWPPP shall be updated to describe the proposed methods for site dust control as discussed in the RAWP.

7. The Applicant shall be required to prepare maintenance agreements for all post construction stormwater management practices consistent with the requirements of the NYSDEC Stormwater Management Design Manual and Somers Town Code. Maintenance agreements shall be subject to review and approval by the Town and Somers and shall be recorded by the Westchester County Clerk's Office upon acceptance.

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

9. The Applicant is required to provide design information for the portion of the subdivision road proposed to be graded at the completion of remedial site work and soil removal. The proposed subdivision road must be shown to demonstrate conformance with "Town Road A" specifications as identified in Town Code. The Applicant must prepare a roadway

profile to demonstrate conformance with required slope and vertical curve specifications of Town Code.

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

Sincerely,

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