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
SEPTEMBER 10, 2014
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for July 9, 2014

PUBLIC HEARING

1. **SOMERS REALTY CORP 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.

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. **FABRY WETLAND PERMIT [TM: 47.20-1-12]**
   Application for a Wetland Permit 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.
   Set date for Public Hearing

4. **GREENBRIAR SOMERS CORP. [TM: 6.14-1-28.29]**
   Application for Wetland, Steep Slopes, Tree Permit and Stormwater Management and Erosion and Sediment Control Permits for property located on the North side of Greenbriar Drive for the construction of 2 residential townhouse units with connection to existing utility lines and roadway.

SEQRA

5. **GRANITE POINTE SUBDIVISION [TM: 27.05-3-2&5]**
   Review of the draft Finding Statement and Stormwater Pollution Prevention Plan (SWPPP) for the Brownfields Plan.

Next Planning Board Meeting, October 8, 2014
Agenda information is also available at www.somersny.com

C-PB
TP
Appl.

COMMITMENT & INTEGRITY DRIVE RESULTS

709 Westchester Avenue | Suite L2
White Plains, New York 10604
www.woodardcurran.com

T 800.807.4080
T 914.448.2266
F 914.448.0147

711

RECEIVED
AUG 29 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

WOODARD & CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: August 29, 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

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our 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

No new documents were received during the review period

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.**

WOODARD &CURRAN

DISCUSSION

The Applicant did not submit any new documents for our review prior to the date of issuance for our general review memoranda to the Planning Board. It is our understanding that the Applicant is working to prepare a submittal in response to our previously identified engineering comments prior to the Planning Board meeting date. Providing that documents are provided in a timely manner, our office should be able to provide a verbal summary of our updated review findings and recommendations at the time of the meeting.

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.

WOODARD &CURRAN

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 damns, 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.

WOODARD &CURRAN

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,

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

NYC Environmental Protection

Emily Lloyd
Commissioner

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

P.O. Box 358
Grahamsville, NY 12740
T: (845) 340-7800
F: (845) 334-7175

465 Columbus Avenue
Valhalla, New York 10595
T: (845) 340-7800
F: (845) 334-7175

C-
PB
CTE
TP
applicant

August 14, 2014

RECEIVED
AUG 19 2014
PLANNING ENGINEERING
TOWN OF SOMERS

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

Re: **Somers Realty Planned Hamlet – Sewer Connection for Somers Commons**
Route 6
Town of Somers, Westchester County
Tax Map #s: 4.20-1-11.1, 15.1 & 19
DEP Log#: 2004-AM-0415-SQ.4

702

Dear Ms. Dym and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has received the above referenced submission on August 5, 2014 for review. Based upon the review of the submitted documents, DEP respectfully offers the following for your consideration:

1. Please have the project sponsor show the all the DEP flagged watercourses and the respective limiting distances along the line of the sewer excavation.

2. Have the project sponsor clarify if soil borings have been performed along the route of the sewer line in order to assess the elevation of ground water and ledge rock.

3. Due to the presence of steep slopes and the close proximity to a watercourse, it is likely that dewatering will be required during excavation and construction of the sewer line connection. Potential adverse impacts to the downstream areas associated with dewatering should be identified and appropriate mitigation provided.

4. The Board should ensure that an adequate erosion and sediment control plan be prepared to ensure mitigation for potential erosion impacts during construction.

Thank you for the opportunity to provide comments. You may reach me at cgarcia@dep.nyg.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,

Cynthia Garcia

Cynthia Garcia
SEQRA Coordination Section

TIM
MILLER
ASSOCIATES, INC.

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

RECEIVED
AUG 19 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

August 19, 2014

Mr. John Currie, Chair
Town of Somers Planning Board
Somers Town House
335 Route 202
Somers, NY 10589

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

Dear Mr. Currie and Members of the Board:

As a follow up to our presentation at the Board's meeting of August 13, 2014, and correspondence from Woodard and Curran dated August 8, 2014, we offer the following information for consideration by the Board:

In response to the Woodard and Curran memo:

Item 1. The plan now includes a limit of disturbance line. Total land disturbance is approximately 2,500 square feet, including the creation of the proposed rain garden.

Item 2. The submitted plans now include a temporary erosion and sediment control plan, including a detail of the silt fence installation, and the location of the silt fence and temporary stockpile areas.

The proposed sequence for the grading portion of the garage construction is as follows:

1. Stake out of garage location.
2. Installation of silt fence.
3. Excavation of footing trenches, use of stockpile area.
4. Preparation of slab area.
5. Pouring of slab and footings; backfill footings.
6. Preparation of expanded driveway apron.
7. Construction of garage.
8. Excavation of utility trench to new garage.
9. Excavation and planting of rain garden; tying in of roof leaders.
10 Laying of new asphalt on expanded apron.
11. Completion of garage construction; stabilization of disturbed areas.

Item 3a. As shown on the plans, roof runoff from the new garage will be routed to the rain garden via a surface swale. The rain garden will be provided with a standpipe for overflow once the capacity of the rain garden is exceed, and will discharge directly into the wetland area via a subsurface pipe.

Item 3b. The cross section of the rain garden has been revised to be consistent with the proposed rain garden footprint and material depths. Maintenance of the rain garden will include weeding, dead-heading of plant materials and occasional removal of accumulated sediments.

Item 3c. *Planting Soil Bed Characteristics (NYSDEC Stormwater Design Manual, 2010).*
"The characteristics of the soil for the bioretention facility are perhaps as important as the facility location, size, and treatment volume. The soil must be permeable enough to allow runoff to filter through the media, while having characteristics suitable to promote and sustain a robust vegetative cover crop. In addition, much of the nutrient pollutant uptake (nitrogen and phosphorus) is accomplished through adsorption and microbial activity within the soil profile. Therefore, the soils must balance soil chemistry and physical properties to support biotic communities above and below ground. The planting soil should be a sandy loam, loamy sand, loam (USDA), or a loam/sand mix (should contain a minimum 35 to 60% sand, by volume). The clay content for these soils should by less than 25% by volume. Soils should fall within the SM, or ML classifications of the Unified Soil Classification System (USCS). A permeability of at least 1.0 feet per day (0.5"/hr) is required (a conservative value of 0.5 feet per day is used for design). The soil should be free of stones, stumps, roots, or other woody material over 1" in diameter. Brush or seeds from noxious weeds. Placement of the planting soil should be in lifts of 12 to 18", loosely compacted (tamped lightly with a dozer or backhoe bucket). The specific characteristics are presented in below."

Parameter Value
PH range 5.2 to 7.00
Organic matter 1.5 to 4.0%
Magnesium 35 lbs. per acre, minimum
Phosphorus (P2O5) 75 lbs. per acre, minimum
Potassium (K2O) 85 lbs. per acre, minimum
Soluble salts 500 ppm
Clay 10 to 25%
Silt 30 to 55%
Sand 35 to 60%

Mulch Layer (NYSDEC Stormwater Design Manual, 2010).
"The mulch layer plays an important role in the performance of the bioretention system. The mulch layer helps maintain soil moisture and avoid surface sealing which reduces permeability. Mulch helps prevent erosion, and provides a micro-environment suitable for soil biota at the mulch/soil interface. It also serves as a pretreatment layer, trapping the finer sediments which remain suspended after the primary pretreatment. The mulch layer should be standard landscape style, single or double, shredded hardwood mulch or chips. The mulch layer should be well aged (stockpiled or stored for at least 12 months), uniform in color, and free of other materials, such as weed seeds, soil, roots, etc. The mulch should be applied to a maximum depth of three inches. Grass clippings should not be used as a mulch material."

Item 3d. The location of the stabilized outlet for the rain garden overflow is now shown on the plans.

Item 4. The well location, which is in the front (western) portion of the yard, was shown on the original plans submitted. The septic system location (tank and fields) are now also shown on the plan.

Item 5. The approximate location of the existing electrical service is also now shown on the plans. As stated at the meeting, Mr. Fabry installed the electrical service in anticipation of a future garage in the proposed location, so the electrical service was installed to remain clear of this area.

Item 6. The wetland boundary was flagged by Steve Marino, PWS of Tim Miller Associates on September 13, 2013.

Regarding compliance with Chapter 167, Wetlands and Watercourse Protection, of the Town of Somers Code:

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, Standards for Permit Decisions

Under Chapter 167 of the Code of the Town of Somers, the following must be considered in making a decision.

1. The impact of the proposed activity and existing and reasonably anticipated similar activities upon neighboring land uses and wetland functions as set forth in § 167-1, including but not limited to the:

A. Infilling of a wetland or other modification of natural topographic contours. No filling of wetlands or modification of natural topography is proposed.

B. Disturbance or destruction of natural flora and fauna. The proposed garage will be built on existing lawn, no natural vegetation will be disturbed.

C. Influx of sediments or other materials causing increased water turbidity or substrate aggradation. The existing watercourse is only intermittent, and the applicant proposed

construction of a rain garden and buffer enhancement plantings to improve the drainage conditions on the site compared to the existing condition.

D. Removal or disturbance of wetland soils. None proposed.

E. Reductions in wetland water supply. A small area of new impervious surface will be created, approximately 900 square feet, and runoff form this area will be routed to a rain garden then conveyed to the wetland in a manner similar to the existing condition.

F. Interference with wetland water circulation. None proposed.

G. Reduction or increases in wetland nutrients. None expected due to the use of the rain garden for stormwater treatment.

H. Influx of toxic chemicals or heavy metals. None proposed or expected.

I. Thermal changes in the wetland water supply. The use of the rain garden with infiltration will offset any concerns about temperature issues form the roof runoff.

J. Changes affecting natural aesthetic values. The proposed garage will be built on a lawn in a residential neighborhood, which has little "natural aesthetic value".

2. Any existing wetland impacts and the cumulative effect of reasonably anticipated future wetland activities in the wetland subject to the application.

The wetlands in this neighborhood have been disturbed in the past by the residential development, and the remaining wetlands serve primarily as drainage corridors between existing residences. No impact to the corridor itself is proposed, and the enhancement of the buffers will play a small part in restoring some water quality and habitat function.

3. The impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage and water quality.

No impact is anticipated with the mitigation measures proposed.

4. The safety of the proposed activity from flooding, erosion, hurricane winds, soil limitations and other hazards and possible losses to the applicant and subsequent purchasers of the land.

Not applicable.

5. The adequacy of water supply and waste disposal for the proposed use.

The proposed garage will not require any expansion of water supply or septic system.

6. Consistency with all applicable statutes or regulations of comprehensive land use plans.

The project is consistent with local zoning requirements.

7. The availability of preferable alternative locations on the subject parcel or, in the case of an activity which cannot be undertaken on the property without disturbance to wetlands, the availability of other reasonable locations for the activity, whether or not such locations are under the ownership or control of the applicant.

The garage is proposed for the only location on the lot that makes sense from a parking/traffic standpoint. The existing driveway is narrow, being pinched by the wetlands on the north side, and the ability to turn in and turn around drive the geometry of the proposal. Significantly more asphalt would be required to re-arrange the driveway and garage entrance if the orientation of the garage were to change. As noted above, the location and orientation of the garage have been anticipated for many years, and the driveway and utilities were installed to accommodate this particular location.

8. The adequacy of the proposed mitigation plan in minimizing the potential impacts of the activity.

It is our opinion that the mitigation plan mitigates the most obvious impacts, i.e., the potential changes in water quality being discharged to the wetland, by the construction of the rain garden. Due to its size, geometry and location in a residential neighborhood, this narrow drainage corridor offers little else in terms of significant wetland function.

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. The proposed mitigation plan will offset any potential water quality impacts, and will enhance an existing buffer that is currently maintained as mowed lawn with native plantings and a cessation of mowing in identified areas. Therefore we believe that the project meets the requirements of Chapter 167 of the Town Code.

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,

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

C- PB Appl

COMMITMENT & INTEGRITY DRIVE RESULTS

709 Westchester Avenue | Suite L2
White Plains, New York 10604
www.woodardcurran.com

T 800.807.4080
T 914.448.2266
F 914.448.0147

709

MEMORANDUM

RECEIVED
AUG 29 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

WOODARD &CURRAN

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: August 29, 2014
RE: Fabry Residence
Wetland Activity Permit
135 Pines Bridge Road
TM: 47.20-1-12, 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 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 August 19, 2014.
- "Mitigation/Drainage Plan for Fabry Residence", Drawing Sheet, prepared by Tim Miller Associates, Inc., dated August 18, 2014.

PERMITS AND APPROVALS REQUIRED

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

DISCUSSION

The Applicant has provided an updated drawing sheet and cover letter in response to our previously identified engineering comments. Based upon our review of the provided documents, that Applicant has addressed the majority of our outstanding engineering comments. Remaining comments are generally minor in nature and relate to updated notes that should be included on the final drawing. As such, we are comfortable with the Planning Board scheduling the Public Hearing at this time.

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.** It should be noted that additional comments may be added following the receipt of new or updated project documents.

WOODARD &CURRAN

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. **Addressed.**

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. **Addressed.**

   b. Provide construction details for all proposed erosion and sediment control devices. **Addressed.**

   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. **Partially Addressed. The Applicant should revise the description of maintenance procedures to identify the frequency of erosion and sediment control inspections during construction 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. **Partially Addressed. The provided drawing should be revised to identify size and material of stormwater conveyance pipes.**

   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:

WOODARD &CURRAN

i. Weeding, watering and replacement of deceased vegetation. **Addressed.**

ii. Removal of accumulated sediment and mulch replacement **Addressed.**

c. Provide material specifications for proposed rain garden cross section materials (i.e soil media and drainage layer) on the plan. **Addressed.**

d. Revise the plan to show the location of stabilized overflow outlet spillway at the intended rain garden discharge point. **Partially Addressed. The plan shall be revised to identify the dimensions of and stone size to be used within the proposed stone outlet apron.**

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. **Addressed.**

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. **Addressed.**

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. **Addressed.**

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

Sincerely,

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

PB
PET
CTE
Applicant

OPEN SPACE COMMITTEE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

MICHAEL BARNHART
CHAIRMAN

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

RECEIVED
JAN 22 2014
PLANNING ENGINEERING
TOWN OF SOMERS

621

MEMO TO: Syrette Dym, Town Planner

FROM: Open Space Committee

RE: Greenbriar Subdivision Section 7 - Lots 1 & 2

DATE: January 21, 2014

The Open Space Committee reviewed the wetland, steep slopes, SMESC, and tree permit applications associated with the above property at its January 16 meeting. We have the following concerns and recommendations.

We were provided with no information regarding what trees are to be removed from the site. We cannot offer any evaluation, therefore, of the tree permit.

The site includes slopes above 25% upon which much of the construction will take place. Presumably, there will be a substantial amount of soil removal, regrading, and stockpiling. We are concerned that a single line of silt fencing, as proposed in the erosion control plan, and positioned on only a portion of the slope will prove inadequate, especially in the event of a major storm event. We also suggest that the Building Department inspect to ensure that planned erosion control measures are maintained throughout construction and are functioning adequately.

From the plan, it appears that roof drainage will be collected and routed into the subdivision's overall stormwater system. This will reduce groundwater recharge downslope with negative impact on existing wetlands, especially in their capacity as natural habitat. We would suggest some sort of redesign to restore natural flow downslope.

We would also recommend rethinking the use of the usual catch basins and steep sided curbing as these measures have been shown to kill large numbers of reptiles, amphibians, and small mammals that become trapped while crossing roads and

driveways and funneled into these structures. Calhoun & Klemens' "Best Development Practices," available through the Cary Institute of Ecosystem Studies, documents both the issues and research surrounding the use of catch basins for stormwater management. They recommend using grassy swales where possible and, especially where swales are impractical, Cape Cod curbing to minimize the funneling of amphibians into treatment chambers.

We also recommend the use of low-spillage lighting to avoid wildlife disturbance in downslope wetlands, again, per Calhoun and Klemens.

Finally, in regard to the Landscape Plan, the proposed shrubs and trees are species that would not typically occur in this terrain. We suggest plantings more consistent with what naturally occurs, onsite. This will mitigate some of the visual impact of the associated development.

cc: Town Board

BIBBO ASSOCIATES, L.L.P.
Consulting Engineers

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

RECEIVED
JUL 31 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

July 31, 2014

Somers Planning Board
335 Route 202
Somers, NY 10589-3206

Attn: Mr. John Currie, Chairman

Re: Green Briar, Sec. 7, Lots #1 & 2

Dear Members of the Board:

Enclosed for your review in the above matter are 14 copies of the following items:

1) SWPPP, dated revised June 30, 2014
2) Short EAF
3) Project Plans, Dwgs. #1-7, dated revised May 30, 2014

In accordance with comments provided in memorandums of February 4, 2014 and January 3, 2014 by the Consulting Town Engineer, we offer the following:

A. <u>Memorandum of Feb. 4, 2014</u>
<u>Tree Removal Permit</u>

1. a. & b. Photos are shown on Dwg. #6 of 7 along the north and west property lines where trees outside the property lines are to remain. This plan also shows the limits of disturbance and all trees by species, caliper and location within the limits of disturbance that will require removal.

2. As shown on Dwg. #6 of 7, disturbance within the wetland buffer is associated with the proposed restoration of overly steep and eroded embankments that were formed during installation of sewer lines and water supply wells. The embankments as shown in photos #2 & #5 are to be filled to a flatter, 1 on 2 slope and restored to vegetation as described on a detail on Dwg. #5. The seed proposed to restore the slope (ERNMX-140) is a diverse mix of grasses and herbaceous perennial flowers.

Wetlands Activity Permit

1. The boundary of wetland #F2 within the proximity to the lots has been updated. The delineation was conducted by the NYSDEC and the flags located by the project surveyor. A wetland boundary plan with signed validation block is included as sheet #7. The updated boundary places the 100 foot adjacent area limits further to the north and beyond the improvements required for the nearest lot #1. As shown on the Site Plan, the work proposed within the adjacent area is related to the restoration of embankments adjoining existing water and sewer lines.

2. a. The work associated with development of Lot #1 can be accomplished without buffer disturbance. The embankment restoration to occur within buffer will not require tree removal. The benefits or restoration will outweigh the short term disturbance of filling and grading to reduce and restore the slope.

2. b. The buffer beyond the lots and wetland is a lightly wooded, moderately steep slope with a predominance of oak, maple and beech trees.

2. c. State wetland #F-2 serves a number of beneficial functions. Foremost is the capacity for groundwater recharge. The wetland receives stormwater runoff from a watershed area of approximately 820 acres. The wetland and a large part of contributing watershed within the boundary of Somers is located within the Groundwater Protection Overlay District. The wetland provides a significant contribution to flood control. Previous hydrologic studies for the Green Briar subdivision have shown that substantial peak rate reduction is realized at the Green Briar Drive/Brown Brook crossing due to the storage available in the wetland. Brown Brook is tributary to the Muscoot Reservoir. Biological treatment and filtration provided in the wetland is a significant benefit to surface water treatment and the NYC water supply. For residents within Green Briar and those surrounding the wetland on Warren Street and Smith Lane, the wetland is highly valued as preserved open space.

   The project should have no adverse effect on these wetland functions. Impervious surfaces will be collected and infiltrated on-site for the benefit of ground and surface waters. Open spaces afforded by the wetland will continue as one of the prime assets in the Green Briar Community.

2. d. The footing drain discharge location on Lot #1 is now beyond the wetland buffer limits. A detail for riprap outlet protection at the outlet is now contained on Sheet #5.

3. Given the ability to develop the lots without buffer infringement, we respectfully request reconsideration for the need of a mitigation plan. It is our opinion that a demarcation serving to make homeowners aware of the restricted area would be beneficial. We recommend installation of a post and rail fence along the rear property lines as shown on Sheet #3. To signify the presence of wetland, signs as shown on sheet #3 can be fastened to the fence.

4. The Landscape Plan (Sheet #3) has been revised to require a 2-year guarantee on plants and seed.

Steep Slopes Protection Permit

1. A note has been added to Sheet #2 regarding the 15-day maximum between clearing and grading on steep slopes.

B. Review Memorandum of Jan. 3, 2014

1. The limits of disturbance are now indicated on the Site Plan (Sheet #1). The areas of disturbance are also shown.

2. a. The SWPPP has been revised on page #7 to include a description of litter control measures and construction material storage.

2. b. An inspection form for weekly use by the qualified inspector is now included in the Appendix of the SWPPP.

2. c. An earthwork summary is now provided on page #4 of the SWPPP.

3. Re-delineation of wetland #F-2 in the vicinity of the project has been conducted as shown on sheet #7 of the plan set.

4. The wetland buffer disturbance required is associated with restoration of eroded embankments to be restored in accordance with the detail shown on Sheet #5. The seed proposed to restore the slopes is defined on the detail.

5. Silt fence has been added to the front of the site along Green Briar Drive.

6. The eroded embankment along the path over the sewer line is proposed for restoration as discussed above.

7. The current version of the Short EAF is enclosed herewith.

8. On the Tree Removal Plan (Sheet #6) all existing trees that would require removal within the area of disturbance are identified.

C- PB Appl.

COMMITMENT & INTEGRITY DRIVE RESULTS

709 Westchester Avenue | Suite L2
White Plains, New York 10604
www.woodardcurran.com

T 800.807.4080
T 914.448.2266
F 914.448.0147

708

RECEIVED
AUG 29 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

WOODARD &CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: August 29, 2014
RE: Green Briar Somers Corporation – Section 7, Lots 1 & 2
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes Protection Permit, Wetland Activity Permit and Tree Removal Permit.
Green Briar Drive
TM: 6.14-1-28,29, R-40 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 applications for environmental permits for the parcels located on Green Briar Drive. The Applications are for construction of two townhouse units that were previously granted approval under Resolution No. 2006-26 for the re-subdivision of Lots 1-4 in Green Briar Section 7. The following documents were received during the current review period.

DOCUMENTS RECEIVED

- Cover Letter, by Bibbo Associates, LLP, dated July 31, 2014.
- NYSDEC State Environmental Quality Review: Short Environmental Assessment Form (EAF), by Joseph J. Buschynski, PE, dated May 19, 2014.
- Stormwater Pollution Prevention Plan, prepared by Joseph J. Buschynski, PE, dated November 14, 2013, last revised June 30, 2014.
- "Site Plan", Drawing Sheets: "SP-1", "CM-1", "LP-1","EC-1", "AD-1", "TP" & "WB" prepared by Bibbo Associates, LLP, dated November 4, 2013, last revised May 30, 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: Freshwater Wetlands Permit
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)

WOODARD &CURRAN

DISCUSSION

The Applicant has prepared a revised Stormwater Pollution Prevention Plan (SWPPP) and site drawings in response to our previously identified engineering comments. Following the Applicant's appearance at the January 8, 2014 Planning Board meeting, additional review comments were communication to the Applicant through our action memorandum, dated February 4, 2014. Our review of Applicant responses to each memorandum are organized under the two memoranda headings below.

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.** It should be noted that additional comments may be added upon the review of new or revised project documents.

COMMENTS FROM FEBRUARY 4, 2014 ACTION MEMORANDUM

Pursuant to Tree Removal Permit

1. Consistent with the requirements of Town Code §156-5, the Applicant shall provide the following information as required to be included with an application for Tree Removal Permit.
    a. Color photographs showing the areas and environment where trees are to be removed, with sufficient detail to identify the remaining trees in the area after work is completed. **Addressed.**
    b. Survey or sketch of the area to be disturbed, showing the number, location, common name, and tree caliper of all trees proposed to be removed. **Addressed.**
2. Replacement plantings shall be coordinated with the wetland buffer Mitigation Plan to preserve the existing ecological functions of the wetland area. **Comment satisfaction subject to determination by Planning Board related to Comment No. 3, below.**

Pursuant to Wetlands Activity Permit

1. The Applicant shall provide an updated survey of wetlands boundaries, as delineated by a qualified individual no earlier than 12 months prior to the date of application filing. The date of delineation and qualified individual shall be identified on the updated survey. **Addressed.**
2. The Applicant shall provide the following information as required to be included with an Application for Wetlands Activity Permit: The provided comments below are referenced directly from application requirements listed under §167-6.
    a. Statement of the proposed work and explanation why the proposed activity cannot be located at another site or outside regulated wetland buffer areas. **Addressed.**
    b. Description of vegetative cover within the existing regulated buffer area, including dominant species. **Addressed.**
    c. Description of all functions currently provided by the wetland area under review. **Addressed.**

WOODARD &CURRAN

d. Provide a construction detail for the proposed footing drain discharge location, as shown within the regulated wetland buffer area. **Addressed.**

3. The Applicant shall develop a Mitigation Plan for disturbances to regulated buffer areas in accordance with the requirements of Town Code §167-9. The Mitigation Plan must consider required baseline data for "small projects" identified under §167-9(B) and shall be developed to follow criteria for disturbance to the wetland buffer as defined by §167-9(B)(5). The Mitigation Plan shall be comprised of all required plan elements indicated by §167-9(C). **The provided Applicant comment response requests that requirement of a mitigation plan be reconsidered as all utility connection work is located outside of the 100 foot regulated buffer of the recently updated wetland boundary. Based upon our understanding of the project scope, it is our recommendation to the Planning Board that this request is acceptable, as the only work proposed to occur within the wetland buffer is limited stabilization of the deteriorated steep slope areas.**

4. The Applicant shall revise the Planting Plan to indicate a minimum two year guarantee on all planting and seeding, starting from the date of final acceptance. **Addressed.**

Pursuant to Steep Slopes Protection Permit

1. The Applicant shall update the plan to indicate that no disturbance of steep slope area shall occur greater than 15 days prior to the start of grading within such area. **Addressed.**

2. **The provided Constraints Map drawing shows that disturbance of regulated very steep slope areas (greater than 25% gradient) is proposed as a result of construction activities. In accordance with Town Code Chapter 148, the Planning Board is the permit issuance authority where disturbance of regulated Very Steep Slopes and Extremely Steep Slopes areas are proposed. The Applicant shall revise the SWPPP to identify that Town Steep Slopes Disturbance and Stormwater Management & Erosion Control Permits environmental permits are not administrative, as the Planning Board is the issuing authority.**

3. **The Applicant should describe how grading and stabilization of steep slopes within the regulated wetland buffer will be completed. If additional disturbance and associated construction access is needed for the use of mechanical excavation equipment, then the SWPPP must be amended to consider the additional disturbed area and stabilization following construction.**

COMMENTS FROM JANUARY 3, 2013 REVIEW MEMORANDUM

1. The Applicant shall revise the plan to include a limit of disturbance line and shall identify total land disturbance in square feet. **Addressed.**

2. The Applicant has provided a Stormwater Pollution Prevention Plan (SWPPP) for the development on Lots 1 & 2. Consistent with the requirements of Chapter 93 of Somers Town Code, the project accounts for less than 1 acre of land disturbance but must still prepare a SWPPP with Erosion and Sediment Controls. In addition, the Applicant is required to obtain coverage under the NYSDEC General SPDES Permit for Stormwater

WOODARD &CURRAN

Discharges from Construction Activity (GP-0-10-001). The following comments are based upon our review of the provided SWPPP.

a. The SWPPP shall be revised to include a description of litter control measures and storage of construction chemicals. **Addressed.**

b. The Applicant shall revise the SWPPP to include an acceptable Erosion and Sediment Control Inspection Form to be used during weekly inspections in accordance with the SPDES General Permit. **Addressed.**

c. The Applicant shall provide a summary of earthwork for the project site, including totals of net cut and fill. **Addressed.**

d. **The Applicant shall revise the Construction Sequence to include the proposed slope stabilization work on existing deteriorated steep slopes areas.**

e. **Revise the construction detail for silt fence to consist of wire-reinforced non-woven geotextile, consistent with the NYSDEC New York Standards & Specifications for Erosion & Sediment Control.**

f. **The Applicant shall update the SWPPP and erosion and sediment control drawing notes to identify that weekly site inspections shall be completed by the Qualified Inspector, in accordance with the NYSDEC SPDES General Permit (GP-0-10-001).**

g. **Revise the SWPPP and erosion and sediment control drawing notes to reference the Chapter 5 Soil Restoration Requirements of the NYSDEC Stormwater Management Design Manual, latest edition.**

3. The proposed site work includes site disturbance within the 100 foot buffer of NYSDEC regulated wetlands, as shown on the provided plans. Through discussions with the Town Principal Engineering Technician, the Applicant has requested to waive requirement for an updated delineation of the wetland limits. Based upon the minimal level of disturbance and the observed site conditions, we feel comfortable to recommend that the Planning Board consider waiving such requirement for an updated delineation.

4. The Applicant shall provide a description of seeding and vegetative restoration proposed within the NYSDEC Wetland buffer. **Partially Addressed. The Applicant shall add a note to the plan which indicates that wetland buffer areas shall be maintained as a "No Mow" area.**

5. The Applicant shall revise the Erosion and Sediment Control drawing sheet to include a row of silt fence along the southern project limits to Green Briar Drive. **Addressed.**

6. Existing slopes on northwest property line of lots 1 & 2 along the edge of the sewer easement have become eroded. The Applicant shall revise the erosion and sediment control plan to include slope stabilization measures for the deteriorated steep slope surfaces along the edge of sewer easement and where sanitary sewer connections are proposed. **Partially Addressed. The provided detail sheet includes a construction detail that describes seed and mulch placement on the steep slopes to be stabilized.**

WOODARD &CURRAN

The Applicant shall revise the detail to note the rate and patterns staples/pins intended to be placed within the slope stabilization blanket.

7. NYSDEC State Environmental Quality Review Forms have been updated, as effective on October 7, 2013. The provided Short Environmental Assessment Form was not completed on the currently accepted form template. The Applicant shall revise the project Environmental Assessment Form to use the current issued template. **Addressed.**
8. The Applicant shall prepare a Tree Removal Plan that identifies all trees to be removed by species and caliper. **Comment Superseded. Refer to Action Memorandum Comment No. 1(a), above.**
9. **The Applicant shall add a note to the plans at the proposed crossings of water service and roof drain pipes to indicate that a minimum of 18" inches vertical separation must be provided, in accordance with WCDOH standards.**

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

Sincerely,

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

FREDERICK P. CLARK ASSOCIATES, INC.
PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
RYE, NEW YORK FAIRFIELD, CONNECTICUT

DAVID H. STOLMAN
AICP, PP
PRESIDENT

MICHAEL A. GALANTE
EXECUTIVE
VICE PRESIDENT

350 THEO. FREMD AVE.
RYE, NEW YORK 10580
914 967-6540
FAX: 914 967-6615

CONNECTICUT
203 255-3100

HUDSON VALLEY
845 297-6056

LONG ISLAND
516 364-4544

www.fpclark.com

email@fpclark.com

RECEIVED
AUG 29 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

707

MEMORANDUM

To: John Currie, Chairman, and Members of the Town of Somers Planning Board

Date: August 29, 2014

Subject: **Granite Pointe Subdivision Final Supplemental Environmental Impact Statement (FSEIS) – Draft Findings Statement [#210.201]**

As requested, the Draft Findings Statement has been revised to incorporate information regarding the Stormwater Pollution Prevention Plan (SWPPP) related to the remedial site work activities reviewed by Joe Barbagallo, the Consulting Town Engineer. The revisions are highlighted using underline.

We look forward to discussing the Findings Statement with you.

Sarah L. Brown
Senior Associate/Planning

cc: Joseph Barbagallo, P.E., Consulting Town Engineer
Roland Baroni, Esq.
Paul Muessig, EA Engineering
Marilyn Murphy, Planning Board Secretary

J:\DOCS2\200\Somers\findings cover.slb.doc

- On November 15, 2006, the Planning Board extended the written comment period deadline to January 10, 2007;

- Preparation of a Final Supplemental Environmental Impact Statement (FSEIS);

- Acceptance of the revised FSEIS, dated July 31, 2013, as complete by the Planning Board on September 24, 2013;

- Circulation of the FSEIS and the establishment of an FSEIS written comment period through October 22, 2013;

This SEQRA Findings Statement also attests to the fact that the Planning Board has given due consideration to the Supplemental Environmental Impact Statement (SEIS) prepared in conjunction with this action, including all appendices thereto, and the public and agency comments submitted on the same. Further, this SEQRA Findings Statement contains the facts and conclusions in the Supplemental Environmental Impact Statement relied upon by the Planning Board to support its decisions and "indicates the social, economic and other factors and standards" that form the basis for its decision.

A. Site and Neighborhood Description

The subject property is a 28.8-acre parcel of undeveloped, mostly woodland located on Tomahawk Street in Somers, New York. The property is mainly surrounded by the Amawalk Reservoir.

B. Project History

The Applicant had been granted preliminary and final subdivision plat approval following a full SEQRA review which culminated in the adoption of findings for the development of 23 single-family residential lots on the property. Subsequent to the granting of final approval, it was further discovered that specific areas of the property were impacted with deposited lead from an old shooting range. The presence of lead was confirmed in a report prepared by the project sponsor's consultant, Groundwater and Environmental Services, Inc. dated March 3, 2004. As a result of this new information,

DRAFT

and in order to allow the Applicant sufficient time to prepare a Supplemental Environmental Impact Statement (SEIS) within the allowable time constraints, action was taken by the Planning Board to rescind the final subdivision plat approval and the application's status reverted to the preliminary subdivision plat approval stage.

II. PROPOSED ACTION

A. Proposed Action

The currently Proposed Action involves the remedial activities associated with the proposed approval of a subdivision plat for 23 single-family residential lots on 28.8 acres located on Tomahawk Street, including the approval of required environmental permits and of a soil remediation plan to eliminate deposited lead, the presence of which was discovered after the Planning Board completed the original environmental review for the Proposed Action.

B. Required Approvals

The Proposed Action requires the following approvals:

1. Town of Somers Planning Board

- Final Subdivision Plat approval
- Tree Removal Permit approval
- Stormwater Management and Erosion and Sediment Control Permit approval

2. New York City Department of Environmental Protection

- Approval of a Stormwater Pollution Prevention Plan (SWPPP) for remedial site work activities

- Approval of a Stormwater Pollution Prevention Plan (SWPPP) for residential subdivision development

DRAFT

The abandoned remains of several residential and commercial buildings are located on the currently undeveloped parcel. The buildings include a restaurant, which no longer exists but was located in the central portion of the site, several dwellings, and some storage buildings.

IV. ENVIRONMENTAL IMPACTS

Shooting Range Related Site Impacts

A. Evaluation of Site Soils

1. Impacts Identified

a. The lead concentration in site soils outside the area of expected shot fall was calculated at 70.47 mg/kg; this is below the New York State Department of Environmental Conservation (NYSDEC) average range of 200-500 mg/kg for suburban areas. The background concentration was determined by averaging the XRF screening and laboratory results of soil samples collected from outside the expected area of impact. Soil sampling of the expected shot fall area revealed that a portion of the subject property is impacted with lead and semi-volatile organic compounds (SVOCs) at concentrations above applicable guidance values. Others metals, such as arsenic – arising from the same source and in the same locations as the lead – were found on the site. The impacts associated with the presence of lead, other metals and SVOCs include impacts to air quality from dust, impacts to humans due to contact with the soil, impacts to wildlife inhaling or ingesting soil, impacts to surface water and groundwater that make contact with the impacted soil.

b. The Area-1 (located on proposed Lots 10-13) sampling results indicate a wide range of primarily lead impact within the top 1.5 feet of soil as a result of the historical land use. The horizontal limits of lead impact extends from the cut and fill area located on the western portion of the

DRAFT

sampling grid, across the stone wall separating the site from the NYCDEP property. The area of impact widens to a maximum width of approximately 540 feet along the eastern property boundary. The vertical limit of the lead impact extends from grade to approximately 1.5 feet below grade in the area of expected shot fall. There are risks of potential exposure to contaminants by humans and wildlife from incidental ingestion of contaminated soil, inhalation of dust/soil particles, and dermal contact.

c. SVOCs were detected at concentrations above the NYSDEC guidance values along the southwestern portion of Area-1 from grade to 1.5 below grade. The source of these SVOCs could be attributed to historical dumping in the cut and fill area and the subsequent runoff during storm events. There are risks of potential exposure to contaminants by humans and wildlife from incidental ingestion of contaminated soil, inhalation of dust/soil particles, and dermal contact.

d. The Area-2 (located on proposed Lot 19) sampling results indicate the presence of low level lead and SVOC concentrations in one sample located in this portion of the property. The horizontal and vertical delineation of impact were adequately defined and the impact can be attributed to the parking of vehicles in this area of the site over time and the proximity of this location to the road. There are risks of potential exposure to contaminants by humans and wildlife from incidental ingestion of contaminated soil, inhalation of dust/soil particles, and dermal contact.

e. Soil samples collected during the investigation of the cut and fill area indicate that the native soil interface has not been impacted from the historical land use. The depth of the native soil layer varied across this area with the deepest observation, at 17 feet below grade, along the eastern margin. The native boundary along the western margin was removed as part of the cut activities completed in the 1970s. SVOC concentrations were detected in one sample which was located in the

DRAFT

northeast corner of the fill area. Lead concentrations detected in soil samples collected from the cut and fill area were well below the established average background for the site.

f. Approximately 30 Town regulated trees are proposed to be removed as part of the remediation to remove lead and SVOC impacted soil from the site. Of this number, 12 trees would have been removed anyway as part of the development of the originally-approved subdivision. Replanting to prevent erosion, provide screening, preserve ecological systems or remediate effects on neighboring properties will be required as part of the permit.

2. Mitigation Provided

a. The Applicant has applied for and received inclusion into the NYSDEC Brownfield Clean-up Program (BCP) for contaminated site clean-up. The project was accepted into the BCP on February 22, 2010. A Remedial Action Work Plan has been accepted for the site resulting in the excavation and removal of impacted soils. The project will follow a Track 1 clean-up, as defined by NYSDEC, and utilize the Brownfield Remedial Program Soil Cleanup Objectives. Remedial activities will be performed at the Site in accordance with the NYSDEC-approved Remedial Action Work Plan. The removal will be overseen by a Remedial Engineer. The Remedial Engineer will certify the Final Engineering Report that the removal activities were observed by qualified environmental professionals under his/her supervision and that the remediation requirements set forth in the Remedial Action Work Plan have been achieved in full conformance with that Plan.

b. The NYSDEC was contacted regarding the SVOC results and Spill Number 04-11922 was assigned to the site. Data gathered regarding the location of the SVOCs will guide the remediation process. The SVOCs will be removed from the site as part of the NYSDEC approved Remediation Plan.

DRAFT

3. Findings and Conditions

Specifically, the Planning Board finds that:

a. The Remedial Action Work Plan approved by NYSDEC will result in the removal of lead and SVOC impacted soil on the subject property. Other metals found in excess of regulatory limits, being from the same source as the lead, will be removed from the site as part of the remediation. Therefore, the Proposed Action will not have a significant negative impact on soils or potential exposure to contaminants by humans and wildlife from incidental ingestion of contaminated soil, inhalation of dust/soil particles, and dermal contact.

b. A Town of Somers Tree Removal permit will be required for the removal of Town regulated trees. Replanting to prevent erosion, provide screening, preserve ecological systems or remediate effects on neighboring properties will be required as part of the permit.

c. The area of the proposed remediation including tree removal is mandated by the NYSDEC approval; therefore, the proposed tree removal is an unavoidable impact.

d. The Consulting Town Engineer, in consultation with the Office of the New York State Attorney General, Watershed Inspector General, has reviewed the Stormwater Pollution Prevention Plan (SWPPP) related to the remedial site work activities and has provided comments, as summarized in memoranda to the Planning Board dated April 5, 2013, August 8, 2013, July 18, 2014 and most recently August 29, 2014. Updates and additions to the Remedial Action SWPPP shall be submitted for review and accepted by the Consulting Town Engineer.

DRAFT

e. As the SWPPP for remedial activities notes, the temporary site condition will meet all current regulations and address comments of the Consulting Town Engineer, in consultation with the Watershed Inspector General. The environmental impacts associated with stormwater will be mitigated to the maximum extent practicable. No permits will be issued until the remediation SWPPP has addressed these requests and has been approved by the NYC DEP.

f. Consistent with the guidance provided by the WIG, the Applicant shall be required to prepare an updated Stormwater Pollution Prevention Plan (SWPPP) for the proposed subdivision development at the time of Application for Subdivision Plat approval. The SWPPP will be required to conform with the current requirements of the NYSDEC "Stormwater Management Design Manual", latest edition, the NYSDEC "New York Standards and Specifications for Erosion & Sediment Control", latest edition, the NYC DEP "Rules & Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and is Sources", and the Town Code. In addition, the SWPPP must include a Pollutant Loading Analysis that quantifies and compares site pre-development phosphorous effluent loading to the post development condition, consistent with current NYSDEC approved methodology. The Pollutant Loading Analysis will be reviewed by the Consulting Town Engineer in consultation with the WIG prior to final acceptance of the Subdivision SWPPP and issuance of any permits for the project.

B. Evaluation of Groundwater/Surface Water

1. Impacts Identified

a. Soil contamination impacts were detected from 0 to 4 feet below grade, with the majority within 2 feet below grade. Detectable soil impacts,

DRAFT

which have existed for approximately 40 years, have been limited to at least 6 feet above the water table.

b. Lead and manganese above NYSDEC Groundwater Quality Standards were found in samples collected along the eastern boundary of the area being remediated. The proposed subdivision will utilize a municipal water system for potable water.

c. Based on the United States Geological Survey (USGS) map of the site, the maximum elevation on the subject property in the area of soil impact is approximately 445 feet above mean sea level. The Amawalk Reservoir is at an elevation of approximately 400 feet above mean sea level. Based on the semi-circular topographic contours on the subject property, surface water flows gently out, radially, towards the reservoir. No areas of channelized flow (permanent or intermittent) within or exiting the site were identified in the areas of soils impacted by lead and other metals. The existence of heavy vegetation and undergrowth has prevented any permanent or intermittent, channelized, surficial flows. These site conditions do not reveal a risk of surface run-off transporting contaminants. During remediation, there is a low risk of surface run-off transporting contaminants in either a lead particulate or lead enriched soil form.

2. Mitigation Provided

a. Installation of monitoring wells was only necessary if the soil investigation revealed that mobilization and transport of impacted soils are indicated by depth distribution of contaminants. Monitoring wells are not required since detectable soil impacts were located 6 feet above the water table and the impacted soils will be removed from the site as part of the Remedial Action Work Plan.

b. Removal of the soil will eliminate the potential source of groundwater contamination. Additional groundwater sampling will be undertaken

DRAFT

and children would be incidental ingestion of contaminated soil, inhalation of dust/soil particles, and dermal contact. Ecological receptors of concern include invertebrates, fish, mammals, and birds, particularly waterfowl. Pathways for the ecological receptors include ingestion of soil, intentional ingestion of lead fragments as grit, and ingestion of impacted food.

b. There are risks of potential exposure to contaminants during remediation. Under the proposed remediation method, excavated, impacted soil would be loaded into trucks and transported off-site to an appropriate disposal facility.

2. Mitigation Provided

a. The Applicant has applied for and received inclusion into the NYSDEC Brownfield Clean-up Program (BCP) for remedial site clean-up. The project was accepted into the BCP on February 22, 2010. A Remedial Action Work Plan has been accepted for the site resulting in the excavation and removal of impacted soils. The project will follow a Track 1 clean-up, as defined by NYSDEC, and utilize the Brownfield Remedial Program Soil Cleanup Objectives. Remedial activities will be performed at the Site in accordance with the NYSDEC-approved Remedial Action Work Plan. The removal will be overseen by a Remedial Engineer. The Remedial Engineer will certify the Final Engineering Report that the removal activities were observed by qualified environmental professionals under his/her supervision and that the remediation requirements set forth in the Remedial Action Work Plan have been achieved in full conformance with that Plan.

b. All trucks transporting impacted soil will be required to adhere to all Department of Transportation regulations and requirements. Additionally, the trucks will be covered in a manner to prevent spilling of soil or emission of dust and be subject to decontamination

DRAFT

procedures as part of the Remedial Action Work Plan approved by the NYSDEC.

c. Erosion and sedimentation will be controlled during the remediation period through the use of temporary devices in accordance with a Soil Erosion and Sediment Control Plan developed specifically for this site in accordance with NYSDEC's *New York State Standards and Specifications for Erosion and Sediment Control.*

d. Dust-control measures will be implemented in accordance with the RAWP. A Community Air Monitoring Program (CAMP) will be implemented to reduce the risk of any airborne contaminants. The CAMP ensures that the engineering controls designed to protect the community from fugitive releases are functioning properly and, should any such releases occur, ensure immediate notice of regulatory and local authorities to ensure appropriate abatement actions may be implemented. Monitoring of the site will include all standard monitoring functions for environmental remediation projects including observations for visible emissions, air sampling and analyses, inspection and monitoring of the contractor's work practices, and reporting to the Remedial Engineer. The general monitoring functions will be applied to both the excavation and removal phases of the remediation.

3. Findings and Conditions

Specifically, the Planning Board finds that:

a. The Remedial Action Work Plan approved by NYSDEC will result in the removal of lead, other metals and SVOC-impacted soil on the subject property. Therefore, the Proposed Action will not have a significant negative impact on human and ecological receptors.

DRAFT

b. The requirements of the Remedial Action Work Plan, Erosion and Sediment Control Plan and the CAMP will result in the prevention of exposure to contaminants during the remediation process.

V. General Findings

The Planning Board concludes that the areas of significant environmental impact associated with the project involves lead, other metals and SVOC impacts to site soils, surface run-off and exposure to contaminants during remediation. As such, the Planning Board has addressed in the FSEIS and Findings how these impacts can be mitigated.

The Planning Board, acting as Lead Agency, finds that:

a. The Board has given due consideration to the Draft and Final Supplemental Environmental Impact Statements.

b. The Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.

c. This SEQRA Findings Statement provides a rationale for the Board's decision(s).

d. The Board hereby certifies that the procedural requirements of Part 617 of Title 6 NYCRR have been met.

e. The Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

DRAFT

NOW THEREFORE, BE IT RESOLVED, that the foregoing SEQRA Findings Statement is hereby adopted.

BY ORDER OF THE PLANNING BOARD

_____ Date: _____
John Currie, Chairman

J:\DOCS2\200\Somers\Granite Pointe Findings Draft 5 with edits Aug.doc

DRAFT

C-PB APPL.

COMMITMENT & INTEGRITY
DRIVE RESULTS

709 Westchester Avenue | Suite L2
White Plains, New York 10604
www.woodardcurran.com

T 800.807.4080
T 914.448.2266
F 914.448.0147

RECEIVED
AUG 29 2014
PLANNING-ENGINEERING
TOWN OF SOMERS

WOODARD &CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: August 29. 2014
RE: Granite Point Subdivision
Review of Final Supplemental Environmental Impact Statement (FSEIS) 710
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 August 18, 2014.
- NYSDEC: Notice of Intent (NOI) – SPDES General Permit (GP-0-10-001), prepared by John Harkins, Sr.
- Stormwater Pollution Prevention Plan (SWPPP): "Granite Point Subdivision Brownsfields Plan", prepared by Bibbo Associates, LLP, dated June 17, 2008, last revised August 4, 2014.
- "Granite Point Remediation", Drawing Sheets: "RSP" & "P&D", prepared by Bibbo Associates, LLP, dated June 14, 2014, last revised August 4, 2014.

PERMITS AND APPROVALS REQUIRED

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

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

DISCUSSION

Our office has provided comments on the draft SEQR findings statement related to our scope of site engineering review and the provided remedial action SWPPP document. These comments were provided to the office of F.P Clark Associates on August 28, 2014 and should be incorporated into the draft findings submitted for review before the Board.

It is our understanding that the New York State Attorney, Office of the Watershed Inspector General (WIG), has received copies of the most recent prepared project documents, including the revised remedial work SWPPP. Our office contacted the WIG on August 27, 2014 and was informed that review of the provided documents has not yet been completed. It is our intent to stay in communication with the office of the WIG. We hope to obtain their review consultation before to upcoming meeting of the Planning Board so that any applicable concerns may be incorporated prior to the future adoption of SEQR findings.

The following is a summary of our comments at this time. All comments from our previous memorandum, dated July 18, 2014 have been incorporated as cited below and shall be carried forward as described herein. The status of all previously identified comments as well as new comments is shown in **Bold Type.** It should be noted that all comments marked "**Complete**" contained under Part I and Part II reflect that content has been provided in response to the comment requirement, but additional comments related to adequacy of the provided response may still need to be addressed and/or confirmed.

Part I - Comments Related to Completeness of Applicant Responses

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

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

   Response: The RAWP discusses in section 4.3 (sub sections 4.3.1 through 4.3.3) details of mobilization to the site, erosion and sediment controls and the creation of a stabilized construction entrance to the site. The Phasing Plan is outlined in the RAWP as well as the SWPPP included in the RAWP, Appendix N. The NYCDEP was notified several times last being August 12, 2010 as to communicate the applicant's desire to coordinate any future

WOODARD &CURRAN

clean-up with the NYCDEC. To the Applicant's knowledge the NYCDEP has not prepared a RAWP.

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

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

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

   Complete.

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

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

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

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

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

   Complete.

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

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

WOODARD &CURRAN

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

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

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

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

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. **Complete. A revised copy of the remedial site work SWPPP has been prepared. Please refer to comments provided under Part II and Part III for further discussion related to the site SWPPP.**

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

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

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

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

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

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

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

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

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

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

    Response: See RAWP, Appendix O.

    Complete. *However, design calculations provided in the SWPPP must be updated. Please see our additional comments identified under the SWPPP review section to follow.* **Adequate sizing of stormwater and erosion control practices will be confirmed upon receipt of the revised final remedial work SWPPP.**

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

    Response: See RAWP, Appendix O

    Complete. Please see our additional comments identified under the SWPPP review sections to follow.

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

    Response: See RAWP, Appendix O.

    Complete. Please see our additional comments identified under the SWPPP review section to follow.

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

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

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

15. *Comment (IV, 7):* Page 9, under 2.5.2: The access should be through a temporary road to be constructed with details of the design and construction specifications provided for

review. The subdivision road should not be constructed as part of the clean-up. When alternatives are presented, it must include all details of each alternative.

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

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

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

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

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

Part II - Comments Related to Stormwater Pollution Prevention Plan

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

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

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

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

Contents of stormwater pollution prevention plans.

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

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

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

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

(d) Construction phasing plan and sequence of operations describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SPPP. **Complete.**

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

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

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

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

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

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

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

In addition to those requirements named above, the SWPPP is required to contain the following water quantity and water quality controls, designed in conformance with the enhanced

phosphorous removal standards in the New York Stormwater Management Design Manual, latest edition.

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

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

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

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

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

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

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

(g) An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice; **Complete. Please refer to additional comments identified below under the section titled "Part III - Additional SWPPP Review Comments".**

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

to subdivision of the existing parcel. Maintenance easements will be required to be provided prior to re-approval of the proposed subdivision.

(i) Inspection and maintenance agreements binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 93-8 of this chapter. **Complete. Please refer to Part III Comment 8 for additional discussion.**

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

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

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

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

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

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

WOODARD &CURRAN

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

d. The Applicant shall update the plan to provide dimensions of proposed sediment trap stone outlet aprons, considering the peak discharge flow resulting from the 10 year design storm. **Partially Addressed. While it is understood that stone placement on the outlet weir of temporary sediment traps is not intended to function in design as a stone outlet apron, consideration should be made to the fact that the proposed temporary sediment traps have the potential to remain in place for an extended period of time following the completion of site remediation. Due to the sensitivity of the receiving off-site areas, we request that a minimum, that sizing details for outlet stone size (d_{50}) are provided based upon flows discharged from the 10 year design storm. Stone shall be placed at a minimum to the base of the proposed sediment trap transition to surrounding grade.**

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

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

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

4. The provided SWPPP and erosion control plan documents should address the clearing and removal of trees. The SWPPP and drawings should be updated to include a tree removal schedule, that identifies all trees to be removed by caliper and species. *Not Addressed.* **Addressed.**

WOODARD &CURRAN

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

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

CONDITION: The Applicant shall provide documentation of NYC DEP approval of the final Remedial Work SWPPP prior to the issuance of Town environmental permits.

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

   a) The Applicant shall provide details for the proposed truck wheel wash station and its connection to sediment basin. The design details should include information to describe the truck washes station capacity as well as any required procedures for cleaning and maintenance of the truck wash station. *Not Addressed. The provided comment response by the Applicant indicates that details related to the truck wash station and its associated capacities will be provided prior to issuance of a building permit.* **Not Addressed. The Applicant intends to provide final design details prior to the commencement of site remediation activities. Final details, specifications and design details may be provided as a condition of Planning Board approval, but must be received prior to issuance of Town environmental permits.**

CONDITION: The Applicant shall provide design details, specifications and maintenance procedures for the proposed truck wash station prior to issuance of environmental permits.

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

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

   d) The SWPPP should be revised to describe special provisions for the handling and temporary stockpiling of suspect contained soils. Related elements included under the project Health and Safety Plan (HASP) should be referenced in the site SWPPP. The SWPPP shall describe specific requirements for the protection and isolation of contaminated soil stockpiles, such as the use of plastic covers and other protective barriers. *Not Addressed. Descriptions of soil stockpiling*

procedures and containment practices are relevant within both the project SWPPP and Remedial Action Work Plan (RAWP). At a minimum, it is our recommendation that specific handling and containment practices for contaminated soils be referenced within the SWPPP through incorporation of direct citation(s) to the appropriate section(s) of the RAWP. **Addressed.**

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

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

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

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

   While requirement of a stormwater maintenance agreement is subject to the discretion of the Planning Board, it is our recommendation that a stormwater maintenance agreement be prepared, or that alternative measures such as bonding are put in place to assure proper inspection and maintenance of site stormwater management and erosion and sediment control practices. **Our office has completed a preliminary review of the provided draft Stormwater Maintenance Agreement. The Applicant has defined that site inspections will be performed weekly and following significant rainfall events consisting of one (1) inch or greater. The Applicant shall revise Provision. 3 within the agreement to indicate that the site will be inspected by a licensed professional engineer and report issued to the Town Stormwater Management Officer, at a minimum of annually. We recommend that all other terms of the agreement are**

generally acceptable from an engineering perspective and that the agreement is ready for review by the Town Attorney.

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

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

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

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

11. The Applicant shall revise the SWPPP narrative to reference the Chapter 5 - Site Restoration requirements of the NYSDEC Stormwater Management Design manual. **Partially Addressed. The Applicant shall revise the provided text under the description of proposed conditions within the SWPPP to state that Chapter 5 Soil Restoration Requirements shall be followed during stabilization and re-vegetation of the disturbed site areas following the completion of remediation activities.**

12. The SWPPP indicates that a water break will be constructed near the site stabilized construction entrance to direct runoff into proposed Sediment Trap #1. While drawing sheet "RSP" appears to suggest the location of the practice, the Applicant shall revise the plan to call out the proposed water break limits. **Addressed.**

13. The project proposes to disturb approximately 8.1 acres of site area during site remedial activities. In accordance with the requirements of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), the project must not have greater than 5 acres of land open disturbed at any one time without written authorization from the NYSDEC.

    The provided plans and SWPPP indicate that remedial work will be completed over 4 phases. The Applicant shall revise the Remediation Program phasing plan to identify the quantity of open land disturbance during each proposed phase of the cleanup. In addition, individual phase sequences of operations shall be coordinated to ensure that no greater than 5 acres are disturbed at any time during the project. **Addressed.**

14. The Applicant shall revise the provided Phase IV Remediation Program drawing sheet to illustrate proposed final grading following completion of remedial activities under the post-remediation undeveloped site condition. **Addressed.**

WOODARD &CURRAN

15. The Applicant shall revise the Remediation Site Plan drawing to show stone stabilization in place of double silt fence at the culvert entrance under Tomahawk Road. **Partially Addressed. The Applicant shall revise the description of short term/long term maintenance procedures to include the proposed "Crushed Stone Berm Inlet Protection"**

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

Sincerely,

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