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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 11, 2013
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for July 10, 2013

TIME-EXTENSION

1. **MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL [TM: 5.20-1-1]**
   Request for a 90-day time-extension to the period of Final Subdivision Approval from October 1, 2013 up to and including December 30, 2013 in accordance with §150-13.M. of the Code of the Town of Somers. This is the thirteenth request for a time-extension.

RENEWAL OF SPECIAL USE PERMIT

2. **CROWN CASTLE USA, INC.**
   RENEWAL OF SPECIAL USE PERMIT
   [TM: 16.15-1-1.1]
   Application of Crown Castle USA, Inc. for renewal of Special Use Permit for existing approved Wireless Tower located at 115 Route 202, Lincoln Hall Property, in accordance with §170-129.6G of the Code of the Town of Somers.

FSEIS COMPLETENESS REVIEW AND
DISCUSSION ON DRAFT SEQRA FINDINGS STATEMENT

3. **GRANITE POINTE SUBDIVISION**
   [TM: 27.05-3-2 & 5]
   Granite Pointe Subdivision Final Supplemental Environmental Impact Statement (FSEIS) Completeness Review; Discussion on draft SEQRA Findings Statement.

Next Planning Board Meeting, October 9, 2013
Agenda information is also available at www.somersny.com

✓ PB TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

ATTORNEYS AT LAW

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HENRY M. HOCHERMAN
OF COUNSEL

August 27, 2013

RECEIVED
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PLANNING-ENGINEERING
TOWN OF SOMERS

542

Via Electronic and First Class Mail

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

Re: Merritt Park Estates Subdivision
Town File No. 767
Thirteenth Request for Ninety-Day Extension of Final Subdivision Approval

Dear Chairman Currie and Members of the Planning Board:

At its meeting on June 12, 2013, the Board granted a twelfth 90-day extension of Mancini Building Corp.'s ("Mancini") Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to October 1, 2013. We are writing to request a thirteenth 90-day extension pursuant to Town Law Section 276(7)(c), to and including December 30, 2013.

Since our last request for an extension, Mancini has received delivery of a majority of the drainage structures and has dug the two on-site detention basins which their consulting engineer, Site Design Consultants, has confirmed provide the approved/required storage volumes. The detention basins have been seeded and stabilized, and the grasses are well on their way to becoming well-established. Mancini expects to begin commencing the off-site drainage improvements and sewer and water main extensions on the Heritage Hills property in the next couple of weeks. Mancini has met with the Heritage Hills Sewer and Water Companies and their consulting engineer regarding the work and will contact representatives of Condos 28 and 29 a few days before work on their respective properties will begin, as agreed to with those Condos. Mancini will also advise Heritage Hills Society when the work on the Heritage Hills properties is going to start. Mancini has been in frequent contact with the owner of the property on Adson Way apprising her of the status of the work and will continue to ensure that she has access to her property at all times. Work on the property of Lake Lincolndale Property Owners' Association ("LLPOA") was deferred earlier this summer at the request of LLPOA and will proceed after the Heritage Hills work is substantially complete. Currently, Mancini anticipates that the LLPOA work will not start until later this fall and it will let LLPOA know a start date when it is known.

I am advised by Mancini that it continues to consult with Mr. Steve Woelfle to keep him apprised of the status of its work, that Mr. Woelfle makes weekly inspections at the site, and that the work has proceeded without incident. Mancini hopes to make substantial progress on the off-site improvements over the next couple of months, but we are certain they will not be completed by the October 1st expiration date. Therefore, we respectfully request that the Board grant an additional 90-day extension of Final Approval, to and including December 30, 2013, at which time we will report on the status of the work.

Kindly schedule this matter for the next available Planning Board meeting and let us know if an appearance is required. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella

GNT:mc
cc: *(via electronic mail)*
Syrette Dim, AICP
Roland Baroni, Esq.
Joseph P. Eriole, Esq.
Mr. Steve Woelfle
Mr. Richard Mancini
Mr. John Mancini
Joseph Riina, P.E.

S:\# MATTERS\Mancini 0047\Merritt Park 001\Letters\Planning Board Currie 8-27-13 Thirteenth Extension Request.doc

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: **September 6, 2013**

TO: **Planning Board**

FROM: **Syrette Dym, AICP**
Town Planner

RE: **Merritt Park Estate Subdivision 13th Time-Extension**

On August 27, 2013, a request for a thirteenth 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On June 12, 2013, the Planning Board granted a time extension for the final subdivision approval to October 1, 2013. The current requested time extension would extend approval through December 30, 2013. The request for extension was received within the 90 day period. Delivery of the majority of the drainage structures has been accomplished, two on-site detention basins dug and basins have been seeded and stabilized. Off-site drainage improvements and sewer and water main extension on Heritage Hills property should begin shortly. Conditions related to informing affected Heritage Hills owners and the Heritage Hills Society will take place prior to commencement of work. Work on property of Lake Lincolndale Property Owners' Association ("LLPOA") will begin only when Heritage Hills work is substantially complete, likely late fall, when the LLPOA will be informed of project commencement..

Steve Woelfle has been making weekly inspection with no issues. I have no objections to extension of the subdivision approval.

cc: Geraldine Tortorella, Esq.
RichardMancini
John Mancini

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CUDDY&
FEDER LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
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www.cuddyfeder.com

August 28, 2013

By Federal Express
Chairman John Currie and
Members of the Planning Board
Town of Somers Town House
335 Route 202
Somers, New York 10589

Re: Crown Castle USA, Inc.
Existing Approved Wireless Tower
Premises: 115 Route 202 (Lincoln Hall property)
Tax Id: Section 16.15, Block 1, Lot 1.1

Dear Chairman Currie and Members of the Planning Board:

This letter is respectfully submitted on behalf of Crown Castle USA, Inc. (Crown Castle) in furtherance of its pending application for Renewal of its Special Permit for the existing wireless facility located at 115 Route 202 on the grounds of the Lincoln Hall property in the Town of Somers.

In particular, Crown Castle hereby submits 5 copies of an August 13, 2013 Tower Condition Inspection Report, prepared by Tectonic Engineering in accordance with the July 1, 2013 Woodard & Curran Memorandum, the June 19, 2013 Town Planner Memorandum, and the dialogue with the Planning Board during the June 12, 2013 appearance. Additionally, please find enclosed a "Continuous Removal Bond", dated June 10, 2013. Further, it is our understanding that the $3000 Escrow Check was previously received by the Planning Department directly from Crown Castle's Accounting Department during the latter half of June 2013.

Crown Castle looks forward to appearing before the Planning Board on September 11, 2013. Should the Planning Board or Town Staff have any questions or comments in the interim, please feel free to contact me. Thank you for your cooperation and consideration in this matter.

Very truly yours,

Neil J. Alexander

NJA/jc
Enclosures
cc: Marilyn Murphy, Town Planning Board Secretary
Syrette Dym, Town Planner
Joseph C. Barbagallo, PE, BCEE, Woodard & Curran
Roland Baroni, Esq., Town Attorney
Bryan Miller & Wendy Smith, Crown Castle

C&F: 2235522.1

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WOODARD
&CURRAN

MEMORANDUM

TO: Town of Somers Planning Board
CC: Marilyn Murphy, Planning Board Secretary
FROM: Robert P. Wasp, EIT on behalf of Joseph C. Barbagallo, P.E., BCEE
DATE: September 6, 2013
RE: Renewal of Special Use Permit
Crown Castle USA, Inc. – Lincoln Hall
115 Route 202
TM: 16.15-1-1.1

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to review of the renewal of special use permit application for the existing wireless telecommunications facility located at the Lincoln Hall property, 115 Route 202. In accordance with the requirements of Town Code Chapter §170-29, wireless telecommunications facilities are required to apply for special permit renewal every five years. The special use permit for the existing monopole style cell tower was originally granted by the Zoning Board on April 26, 2004.

The existing cell tower was recently granted approval for 4G infrastructure upgrades to the facility under an application by the carrier New Cingular Wireless PCS, LLC (AT&T) at the March 2013 meeting of the Planning Board. The current application proposes to renew the facility's special use permit for the ensuing five year term. No new construction or modifications are proposed by the special use permit renewal application. The following documents were considered during the current review period.

DOCUMENTS REVIEWED

- Cover Letter, by Cuddy & Feder, LLP, dated August 28, 2013.
- Continuous Removal Bond, endorsed and dated June 10, 2013.
- Tower Condition Assessment, prepared by Tectonic Engineering & Surveying Consultants, P.C., dated August 13, 2013.
- Weld Inspection Report, by Sinnot, Gering and Schmitt Towers, Inc. dated July 31, 2013.

PERMITS AND APPROVALS REQUIRED

- Town of Somers: Special Exemption Use Permit Renewal

DISCUSSION

The Applicant has provided supporting documents to address outstanding review comments from our memorandum, dated June 7, 2013 and the required tower assessment as outlined by our action memorandum, dated July 1, 2013. Included with the current submittal materials is proof of a Tower Abadonment Bond and a Tower Condition

Assessment and related Weld Inspection Report for maintenance activities undertaken at the site.

Based upon the documents submitted, the Applicant has not addressed all outstanding engineering comments. Our action memorandum, dated July 1, 2013, outlined several scope items that would be required to be addressed by a structural certification. While the provided Tower Evaluation Report demonstrates that inspection and maintenance activities have been completed for the Tower, additional structural evaluation scope items for structural certification have not been addressed. In addition, other items required for Special Permit renewal, including a complete statement of users at the facility, description of all requests for co-location and report on future plans for Tower Construction within the Town of Somers have not been provided with the current submittal.

The following is a summary of our comments at this time. The status of all outstanding comments is shown in **Bold Type.** It should be noted that further comments may be added upon the receipt of additional information.

COMMENTS FROM ACTION MEMORANDUM DATED JULY 1, 2013.

[...] In addition to the completion of a site visit and personal assessment of the existing cell tower by a licensed structural engineer, the future report submittal shall confirm that:

1. The Tower and structures were built in accordance with the approved site plan and manufacturer's specifications. **Not Addressed, The provided Evaluation Report does not specifically comment on the constructed Tower's conformance with the approved site plan. While the report contents include apparent inspection of the Tower structure and appurtenances against record drawings, it is unclear whether these record documents match the approved site plan. In addition, the Evaluation Report indicates under the section titled "Appurtenance Audit", Question No. 1 that the Tower Antenna/Appurtenance configuration differs from the "Physical Tower Record". The Applicant's Structural Engineer should address whether the Tower conforms specifically with the Approved Site Plan and manufacturers specifications and address any discrepancies noted in further comments on Tower structural calculations and load capacity.**
2. The Tower and structures have been maintained in accordance with the manufacturer's specifications. **Addressed.**
3. Antennas, transmission cables, mounts and other appurtenances are constructed as specified in structural analysis calculations. **Not Addressed, The provided Evaluation Report does not make any reference to structural analysis calculations. Please refer to related review comment No. 1, above.**
4. Monopole is reinforced in conformance with the referenced modification drawings. **Not Addressed, The provided Evaluation Report does not comment on the conformance of monopole reinforcement with modification drawings.**
5. The Tower is capable of bearing all currently proposed, existing and future reserved loads assuming full build out at the governing design load combination. **Not Addressed, The provided Evaluation Report does not comment on Tower Structural Capability to sustain required loadings.**

WOODARD &CURRAN

COMMENTS FROM REVIEW MEMORANDUM DATED JUNE 7, 2013.

1. Consistent with the comment identified by the Somers Town Planner, the referenced Structural Analysis, by Paul J Ford & Company Structural Engineers, dated August 21, 2012, does not satisfy the requirements for a structural engineer's report for renewal of the facilities special use permit. As required by §170-29.6(G) of Town Code, such report must certify that the facility is structurally safe based upon a personal inspection and appropriate testing. The provided structural analysis does not appear to be based upon a personal site inspection by the certifying structural engineer. In addition, the structural engineers report shall confirm that facility assessment considers all existing Tower loads, reserved loads for future co-location and loads from newly approved 4G infrastructure modifications. **Superseded by Scope Assessment Comments No. 1-5, above.**

2. Several components required to be included as part of an application for renewal of special permit were not included with the current review submittal. As identified by §170-29.6(G) of Town Code, the following required items were not included:

    a. Complete statement of the users of the facility. **Not Addressed.**

    b. Complete description of all requests for co-location and the disposition of the requests. **Not Addressed.**

    c. Report on any future plans for the construction of any new wireless or attached wireless telecommunications facility in the Town. **Not Addressed.**

    d. Abandonment Bond for the ensuing five year period. **Addressed.**

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

Sincerely,

Robert P. Wasp, EIT
Assistant Consulting Town Engineer

On behalf of,

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

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Town Planner

DATE: September 9, 2013

RE:

Project:	Crown Castle USA, Inc. Wireless Tower Renewal
Applicant:	Crown Caste USA, Inc.
Location:	115 Route 202 (Lincoln Hall property); Section 16.15 Block 1 Lot 1.1
Zoning:	R80 Residence District
Actions:	Renewal of Special Permit for Existing approved Wireless Tower as per Section 170-129.6G of the Code of the Town of Somers

Application Request:

The current proposed action is a request for a renewal of the originally issued special permit for the existing approved wireless tower owned and operated by Crown Castle USA, Inc. on the Lincoln Hall property which provides the tower for various co-locators including pursuant to Section170-129.6F and 170-129.6G of the Code of the Town of Somers.

Background:

AT&T Wireless, Verizon Wireless, Nextel Communications/Sprint PCS and T-Mobile. At its meeting of March 13, 2013, the Planning Board approved by Resolution No. 2013-03 a Conditional Amended Special Permit Approval and Amended Site Plan Approval to New Cingular Wireless PCS LLC (AT&T) for modifications and upgrades to its existing facility located on the Crown Castle pole on the Lincoln Hall property. As a result of that

and other telecommunications applications, it came to the attention of the Planning Board that requirements of Section 179-129.6D indicating that a special use permit is granted for a five year period and 179-129.6G regarding renewal of such permits were not being adhered to.

Whereas the application that was the subject of Resolution No. 2013-03 was granted for the upgrades for New Cingular Wireless PCS LLC(AT&T), and was granted to run from March 13, 2013 up to and including March 12, 2018, such application and resolution did not address the permit for the pole on which the carrier was located.

As such, the subject application seeks renewal of its existing special use permit.
This item was further discussed at the Planning Board meeting of June 12, 2013, where it was determined that, in addition to the unmet condition of providing a written statement regarding the current co-locator and any pending co-locator requests and future plans for the pole and facility as per Section 170-129.6G, that the Town consulting engineer provide a list of requirements as per that same section to be submitted to the applicant and its representatives.

Such conditions were incorporated into the memorandum of July 1, 2013 from Woodard and Curran to the Planning Board.

Basis of Comment Memorandum

An Application for Special Use Permit dated May 28, 2013, with accompanying submission payment, was submitted on May 29, 2013. A cover letter dated May 28, 2013 from Neil J. Alexander of Cuddy & Feder accompanied the application.

The cover letter indicated that the supporting material required for this application in accordance with Section 170-129.6G were those previously submitted to the Planning Board and the Zoning Board of Appeals for its original approval, as well as all materials submitted to both Boards and the Building Department relative to the March 2013 Cingular Wireless modification approval, by reference. The letter of May 28, 2013 indicated that a letter from Crown Castle would provide a written statement as to the current co-locator and any pending co-locator requests and future plans for the pole and facility. Such letter has still not yet been received.

Based on comments made at the Planning Board meeting of June 12, 2013 and a memorandum from Woodard and Curran of July 1, 2013, the Applicant made a further submission dated August 28, 2013, received by the Planning Board on August 30, 2013. That submission was in furtherance of requirement of Section 170-129.6.G of the Code of the Town of Somers that an application for renewal include a "report from an engineer specializing in structural engineering certifying that the facility is structurally safe based upon personal inspection and appropriate testing".

Current Comments

The Applicant's submission of August 28, 2013 provides a Tower Condition Inspection Report, and a "Continuous Removal Bond, also a condition of Seciton170-129.6.G.

Tectonic was present at the Tower condition assessment that took place on July 16, 2013 by PCRG, LLC who actually undertook the physical pole inspection. Report of that inspection indicated that the safety climb was not properly installed and green mildew had formed along the bottom shaft of the pole but that no rusting was noted. Further photos and documentation provided to Tectonic indicated repair of the safety climb. Those photos and reports are provided as part of the application addition. Further, Tectonic performed a monopole alignment survey and found the total pole deflection was within allowable limits.

Tectonic concluded that the Tower Conditions Assessment satisfies the requirements of the TIA-222-G standard.

Although the condition of on-site inspection now appears to be met, the following conditions still appear not to be met:

- Letter regarding current co-locator and pending co-locator requests and future plans for the pole and facilities – (Requested in Town Planner Letter of June 19, 2013)
- Items 3, 4, and 5 of Woodard & Curran letter of July 1, 2013

It is my understanding that the Town consulting engineer concurs with this assessment.

Cc: Roland Baroni
Joe Barbagallo
Neil Alexander

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LEAD AGENCY'S SEQRA FINDINGS STATEMENT
SUELAIN REALTY
APPLICATION FOR GRANITE POINTE SUBDIVISION APPROVAL

After due discussion and deliberation, the Planning Board of the Town of Somers, as Lead Agency, adopted the following SEQRA Findings Statement pursuant to Article 8 of the Environmental Conservation Law, 6 N.Y.C.R.R. Part 617 and Chapter 92 of the Code of the Town of Somers.

I. INTRODUCTION

This SEQRA Findings Statement pertains to the proposed Granite Pointe Subdivision (the "Proposed Action"). It draws upon the facts and conclusions in the Draft Supplemental Environmental Impact Statement (DSEIS) accepted by the Planning Board on August 23, 2006 and the Final Supplemental Environmental Impact Statement (FSEIS) accepted by the Planning Board on _____.

This SEQRA Findings Statement attests to the fact that the Town of Somers Planning Board ("Planning Board"), as Lead Agency, has complied with all of the applicable procedural requirements of Part 617 in reviewing this matter, including but not limited to:

- The presence of lead was confirmed in a report prepared by the project's sponsor's consultant, Groundwater and Environmental Services, Inc. dated March 3, 2004, and was the basis for required preparation of the Supplemental Environmental Impact Statement (SEIS).

- Final Subdivision Plat approval was rescinded by the Planning Board on May 26, 2004;

- Preparation of a Draft Supplemental Environmental Impact Statement (DSEIS) by the Applicant;

- Acceptance of a DSEIS by the Planning Board on August 23, 2006;

- Circulation of the DSEIS;

- The holding of public hearings on the DSEIS by the Planning Board on October 4, 2006, October 18, 2006 and establishment of a comment period to end on November 17, 2006;

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- 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 FSEIS by the Planning Board on _____;

- Circulation of the FSEIS and the establishment of an FSEIS comment period through _____;

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 and the public 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-acre parcel of undeveloped, mostly wood land 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 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, 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 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)
- Brownfield Clean-up Program

3. New York State Department of Environmental Conservation

- Approval of a Stormwater Pollution Prevention Plan (SWPPP)

4. State of New York Department of Transportation

- Site Access Permit Approval

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III. HISTORICAL USES

A. Shooting Range

Trap shooting and target shooting was conducted on portions of the subject property between approximately 1938 and 1968. Shooting activities were not open to the public and only took place on weekends in the spring, summer and fall. The Boy Scouts also utilized the shooting range. The amount of sportsmen that utilized the subject property for trap or target shooting is unknown.

B. Cut/Fill Activity

The native soil horizon along the western margin was removed as part of cut and fill activities completed in the 1970s. The exact date of the cut and fill activities remains unknown.

C. Building Demolition

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 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

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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.

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 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.

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.

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.

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

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removed as part of the cut activities completed in the 1970s. SVOC concentrations were detected in one sample which was located in the 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.

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 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.

3. Findings and Conditions

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Specifically, the Planning Board finds that:

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

b. A Town of Somers Tree Removal permit will be required for the removal of Town regulated trees.

c. As a condition of Subdivision approval, the supplemental revisions, requested by the Town Engineer, to the NYSDEC approved Stormwater Pollution Prevention Plan (SWPPP) shall be made prior to the issuance of the Town of Somers environmental permits.

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

b. Based on the United States Geological Survey (USGS) 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) with or exiting the site were identified in the areas of soils impact by lead. 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

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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.

b. 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.*

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 all lead and SVOC impacted soil on the subject property. Therefore, the Proposed Action will not have a significant negative impact on groundwater and/or surface water.

b. As a condition of Subdivision approval, the supplemental revisions, requested by the Town Engineer, to the NYSDEC approved Stormwater Pollution Prevention Plan (SWPPP) shall be made prior to the issuance of the Town of Somers environmental permits.

C. Risk Assessment

1. Impacts Identified

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a. Environmental assessment activities conducted on the subject property identified the presence of lead and SVOCs above applicable guidance values. The main exposure pathways for adults 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 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.

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Additionally, the trucks will be subject to decontamination 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. 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 all lead and SVOC impacted soil on the subject property. Therefore, the Proposed Action will not have a significant negative impact on human and ecological receptors.

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.

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V. General Findings

The Planning Board concludes that the areas of significant impact associated with the project involves lead 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 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 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.

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

BY ORDER OF THE PLANNING BOARD

_____ Date: _____

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John Currie, Chairman

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

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TOWN OF SOMERS

MEMORANDUM

547

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

Date: September 6, 2013

Subject: **Granite Pointe Subdivision Final Supplemental Environmental Impact Statement (FSEIS) - Completeness Review [#210.201]**

In accordance with your Board's request, we have reviewed the Final Supplemental Environmental Impact Statement (FSEIS) for the Granite Pointe Subdivision dated July 31, 2013 for the purpose of determining whether that document is complete in terms of responding to comments raised during the DSEIS public hearings and in separate written correspondence.

As part of conducting our "completeness" review of the proposed FSEIS, we analyzed the document in order to determine whether the document contains all of the substantive comments received by the Board of Appeals regarding the Draft Supplemental Environmental Impact Statement (DSEIS), as well as whether it contains appropriate responses to all of said substantive comments. As part of this review, it was also necessary to determine if the content of the FSEIS provides an accurate assessment of the issues being presented to allow for a meaningful review of the Proposed Action.

Conclusion

Based upon our review of the proposed FSEIS dated July 31, 2013, we believe that the Planning Board could take action to accept the FSEIS as "complete" at this time.

We have attached the draft Notice of Completion for the Board's review.

A representative of our office will be present at the September 11, 2013 Planning Board meeting to discuss these comments in more detail and provide additional guidance to the Board as necessary.

Sarah L. Brown
Senior Associate/Planning

Attachment

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

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State Environmental Quality Review
NOTICE OF COMPLETION OF FINAL SEIS

Date: _____

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

A Final Supplemental Environmental Impact Statement (FSEIS) has been completed and accepted by the Town of Somers Planning Board acting as Lead Agency for the Proposed Action described below.

Name of Action: Granite Pointe Subdivision – Application for Final Subdivision Plat Approval

SEQRA Status: Unlisted Action

Description of Action: The currently Proposed Action involves 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 a request for approval 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.

Location: Tomahawk Street (N.Y. Route 118)
Town of Somers, Westchester County
Designated on the tax map of the Town of Somers as Sheet 27.05, Block 3, Lots 2 & 5

Potential Environmental Impacts: The Proposed Action may result in significant impacts to environmental resources, including but not limited to, erosion and sedimentation during construction, stormwater runoff after construction, deposition of pesticides, fertilizers and pollutants from roadways and subsurface sewage disposal. These impacts can further

degrade reservoir waters if not further mitigated. In addition, it was 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's sponsor's consultant, Groundwater and Environmental Services, Inc. dated March 3, 2004, and was the basis for required preparation of the SEIS.

Lead Agency: Town of Somers Planning Board
Somers Town House
335 Route 202
Somers, New York 10589

Lead Agency Contact Person: Marilyn Murphy, Planning Board Secretary
Town of Somers Planning & Engineering Department
335 Route 202
Somers, New York 10589
Telephone: (914) 277-5366

Written Comments on the Final SEIS will be accepted until _____. Comments may be submitted electronically at mmurphy@somersny.com, or may be mailed to the Lead Agency Contact Person listed above. For comments submitted electronically, please include the phrase, "Granite Pointe FSEIS Comments" in the subject line of all electronic mail.

A Copy of the Final SEIS May be Obtained From:

Marilyn Murphy, Planning Board Secretary
Town of Somers Planning & Engineering Department
335 Route 202
Somers, New York 10589
Telephone: (914) 277-5366

A Copy of this Notice and the Draft SEIS Sent to:

Mary Beth Murphy, Supervisor, Town of Somers, Town House, 335 Route 202, Somers, New York 10589

Chair and Members of the Town of Somers Planning Board, Somers Town House, 335 Route 202, Somers, New York, 10589

Westchester County Department of Health, 118 North Bedford Road, Mt. Kisco, New York, 10549

Frederick Morrissey, Deputy Commissioner, Westchester County Department of Health, 145 Huguenot Street, 8th Floor, New Rochelle, New York, 10801

New York City Department of Environmental Protection, 465 Columbus Avenue, Valhalla, New York, 10595

New York State Department of Environmental Conservation, Environmental Quality & Remediation Office, 50 Wolf Road, Albany, New York, 12233

New York State Department of Environmental Conservation, Division of Environmental Permits – Region 3, 21 South Putt Corners Road, New Paltz, New York, 12561

Town Clerk, Town of Carmel, 60 McAlpin Avenue, Mahopac, New York, 10541

Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, 10598

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

Town Board, Town of Somers, 335 Route 202, Somers, New York, 10589

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

Joseph C. Barbagallo, P.E., Woodard & Curran, 709 Westchester Avenue, Suite L2, White Plains, New York, 10604

Joseph Eriole, Esq., Town of Somers Planning Board Attorney, Stephens Baroni Reilly & Lewis, LLP, Northcourt Building, 175 Main Street, White Plains, New York, 10601

Sarah L. Brown, Senior Associate, Frederick P. Clark Associates, Inc., 350 Theodore Fremd Avenue, Rye, New York, 10580

Paul H. Muessig, Senior Environmental Scientist, EA Engineering, P.C., 3 Washington Center, Newburgh, New York, 12550

John Harkins, Sr., Suelain Realty, P.O. Box 807, Katonah, New York, 10536

Groundwater & Environmental Services, Inc., 25 Jon Barrett Road, Robin Hill Corporate Park, Patterson, New York, 12563

Timothy S. Allen, P.E., Senior Partner, Bibbo Associates, LLP, Mill Pond Offices, 293 Route 100, Suite 203, Somers, New York, 10589

A Copy of the Final SEIS and this Notice May Also be Reviewed at the Following Location:

Town of Somers Planning & Engineering Department, Somers Town House, 335 Route 202, Somers, New York 10589

A Copy of this Notice Also Sent to:

Town Clerk, Town of Somers, Somers Town House, 335 Route 202, Somers, New York, 10589

ENB, Environmental Permits, 50 Wolf Road, Room 538, Albany, New York, 12233-1750

EA Engineering, P.C.
EA Science and Technology

3 Washington Center
Newburgh, New York 12550
Telephone: 845-565-8100
Fax: 845-565-8203
www.eaest.com

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PLANNING-ENGINEERING
TOWN OF SOMERS

29 August 2013

Town of Somers Planning Board
ATTN: Mr. John Currie, Chairman
335 Route 202
Somers, New York 10589

544

RE: Final Review of Granite Pointe Final Supplemental Environmental Impact Statement
EA Project No. 1421102

Dear Planning Board Members:

On 26 February 2013, EA Science and Technology (EA) was authorized by the Town of Somers Planning Board to complete the proposed scope of work (EA Proposal No. 07606.20) associated with the review of Granite Pointe Final Supplemental Environmental Impact Statement (SEIS) for the Granite Point Subdivision. EA previously completed the activities outlined in Tasks 1 and 2 of the aforementioned proposal and defined as follows:

- ***Task 1***—Final Review of Volume I of the Final SEIS for completeness and adequacy of the applicant's responses to comments on the Draft SEIS.

- ***Task 2***—Review of Volume II of the Final SEIS, *Proposed Granite Pointe Subdivision Remedial Action Work Plan (RAWP)*. Evaluate the RAWP, including the associated appendixes and project plans, for completeness and adequacy of the proposed site remediation.

A summary letter (dated 4 April 2013) was provided to the Town of Somers Planning Board that detailed the findings of the above mentioned review. EA subsequently met with Tim Allen, P.E., of Bibbo Associates on 17 April 2013 to review those comments with the applicant's engineer.

EA received a revised Final SEIS (dated 31 July 2013) in response to items identified during the initial review as needing further clarification or were determined to not be adequately addressed. EA conducted a second review of the revised Final SEIS to verify that each item identified during the April initial review had been adequately addressed and/or covered. Based upon this final review, EA has concluded that all comments have been adequately addressed and are covered either in the RAWP or the Final SEIS.

If you have any questions regarding EA's review of the revised Final SEIS or would like to discuss further, please do not hesitate to contact Paul Muessig by email (phm@eaest.com) or phone (845-565-8100, Extension 1706).

Sincerely,

EA SCIENCE AND TECHNOLOGY

Paul H. Muessig
Senior Scientist

EA ENGINEERING, P.C.

Christopher J. Canonica, P.E.
Vice President

PHM/CJC/mkp