Telephone
(914) 277-5366

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(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD
AGENDA
SEPTEMBER 14, 2016
7:30 P.M.

PUBLIC HEARING

1. **DEUTSCH WETLAND, STEEP SLOPES, TREE REMOVAL AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [TM: 48.09-1-24]**
   Application for Insite Engineering, applicant, and Joseph Deutsch, owner, for property located on the South side of Hageman Court for a proposed single family residence with onsite wastewater treatment system, well and driveway.

CONTINUATION OF PUBLIC HEARING

2. **CROSSROADS AT BALDWIN PLACE [TM: 4.20-1-3.1]**
   Application for Site Plan Approval, Wetland and Stormwater Management and Erosion and Sediment Control Permits for property located on Route 6. The proposal is for a mixed use development consisting of a two-story 24,000 s.f. building with 12,000 s.f. of retail and 12,000 s.f. of professional office and 64 residential units.
   Consideration of a Draft Resolution.

3. **SOMERS CROSSING [17.15-1-15.1]**
   Application for Site Plan, Preliminary Subdivision Approval and Steep Slopes Permit for the development of 66 residential condo units accessed from Route 100, recreation building and a 19,000 s.f. grocery store. The property is located at NYS Route 100 and US Route 202.

TIME EXTENSION

4. **MERRITT PARK ESTATES AMENDED FINAL SUBDIVISION [TM: 5.20-1-1]**
   Request for a 90-day time extension for Amended Final Subdivision Plat Approval from September 5, 2016 up to and including December 5, 2016 under Town Law Section 276 (7) (c).This is the third request for a time extension.

PROJECT REVIEW

5. **HIDDEN MEADOW AT SOMERS [15.07-1-6]**
   Application for Final Subdivision Approval, Site Plan Approval, Steep Slopes, Wetland, Stormwater Management and Erosion and Sediment Control Permits relative to application of Multifamily Residence Baldwin Place District (MFR-BP) under consideration by the Town Board to a 16.7 acre parcel located along the south side of US Route 6 for the proposed development of 53 units of housing, sixteen of which would be affordable, within 45 townhouse buildings on 45 fee simple lots plus one lot for lands to be owned in common by a Homeowners Association.
   Consideration of a Draft Resolution.

6. **NYSMSA D/B/A VERIZON WIRELESS [TM: 4.20-1-11.6]**
   Application for Special Use Permit and Wetland Permit for a co-location of a public utility wireless telecommunication facility within the existing Unipole with related equipment at the base thereof. The tower is located at the property known as Somers Commons Shopping Center.

7. **DISIENA PRELIMINARY SUBDIVISION [TM: 27.08-2-1, 2.1]**
   Application for Preliminary Subdivision Approval, Stormwater Management and Erosion and Sediment Control, Steep Slopes and Tree Removal Permits for property located at Primrose Street (Route 139) for the subdivision of two existing lots into four new lots.

INFORMAL APPEARANCE WITH SKETCH PLAN

8. **50 ORCHARD HILL ROAD [TM: 37.06-1-6.1]**
   Application for informal appearance with sketch plan with a preliminary plan outlining a comprehensive study of existing buildings and their uses. Hemato-Centric Life Institute is located at 50 Orchard Hill Road and provides research and development of methods used, or to be used, in the promotion and enhancement of the heath of blood.

INFORMAL APPEARANCE WITH SKETCH PLAN (CONTINUED)

9. **CON EDISON**
   Resident of 675B Whitetail Drive is requesting gas service. There is an existing main in the roadway and the proposed gas service line will tie into the existing main.

DISCUSSION

10. **TOWNE CENTRE AT SOMERS [TM: 17.15-1-13]**
    Applicant to update the Board on the proposal for improvements to the Towne Centre property. The improvements include functional and aesthetic changes to building facades as well as modifications to the site area between buildings "A" and "B"

Next Planning Board Meeting is **TUESDAY**, October 4, 2016
Agenda information is also available at www.somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers
WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

PLANNING BOARD
Town of Somers, Westchester County, New York
Resolution No.:_____
RESOLUTION GRANTING SITE PLAN, STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL PERMIT, AND WETLAND & WATERCOURSE PROTECTION PERMIT APPROVAL
to
THE KEARNEY REALTY & DEVELOPMENT GROUP
for the
CROSSROADS AT BALDWIN PLACE
Town Tax Map Number: Section 4.20, Block 1, Lot 3.1

WHEREAS, an application was made to the Town of Somers Planning Board on February 22, 2016 by Insite Engineering, Surveying & Landscape Architecture, P.C. on behalf of the Kearney Realty and Development Group for construction of 64 residential units with fifty-two (52) age-restricted units and twelve (12) non-age restricted units and 24,000 square feet of nonresidential floor area; and

WHEREAS, the application consists of the following materials:

- Application for Site Plan Approval dated March 28, 2016;
- Stormwater Management and Erosion and Sediment Control Permit Application dated March 28, 2016;
- Wetland & Watercouse Protection Permit Application dated March 28, 2016;
- Application Processing Restrictive Law Affidavit dated March 28, 2016;
- Letter from Receiver of Taxes dated February 22, 2016;
- Petition of Kearney Realty and Development Group for a text change to the NS District dated March 4, 2016;

- Full Environmental Assessment Form dated March 30, 2016;
- Proposed Action Comparison to Previously Issued Negative Declaration dated March 30, 2016;
- Site Plan Drawing Set prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., including
    - Drawing OP-1, Overall Site Plan, dated March 30, 2016, last revised August 24, 2016;
    - Drawing EX-1, Existing Conditions & Removals Plan, dated March 30, 2016, last revised August 24, 2016;
    - Drawing SP-1, Layout & Landscape Plan, dated March 30, 2016, last revised August 24, 2016;
    - Drawing SP-2, Grading Plan, dated March 30, 2016, last revised August 24, 2016;
    - Drawing SP-3.1, Onsite Utilities Plan, dated March 30, 2016, last revised August 24, 2016;
    - Drawing SP-3.2, Schematic Offsite Sidewalk and Sewer Plan, dated March 30, 2016, last revised August 24, 2016;
    - Drawing SP-4, Erosion & Sediment Control and Phasing Plan, dated March 30, 2016, last revised August 24, 2016;
    - Drawing D-1, Easement Plan, dated July 27, 2016, last revised August 24, 2016;
    - Drawing D-2, Details, dated March 30, 2016, last revised August 24, 2016;
    - Drawing D-3, Details, dated March 30, 2016, last revised August 24, 2016;
    - Drawing D-4, Details, dated July 27, 2016, last revised August 24, 2016;
    - Drawing D-5, Details, dated July 27, 2016, last revised August 24, 2016;
    - Drawing D-6, Details, dated March 30, 2016, last revised August 24, 2016;
    - Drawing D-7, Details, dated July 14, 2016, last revised August 24, 2016;
    - Drawing D-8, Details, dated July 14, 2016, last revised August 24, 2016;
    - Drawing D-9, Details, dated August 24, 2016;

- Wastewater Engineering Report prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated July 13, 2016;
- Stormwater Pollution Prevention Plan prepared by Insite Engineering Surveying & Landscape Architecture, P.C. dated August 24, 2016;
- Town of Somers Wetland Buffer/NYSDEC Adjacent Area Enhancement Report dated May 25, 2016; and

WHEREAS, the subject property ("the Site") is an 11.07-acre parcel with approximately 362 feet of frontage on U.S. Route 6 that was previously developed as a golf driving range containing a large expanse of mowed lawn, an area with concrete tees along an asphalt walkway, an accessory asphalt parking area, and a 425-square foot, one-story frame and brick building, among other features; and

WHEREAS, a narrow strip of land at the northern end of the Site is located within the Town of Carmel in Putnam County and has approximately 50 feet of frontage on Kennard Road; and

WHEREAS, the portion of the Site within the Town of Somers is located in the NS District, is comprised of 10.34 acres and contains portions of an existing State- and Town-regulated wetland and as well as portions of the 100-foot buffer of two adjacent off-site Town-regulated wetlands; and

WHEREAS, the fifty-two (52) age-restricted and six (6) of the non-age restricted units are proposed to qualify as "affordable" units under the provisions of Article XIA of Chapter 170 of the *Code of the Town of Somers*; and

WHEREAS, the site plan application includes a request by the Applicant for Planning Board approval of a Stormwater Management and Erosion and Sediment Control Permit as described in Chapter 93 of the *Code of the Town of Somers*; and

WHEREAS, the site plan application includes a request by the Applicant for Planning Board approval of a Wetland and Watercourse Protection Permit as described in Chapter 167 of the *Code of the Town of Somers*; and

WHEREAS, the site plan application includes a request by the Applicant for a waiver of the required number of parking spaces to allow the joint use of 23 parking spaces as allowed by §170-33 of the Zoning Law; and

WHEREAS, the Site was the subject of an application for Amended Site Plan approval for a similar but more intensive project known as "The Green at Somers" which included residential and commercial uses and a zoning text amendment and

on February 13, 2013, the Planning Board, acting as Lead Agency, adopted a Negative Declaration in relation to that project; and

WHEREAS, in connection with the Proposed Action and in accordance with prior determinations by the Commissioner of NYSDEC, the Planning Board retained its Lead Agency status in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) established in connection with its review of The Green at Somers and required submission of a comparative analysis of the impacts of the Proposed Action and The Green at Somers; and

WHEREAS, after conducting an in-depth review of the comparative analysis of the impacts of the Proposed Action and The Green at Somers, on June 22, 2016, in accordance with SEQRA the Town of Somers Planning Board adopted an amended Negative Declaration for the Proposed Action, which includes the proposed site plan and zoning amendment; and

WHEREAS, the purpose of the NS District is to provide encouragement and opportunity for the creation of economically healthy, functionally efficient, environmentally sound and attractive neighborhood business areas designed to primarily serve the local convenience, business and personal service needs of the residents of the Town of Somers as well as provide alternative housing opportunities for smaller households; and

WHEREAS, under the NS District zoning provisions as they existed prior to the recent amendments adopted by the Town Board in connection with the Proposed Action, apartments were not permitted on the first floor of any building in the NS District and, when proposed, such apartments were to be located over stores; and

WHEREAS, the Town of Somers has recognized the need for implementing the means to encourage the development of affordable housing within the Town and the County of Westchester has similarly recognized a need for the developed of affordable housing within the County of Westchester; and

WHEREAS, as part of the application, the Applicant requested a zoning text amendment from the existing zoning provisions of the NS District to create more flexibility in the permitted location of "affordable" residential units as defined by Article XIA of Chapter 170 (Zoning) of the Code of the Town of Somers, including affirmatively furthering fair housing (AFFH) units, in the NS District; and

WHEREAS, the amendatory zoning text provisions would allow "affordable" residential units to be located on any floor of a building in mixed commercial and "affordable" residential projects; and

WHEREAS, on August 4, 2016, the Town Board adopted the Local Law to amend the NS District as requested in connection with the Proposed Action; and

WHEREAS, as part of the Proposed Action, the Applicant petitioned the Town Board for an extension of Somers Sewer District #1 along the north side of US Route 6 from Mahopac Avenue to Baldwin Place Road; and

WHEREAS, on August 4, 2016, the Town Board granted the petition for extension of Somers Sewer District #1; and

WHEREAS, the Planning Board discussed the Applicant's proposed site plan at meetings held on March 9, 2016, April 13, 2016, May 11, 2016, June 8, 2016, June 22, 2016, July 13, 2016, August 10, 2016 and September 14, 2016; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan application the Planning Board received and considered correspondence from the public as well as Town staff, Town advisory boards and other Involved Agencies; and

WHEREAS, duly advertised public hearings on the application for Site Plan approval and the Wetland and Watercourse Permit were held on July 13, 2016, August 10, 2016 and September 14, 2016 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, on _____, the Public Hearing was closed; and

WHEREAS, to benefit the Town and its residents, the Applicant has voluntarily offered to make, and the Town Board has agreed to accept, certain financial contributions and physical improvements in accordance with a Community Benefit Agreement;

WHEREAS, the agreement includes construction of a sidewalk along the north side of US Route 6 extending from the eastern side of Mahopac Avenue to the intersection of Clayton Boulevard and US Route 6, a traffic signal and crosswalk at Clayton Boulevard (south end) and US Route 6 adjacent to the project site, crosswalk at Clayton Boulevard (north end) and US Route 6 adjacent to the Mews at Baldwin Place Phase 1, Sewer Pump Station, Sewer Collection and Conveyance system, and a financial contribution towards renovation of presently unidentified community space; and

WHEREAS, the Community Benefit Agreement with the Town of Somers has been fully executed by the Applicant and delivered to the Town; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at meetings of the Board as well as those submitted separately in writing; and

NOW, THEREFORE, BE IT RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that in accordance with Section 274-a of the New York State Town Law the Applications for **Conditional Site Plan Approval, Stormwater Management and Erosion and Sediment Control Permit (§93), Wetland & Watercouse Protection Permit (§167), the approval of the SWPPP in accordance with §93-5(B), and the waiver of 23 parking spaces in accordance with §170-33 submitted by The Kearney Realty and Development Group, Inc. for The Crossroads at Baldwin Place** as shown and described by materials enumerated herein, **ARE HEREBY GRANTED** SUBJECT TO the following modifications and conditions being fulfilled:

Conditions Required Prior to Signing of Site Plan

1. The outstanding items enumerated in the Town Consulting Engineer's memorandum, dated September 9, 2016 shall be completed by the Applicant and approved by the Town Consulting Engineer prior to the Chairman's signature of the Site Plan, including:

    a. The Applicant shall address all outstanding comments related to the design of water supply and sanitary sewer infrastructure, including:

        i. All technical design items required for the proposed gravity sewer collection, sewer pump station and water distribution systems.

        ii. Provide draft legal agreements for the operation, inspection and maintenance of the proposed water distribution and sanitary sewer infrastructure located on the Crossroads at Baldwin Place parcel intended to be dedicated to the Town of

Somers or demonstrate that all proposed infrastructure may remain under private ownership and operation.

iii. Provide a performance surety for proposed work related to water and sanitary sewer infrastructure improvements intended for dedication to the Town of Somers. The amount of such surety shall be based upon a construction cost estimate prepared by the Applicant's Engineer for review and approval by the Consulting Town Engineer and Town Principal Engineering Technician.

iv. Provide documentation of water main and sanitary sewer extension approvals from the Westchester County Department of Health.

b. Provide a draft easement agreement for the proposed 42 inch diameter storm sewer culvert to be constructed on the subject parcel for review by the Consulting Town Engineer and Town Attorney.

c. Prepare an acceptable lighting photometric plan that identifies proposed on site lighting illumination intensities.

d. Prepare an autoturn analysis for the proposed development layout considering necessary travel-way for a fire truck design vehicle.

e. The Applicant shall prepare an acceptable maintenance agreement for proposed sidewalks to be constructed on the shoulder of U.S. Route 6 intended to be dedicated to the Town of Somers. Maintenance of the proposed sidewalks shall include provisions for snow clearing and mowing of grass.

2. The Applicant shall provide documentation to demonstrate the Westchester County Board of Legislators acceptance of the proposal for extension of the Peekskill Hollow Sewer District to include the boundaries of the subject parcel as well as other properties identified on the filed petition.

3. The Applicant shall prepare a construction cost estimate considering all proposed soil erosion and sediment control measures to be implemented during construction and permanent restoration of all open disturbed area for review and acceptance by the Consulting Town Engineer and Town

Principal Engineering Technician. The accepted cost estimate shall serve as the basis for establishment of the construction erosion and sediment control bond/surety amount.

4. The Applicant shall prepare a construction cost estimate to serve as the basis for establishment of the Town Engineering construction inspection fee. The cost estimate shall be prepared considering all proposed site work associated with the application for review and acceptance by the Consulting Town Engineer and the Town Principal Engineering Technician.

5. Provide documentation of having received necessary project approvals from the NYC DEP for SWPPP and proposed sanitary sewer extension.

6. The Applicant shall provide documentation of having received Freshwater Wetland Permit approval by the NYSDEC.

7. The bulk table on Drawing OP-1 shall be revised to state that the zoning text amendment was granted by the Town Board.

8. The note on the parking requirement table shall be revised to correct the section of the Zoning Law noted in the footnote.

9. The Applicant shall pay the associated Recreation Fees or provide documentation from the Somers Town Board regarding other arrangements.

10. The Applicant shall reimburse the Town for any outstanding review fees, as applicable, consistent with §133-2 of the *Code of the Town of Somers*, as well as State and Local Environmental Quality Review laws.

On-going Conditions Required After Signing of Site Plan

1. The remaining outstanding items enumerated in the Consulting Town Engineer's memorandum, dated September 9, 2016, shall be completed by the Applicant and approved by the Consulting Town Engineer, including:

a. Provide documentation of having obtained construction coverage under SPDES General Permit GP-0-15-002 through filing of the project Notice of Intent and MS4 Acceptance Form prior to issuance of Town environmental permits.

b. Provide documentation of having obtained Highway Work Permit approval from the New York State Department of Transportation related to the construction of proposed sidewalks, shoulder improvements and utilities within the right of way of U.S. Route 6.

c. Prior to issuance of a building permit, provide final signed and sealed design calculations and construction details for proposed retaining walls greater than four feet in retained soil height.

d. Constructed retaining walls greater than four feet in height shall be inspected by a licensed professional engineer to certify through report to the Town Building Inspector and Consulting Town Engineer that the wall construction is consistent with the submitted wall structural design details and calculations prior to issuance of certificate of occupancy.

e. Provide documentation of having filed the final approved stormwater maintenance agreement for the proposed onsite stormwater management practices in the office of the Westchester County Clerk prior to issuance of certificate of construction completion.

f. Provide documentation of final NYSDEC approval of remediation plan closeout related to the documented cleanup of soil contamination prior to issuance of certificate of construction completion.

2. Prior to the issuance of the Certificate of Occupancy for Building 4, Building 1 (the commercial building) shall be partially constructed to include footings, foundation, slabs and framing with sheathing and a complete roof or a surety shall be provided to cover the cost to complete the required improvements. The amount of such surety shall be determined by Consulting Town Engineer and shall be in a form, sufficiency and manner of execution satisfactory to the Town Attorney.

3. Construction activity, with the exception of rock removal shall be limited from 7AM to 6PM. Rock removal shall be limited to Monday through Friday 8AM to 6PM. No construction activity shall occur on Sundays or

legal New York State holidays as specified by §144-7D(13) of the *Code of the Town of Somers*.

4. All work associated with this Site Plan application shall be subject to the approval of the Consulting Town Engineer in accordance with Chapter 93 Stormwater Management and Erosion and Sediment Control and Chapter 144 Site Plan Review of the *Code of the Town of Somers*.

5. Prior to the issuance of a building permit, a performance bond/surety shall be posted to cover the cost of soil erosion and sedimentation control measures on the site during the course of construction. The amount of such surety shall be set based upon the accepted cost estimate amount, as identified by the Consulting Town Engineer and Town Principal Engineering Technician prior to signing of the site plan.

6. Prior to the issuance of a building permit, an engineering inspection fee for the Site Plan shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board. The amount of such fee shall be set based upon the accepted cost estimate amount, as identified by the Consulting Town Engineer and Town Principal Engineering Technician prior to signing of the site plan.

7. Storage of winter deicing materials onsite shall be prohibited unless such materials are planned for storage in proper containment units that are approved by the Planning Board.

8. The Somers Engineering Department shall be notified (914-277-5366) prior to the beginning of any work on the site and also upon completion of the approved work.

9. That field changes that do not change the intent of the design or are not significant, if required, may be approved by the Department Engineering Technician and the Consulting Town Engineer prior to implementation. Significant field changes or those that deviate from the intent of the design as approved by that Planning Board must be approved by the Planning Board.

10. No more than 5 acres of area are to be disturbed and left exposed at one time.

11. Following the substantial completion of all construction activity, the Applicant will be required to submit an as-built survey of all constructed site structures and utilities, consistent with the requirements of Town Code §144-7 prior to issuance of certificate of occupancy.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse Site Plan approval upon all maps and drawing constituting the Site Plan. The Applicant shall provide six (6) prints of each map and drawing to the Planning Board Secretary. No construction or site work is authorized until the Site Plan has been signed by the Chairman and the required copies delivered.

In accordance with §170-144.H, "Time for Signature of Site Plan," and §170-114.K, "Extension," of the Town Code, failure to comply with the above shall result in expiration of Site Plan approval on _____, unless an extension of this time period is requested prior to the expiration date and approved by the Planning Board.

Site Plan approval and its continued validity are subject to all requirements of §170-114, "Site Plan Approval," and Chapter 144, "Site Plan Review," of the Town Code. Approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit in compliance with the above shall have been obtained and construction progressed as required by §170-114.I, "Time to Obtain Permit and Complete Construction," of the Town Code.

In accordance with §170-114.M(2) of the *Code of the Town of Somers*, before the completion of the improvements shall be approved and the Certificate of Occupancy issued, the Applicant shall submit as as-built plan to be approved by the Town Engineer.

The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan.

This resolution shall have an effective date of _____.

BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS

_____ _____

John Currie, Chairman Date

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2016-__ adopted by the Town of Somers Planning Board granting of conditional Site Plan approval, wetland permit, and stormwater management and erosion and sediment control permits to The Kearney Realty and Development Group, Inc. for The Crossroads at Baldwin Place at a regular meeting held on _____.

_____ _____

Syrette Dym, AICP Date
Town Planner

J:\DOCS2\200\Somers\Crossroads - PB Resolution Site Plan - Draft2.docx

NYC Environmental Protection

Vincent Sapienza
Acting Commissioner

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

465 Columbus Avenue
Valhalla, New York 10595

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

September 9, 2016

Jeffrey J. Contelmo P.E.
Insite Engineering, P.C.
3 Garrett Place
Carmel, New York 10512

Re: Crossroads at Baldwin Place – SWPPP
57 U.S, Route 6 Somers, New York
Amawalk Reservoir Drainage Basin
DEP Log # 2007-AM-1071-SP.1

Dear Mr. Contelmo:

The New York City Department of Environmental Protection (DEP) has reviewed your application which was received on August 16, 2016 regarding the above referenced project and has determined that the application is *incomplete*. The application is for the review and approval of a Stormwater Pollution Prevention Plan (SWPPP) as required by Section 18-39(b)(3) of the Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources (NYC Watershed Regulations). Please be advised that the following information is required before DEP can commence its review:

1. The boundary lines for the pre and post development drainage areas do not run along the property lines. Provide drainage areas that accurately depict the field conditions. The design line should be divided into several drainage lines in order to illustrate a more accurate depiction of existing and proposed conditions.

2. The post development drainage areas must be delineated as areas tributary to each standard stormwater management practice. Please note that bioretention is a standard stormwater practice with runoff reduction capabilities.

3. Runoff reduction must be provided in each drainage area prior to discharge into a standard stormwater management practice unless that standard stormwater management practice also provides runoff reduction. Please provide appropriate calculations. Provide the drawing showing the post development drainage areas for each green infrastructure practice. The green infrastructure practices must be included in the routing diagram and analysis.

4. Provide tabular information detailing by sub-watershed the NRCS Hydrologic Soil groups.

5. Provide a downstream analysis for the project to ensure the proposed project will minimize impacts to receiving waters.

6. Provide the maintenance schedule for temporary and permanent erosion controls in the plans. This should also be included in the maintenance covenant.

7. Provide the email address of the Owner/Applicant in the SWPPP report.

8. Provide the phone number of the party responsible for the implementation and maintenance of erosion control measures during construction. This information should be shown on the plan and the report.

9. Show phase specific erosion and sediment control. The controls should be located inside of each specific phase to limit the disturbance per phase.

10. The limits for phase 1 should extend to the main access road (U.S. Route 6). Provide an anti-tracking pad for any vehicle traffic prior to entering main roads.

11. Sheet EX-1 (Existing Conditions) labels an area of existing soil contamination. Provide a plan of the proposed mitigation for this area.

12. Show the location and description of all soils testing performed that was witnessed by DEP (Test holes D1 & D5).

13. Provide the location of the existing SSTS on sheet EX-1 (Existing Conditions). Ensure that the system will be properly removed to allow for installation of proposed storm water management practices.

14. Provide a plan view of the pervious pavement showing the percentage void space.

15. Provide design calculations for the use of pervious pavement.

16. Provide a drainage table on the plans for all structures.

17. The utility easements provided to the Town of Somers need to be detailed out in a legal document and attached to the covenant.

18. Roof drainage should be provided for building number 1.

If you have any questions, I may be reached at (914)773-4516.

Sincerely,

Jason Coppola, P.E.
Civil Engineer II
Stormwater Design Review, EOH
Watershed Protection Programs

c: (T) Somers Planning Board, mmurphy@somersny.com
Syrette, Dym (Town Planner of Somers), townplanner@somersny.com
Kearny Realty & Development Group, Inc.

NEW YORK
STATE OF
OPPORTUNITY.

Department of Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

TODD WESTHUIS, P.E.
Regional Director

C - PB-TP-CTE- applicant

RECEIVED
SEP - 9 2016
PLANNING-ENGINEERING
TOWN OF SOMERS

August 30, 2016

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

Re: SEQRA 13-0130
Somers Crossing
NYS Route 100 & Route 202
Town of Somers
Westchester County

Dear Ms. Dym:

The New York State Department of Transportation (NYSDOT) is in receipt of a cover letter from BIBBO Associates, dated August 9, 2016, along with five sheets of 11 X 17 plans that include an offsite sidewalk plan.

Please ensure that the sidewalk is located within the NYSDOT Right-of-Way (ROW). Sidewalks must comply with current ADA requirements. The values shown on the table "Critical Elements for the Design, Layout and Acceptance of Pedestrian Facilities" shall be used to ensure that pedestrian facilities in the public ROW are ADA compliant. Please refer to Engineering Directive ED15-004. The applicant will need to provide inspection services as indicated.

Engineering Directive ED15-004 *- Design, Construction and Inspection of Pedestrian Facilities in the Public Right of Way*

The values shown on the table "Critical Elements for the Design, Layout and Acceptance of Pedestrian Facilities" shall be used to ensure that pedestrian facilities in the public right of way are ADA compliant. Please refer to engineering directive ED15-004. When submitting proposed permit projects for NYSDOT review, the applicant's engineer will need to include a letter or statement within the transmittal letter that the submitted design is compliant with ED15-004 and all other applicable codes, standards, and specifications. The applicant will also need to provide inspection services as indicated. In particular, the applicant's engineer will perform the required pre-pour concrete form inspection, completed construction inspection, and submit a signed, sealed document confirming compliance with ED15-004 and all other applicable codes, standards, and specifications. In instances where nonstandard features cannot be avoided a justification form will need to be completed under the process promulgated under the Highway Design Manual Chapter 2 (Refer to Exhibit 2-15A).

Effective immediately, the scope of work on all Projects that include signal modification shall be expanded to include the connection of the traffic signal to the Advanced Traffic Management System (ATMS) network by either a cable modem (preferred) or by a cellular modem (acceptable). All signalized work under a Highway Work Permit will follow this guidance.

It is envisioned that critical, congested corridors will have to be addressed as a system where work is proposed. For more information or specific details, the Regional Signal Section should be contacted at (845) 437-3396.

Prior to any Approval, as a minimum, we will need to review detailed Highway Improvement Plans, Work Zone Traffic Control Plans, Signal Modification Plans, as well as a Drainage Report for Route 100 and Route 202.

Please submit subsequent plans and documents for this project as well as those for any future development proposals in DIGITAL (.pdf) FORMAT –CD, DVD or Thumb drive.

Thank you for your interest in highway safety.

Very truly yours,

Mary McCullough
HWP/SEQR Unit

cc: L. Zimmer, P.E., Regional HWP Coordinator
A. Darelius, Permit Engineer, Residency 8-8
Bonillo Land & Realty, Applicant

NYC Environmental Protection

Vincent Sapienza
Acting 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

C-
PB
TP
CTE

August 24, 2016

Mr. Timothy S. Allen, P.E.
Bibbo Associates, LLP
293 Rt. 100, Suite 203
Somers, NY-10589

AUG 26 2016

Via email: tallen@bibboassociates.com

Re: Somers Crossing
Somerstown Turnpike-Route100
(T) Somers; Westchester County; New York
DEP Log #1994-MU-0240-SP.1

Dear Mr. Allen:

The application for the above-referenced project received by this department on August 4, 2016 was deemed complete on August 24, 2016. The department has commenced review and will notify you by October 10, 2016 of its determination.

If the department fails to notify you within the above referenced time frame, you may notify the Department of its failure by certified mail, return receipt requested. The notice should be sent to my attention at the address below. This notice must include your name, the location of the project, the office with which you filed the application originally, and a statement that a decision is sought in accordance with §18-23(d) (6) of the Rules and Regulations. If the Department fails to notify you within 10 days of the receipt of the notice, your application will be deemed approved, subject to standard terms and conditions as set forth in the regulations.

If you have any questions, please contact the undersigned at (914) 742-2014.

Sincerely,

Mary P Zachariah

for Mariyam Zachariah
Associate Project Manager
Stormwater Programs

C: G. Boniello, gtboniello@aol.com
(T) Somers Planning Board, mmurphy@somersny.com
Stormwater Review Committee:
Armand DeAngelis, NYSDEC, armand.deangelis@dec.ny.gov
Siriphonlai, Udomlug (WCDOH), uqs1@westchestergov.com
Syrette, Dym (Town Planner of Somers), townplanner@somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering
Technician
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Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: September 7, 2016

RE:

Project:	Somers Crossing
Applicant:	Boniello Land & Realty, Ltd.
Location:	Route 100/Route 202 (Section 17.15 Block 1 Lot 15.1)
Zoning:	R80 Residence District; Pending Application for MFR-DH
District	
Actions:	Site Plan and Subdivision Approval for 66 Residential Units and a 19,000± Grocery Store on Parcel Pending SEQR Approval and Application of MFR-DH Floating Zone by Town Board

==========

Two sets of plans have been sent for review as the plan set intended by the applicant as sufficient for determination of Site Plan review. The first set of plans reviewed and commented on in detail by Fred Well's included lighting and landscape and sidewalk plans. The second set of plans contained 23 plans, most of which relate to engineering issues. This review and memorandum focuses mainly on the Layout Plan which is presumably intended to be the project Site Plan.

Issues with the Layout Plan LP -1 Dated July 14, 2016

1. Since the layout plan shows both the residential and commercial component of the project there is the assumption that the applicant is seeking an overall Site Plan approval for the entire plan prior to subdivision of the two sites into separate lots. There are numerous problems that this approach, raises including the following:

a. There is a future subdivision line shown on the plan that does not conform with the new MFR- DH requirement that the commercial parcel be a minimum of 4 acres in size.

b. There is no bulk table that shows compliance with all the requirements of the new MFR-DH District. This includes compliance with subsections a (1), A (2), A (4), A (5), and A (7) to a (17) for the multi-family residence Baldwin Place MFR-BP District (as amended for Hidden Meadow). The table needs to identify compliance with first, the dimensional regulations for multifamily housing including, residential density and coverage. Since these calculations in the Ordinance are written specifically only for the residential component of the project it is not clear how they are proposed to be calculated if the applicant is seeking one overall Site Plan approval. Even if we were to calculate it based only on the presumed residential parcel, the submitted plans do not provide them correct acreage to be considered for each parcel. This issue needs to be addressed and resolved.

The new zone separates out requirements for the grocery store parcel including minimum lot size, separate coverage requirements for the building yard, requirements, building and maximum store size. All of these need to be identified and their compliance shown in a bulk table on the Layout Plan.

Since there are no building dimensions/footprints for the residential buildings, the clubhouse, parking spaces, roadways or similar dimensions for the commercial plan, these would need to be provided to review any bulk table calculations

Status of Residential Versus Commercial Site Plan

Comments from the applicant's Engineer to Fred Wells seem to indicate that the commercial plan shown on the Layout Plan is not the final Site Plan and that something different will come from DeCicco's architects. This raises numerous additional questions:

1. The current plan is still very conceptual in nature with no dimensions shown anywhere for the building, parking spaces, aisle width, loading space, access driveways to Route 100 and connection to the Somers Towne Shopping Center. There is no detailing of the pedestrian crossing from the parking lot to the store, no identification of how carts will be stored or no depiction of any details raised by Brian Dempsey in his review. Therefore, neither I nor Brian have any further comments on compliance with these conditions in the Findings until they are shown in more detail on the plan.

2. We do not know which, if any, of the above issues will be addressed by the DeCicco architects but at this point, the commercial portion of the plan is not detailed enough for further comment.

3. Site plan approval issue. So, even if we were to receive a more detailed Site Plan for the residential portion of the project answering outstanding issues posed by Fred and me, how can we issue Site Plan approval on only one portion and very conditional Site Plan approval on only the commercial portion if we get nothing further? If this would be the case, is DeCicco's aware that they might be subject to continuing Site Plan review, post subdivision, prior to their ability to get a building permit? Of course, a Preliminary

and Final Subdivision of sites that meet Zoning Requirents, would have to take place first.

Revisions Required to Somers Towne Shopping Center Site Plan

There has been discussion of the need to make revisions to the Somers Towne Shopping Center Site Plan relative to removal of several parking spaces and the addition of the two access driveways. What are the actions necessary to do this and when do they need to be taken?

Cc: Town Board
Town Clerk
Roland Baroni
Joe Barbagallo
Fred Wells
Tim Allen
Rick O'Rourke
Bonnie VonOhlsen
Gus Boniello

Z:\PE\Town Board\Somers Crossing - Boniello\Site Plan\Planner's Comments 09-07-16.doc

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TOWN OF SOMERS

August 19, 2016

Ms. John Curry, Chairman
Town of Somers Planning Board
Somers Town Hall
335 Route 202
Somers, New York 10589

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

Dear Mr. Curry:

The accompanying pages provide our review comments on the Somers Crossing Site Plans submitted by the applicant on 7/19/16 and 8/1/16 to the Planning Board. These comments focus on our review of landscape design and aesthetic aspects of the project. Our prior comments dated June 28, 2016, are listed at the beginning (pages 2 to 4) with a check box at the items that have been substantially addressed.

The following materials were reviewed:

- Plan set dated 07-14-16 (23 sheets)
- Additional plans dated 08-01-16 (6 sheets)

We will be pleased to discuss these topics with the Planning Board at the September 14 meeting.

Yours truly,

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

1st Review – June 28, 2016:

A. We have the following general comments:

- ☐ Provide Plan Details (larger than 50' scale) for the driveway entrance to the residential component from Route 100, including curb radii, sight line clearing, entrance features (e.g. stone walls, project sign) and planting layout. Show proposed school bus pickup area detail. Show dimensions.

- ☐ Provide Plan Details (larger than 50' scale) for the driveway entrance to the commercial component from Route 202, including curb radii, travel lane width, traffic controls including pedestrian crosswalks if proposed, sidewalk, entrance features (e.g. stone walls, fencing, project sign) and planting layout. Show dimensions.

- ☐ Provide Plan Detail (larger than 50' scale) for the grocery store building and parking layout. Show building entrances, loading areas, pedestrian amenities, trash receptacles, signs, shopping cart storage, snow stockpile areas. Show dimensions.

- ☐ Provide construction details for the grocery store: retaining walls, decorative walls and fences, sidewalks around the building, pedestrian amenities, pavement materials, planting.

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

- ☐ Provide a Landscape Plan for the residential area, including a plant list. Needs to include street trees, buffer planting, foundation plantings, stormwater basin planting, seeding.
- ☑ Provide a Landscape Plan for the commercial area, including a plant list. (Provide separate plant lists for the residential and commercial areas.)
- ☐ Provide a Detail sheet showing proposed type, location, design, shielding and hours of operation of exterior lighting. [§144-7.D.(7)]
- ☐ Provide a Detail sheet showing proposed location, material type, size, wording, design, color and illumination of all signs. [§144-7.D.(7)]
- ☐ Provide a Detail sheet showing provisions for tree protection. [§144-7.D.(12)]
- ☐ Provide design of pedestrian facilities (eg., sidewalks or shoulders) and bicycle facilities within the site, connections to the public right-of-way, and connections between the site and Towne Centre. [§144-8.B.(6)]
- ☐ Identify treatment of accessory facilities, such as air-conditioning systems, which may create a nuisance for neighboring properties or the public in general. [§144-8.C.(3)]
- × Identify locations of solar access facilities, if proposed. [§144-8.C.(4)] [None proposed]

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

- ☐ On-site Recreation Facility - Provide Plan Details (larger than 50' scale) for the 0.5 acre recreation lot, recreation building floor plan, playground, landscaping. Provide architectural elevations and identify building façade materials, colors.
- ☑ Provide Plans for off-site Sidewalks (As depicted in FEIS Figure I-6)
  - Route 100 - From Towne Centre entry drive, north and west around Bailey Park (A)
  - Route 202 - Site frontage (B)
  - Route 202 - From Site west to Fireman's Field (C)
  - Route 202 - From Fireman's Field west to School property (D)
- × Identify area of Land dedication for the project length along Route 100 to NY State for future sidewalk (if required). [Not required at this time]
- ☐ Provide construction detail of the proposed trail through the open space area.
- ☐ Identify the Revisions to the Towne Centre property necessary to accommodate connections to Somers Crossing.
- ☐ Provide Tree Survey showing the anticipated limit of disturbance line.
- ☐ Provide architectural elevations of the residential buildings. Identify building façade materials, colors.
- ☐ Provide architectural elevations of the grocery store. Identify building façade materials, colors.

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

- ☐ Where possible, keep existing healthy and non-hazardous trees that will maintain a canopy over the road (Route 100);
- ☐ Rebuild the existing stone wall at the property line along the entire frontage (except where access or clear sight distance would be obstructed) to a height and width that has a substantial appearance from the road;
- ☐ Alternatively or in addition to the stone wall, add an ornamental fence along the frontage in character with historic wrought iron or wood picket fencing of Early America to a size that has a substantial appearance from the road;
- ☐ Add new shade trees along the entire frontage, of suitable species for exposure to road conditions and substantial size and spacing to recreate a tree canopy in the short term (±10 years);

- ☐ Add evergreen trees, and understory flowering trees and shrubs that will function to filter views into the Project in the short term (five years or less) and provide an ornamental appearance from the road;
- ☑ Add entrance driveway features that enhance the visual character of the road corridor, such as stone pillars and project signage;
- ☐ Provide sufficient level area at the right of way to accommodate a possible future curb, grassed strip and sidewalk.
- ☐ The landscape design for the Route 100 frontage will mitigate loss of existing vegetation to the extent practical, maintaining the character of the hamlet, and preserving the semi-rural character of the corridor.

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

- ☐ Rebuild the existing stone wall at the property line along the entire frontage (except where access or clear sight distance would be obstructed) to a height and width that has a substantial appearance from the road; the wall on Route 202 should block view of car headlights in the parking lot;
- ☐ Alternatively or in addition to the stone wall, add an ornamental fence along the frontage in character with historic wrought iron or wood picket fencing of Early America to a size that has a substantial appearance from the road;
- ☐ Add new shade trees along the entire frontage, of suitable species for exposure to road conditions and substantial size and spacing to recreate a tree canopy in the short term (±10 years);
- ☐ Add evergreen trees, and understory flowering trees and shrubs that will function to filter views into the Project in the short term (five years or less) and provide an ornamental appearance from the road;
- ☐ Add entrance driveway features that enhance the visual character of the road corridor, such as stone pillars and project signage;
- ☑ Provide sufficient level area at the right of way to accommodate a possible future curb, grassed strip and sidewalk.
- ☑ Provide Lighting Plan designed to keep the development safely and attractively lit without impacting neighboring properties or creating unnecessary impacts. Site lighting would incorporate the latest technology designed to minimize glare and night sky impacts.
- ☐ The proposed parking lot and entry road at the grocery store will need to be designed in keeping with the streetscape character of the hamlet.

2nd Review - August 19, 2016:

Residential Development – Route 100 Entrance

- ☐ Walls with pillars proposed at the entrance look too small relative to the scale of the entrance. Provide a scale drawing or add dimensions on the details provided.
- ☐ Specify the proposed plant materials at the entrance feature.
- ☐ Plan shows a utilitarian metal guiderail wrapping around the stone faced southerly entrance wall. These dissimilar elements need to be rectified. A wood timber guiderail of a design acceptable to the Town engineer is suggested for the entrance area rather than metal.
- ☐ Will there be lighting at the entrance feature? None is shown.
- ☐ The tree plan shows all the trees removed at the entrance driveway and landscape plan shows no new trees in that area. Provide planting at the entrance area.
- ☐ The vehicle sight lines need to be shown.

Residential Development – Route 100 Frontage

- ☐ Plan and detail show rebuilding the existing stone wall along the Route 100 frontage and a new 4' high picket fence in back of the wall. The beginnings and ends of the new wall and fence need to be clearly shown on the plan. A minimum height for the stone wall needs to be specified. The plan identifies the fence as vinyl, conflicting with the detail entitled wood fence. A commercially available fence style should be specified.
- ☐ In our opinion, the picket fence and stone wall shown on detail sheet L-1 lack any semblance of Colonial character which the Town wishes to portray in the hamlet area. We suggest that the applicant include on the plans a photograph of a suitable wall from an existing site with similar topography to replicate at Somers Crossing. See last page for an example. (Unlike the example photo, the base of the proposed fence will be lower in elevation than the wall and that will need to be taken into consideration in the fence design.) Thoughtful consideration of what these landscape elements will look like from the public road is required to address the SEQR findings (para. D above).
- ☐ Given that the natural grade of the site frontage drops away just beyond the edge of pavement, the wall needs to be significantly higher than two feet to be of a suitable scale. (See attached sketch.) There appear to be nearly 1000 linear feet of stone walls to be removed from the interior of the site that can be used in rebuilding a more prominent landscape feature along Route 100. We suggest a note be added on the phasing plans to

remove and stockpile stone wall material at the same time as stripping topsoil. Amend the wall detail to show wall dimensions suited to this situation.

- The conceptual landscape plan LP-1 in the FEIS showed 27 trees along the Route 100 frontage; DEIS Alternative C3 had 68 new trees; and the current landscape plan L-1 shows 32 trees and 25 shrubs plus 11 saved existing trees. 26 of the 32 trees are shown as evergreen trees. We recommend that the planting along Route 100 be expanded in number and diversity to obtain a deciduous tree canopy when the trees mature, and soften visibility of the buildings through the trees by use of understory ornamental shrub masses – not to create a screen but a filter.

Residential Development – Lighting

- Applicant proposes 10' – 12' high lamp posts with 175 watt metal halide lamps in a classic lantern style. Post color should be specified. The luminaires have deflectors to reduce the light on the building side of the light. Lights proposed on the buildings at front and back entrances are 25 watt LED lamps. The light level patterns shown on the drawings appear to be adequate for this site with negligible light slippage. (We have asked the applicant for technical information to determine whether these lights are Dark Sky compliant.)

- Lamp posts appear to be placed about two feet from the curb line on the plan; a minimum dimension should be indicated on the detail. A footing design is needed.

Residential Development – Tree survey T-1

- The tree survey appears to be incomplete at the rear of the residential area, however we do not believe there is value in further survey since the site development area is being clear cut except for some perimeter trees. No specific trees are shown to be protected and preserved. The tree plan should have a prominent note stating the Town's representative and applicant's representative shall walk the site after the erosion control perimeter fencing is installed to identify any trees to be preserved with special protection.

- The erosion control plan shows a tree line symbol at the limit of disturbance but it does not match the tree removals on the tree survey.

- Any trees intended to be saved as part of the site landscaping plan must be shown with tree protection on the tree survey and the grading plan. A detail for tree protection (including root zone protection) should be added to the plans.

Residential Development – Landscaping

- The conceptual landscape plan LP-1 in the FEIS for the residential component of the project showed 142 trees (12 species) and 10 shrubs; the current landscape plan L-1 shows 100 trees (4 species) and 25 shrubs. The current plan needs to present a healthy

diversity of appropriate plant species in the project. For example, sugar maple is not appropriate near pavement; boxwood is ineffective for buffer planting along Route 100. The planting plan needs to be reviewed and expanded by a competent landscape designer.

- ☐ Additional planting for shade and ambiance is needed behind the buildings and in some places between neighboring buildings. A typical foundation planting detail for the buildings should be provided on the plans.

- ☐ Buffer planting is needed on the north side of the development area backing on the shopping center – not to create a screen but a filter.

- ☐ What surface material is proposed for the access drive to the stormwater emergency overflow west of the lift station? What surface treatment (seed mix) is proposed for the stormwater forebay and micropool? Remove the term "turfgrass lawn" at infiltration basin 3.

Residential Development – Recreation area

- ☐ Provide landscaping at the recreation building. What outdoor recreational facilities will be provided – playground area?

- ☐ A detail for construction of the woodland walking trail is needed.

- ☐ Will there be any provision (eg, shelter) for school children waiting for the bus at the recreation building, as discussed during the SEQR review?

Environmental protection during construction

- ☑ The CAC has raised a concern about protection of local amphibians that may wander into the development area. Properly installed and maintained silt fencing (dug in) will be a physical barrier separating the construction areas from habitat areas to be left undisturbed. We do not recommend any permanent measures to prevent wetland wildlife from moving into the development area.

- ☐ For wildlife protection during construction the erosion control plans and phasing plans should include a prominent note stating: Silt fencing shall be inspected at the beginning of every work day for integrity of its installation (ie, properly buried and fully containing the work area), adjusted if necessary, and inside areas (construction side of fence) inspected for turtles and other wetland wildlife. If any individual is found inside the construction area during the morning inspection or any time during the work day, it shall be carefully picked up by hand and placed on the wetland side of the fence.

- ☐ Wetland buffer enhancement was proposed in the EIS by removal of invasive plants and restoration with appropriate native species. This work needs to be shown on the plans and described in notes, and proposed plantings specified. This work should be performed by

hand and thereby allow the work area to be scouted for the presence of species of concern prior to work disturbance.

- ☐ To avoid impacts to either the Indiana Bat or the Northern Long Eared Bat, the tree plan should include a note that tree clearing will be restricted to between October 1 and March 31.

Commercial Development Area

- ☐ There are no details for entrance area elements that are needed to establish a hamlet-scale streetscape character – eg, stonewall / entrance feature, project sign, crosswalks. A wall is necessary in front of the parking lot to shield view of the parking (especially car headlights) since it is so close to the road.

- ☐ What landscape treatment is proposed for the islands (mulch, planting, pavement)?

- ☐ Elevations of the four sides of the store are needed to understand appropriate landscape treatments surrounding the building.

- ☐ The existing sign for Somers Towne Centre at the Centre's Route 202 entrance will be blocked by the grocery store from view by eastbound vehicles on Route 202. How will this be rectified?

- ☐ The conceptual landscape plan LP-2 in the FEIS showed 33 trees (6 species); the current landscape plan L-2 shows 28 trees (4 species). The landscape plan needs to be expanded to address the requirements of the SEQR findings (para. E above).

- ☐ What landscape treatment is proposed on the east side of the building along the existing shopping center entrance driveway?

- ☐ A row of trees is proposed to be planted on the east side of the parking lot south of the store. Tree planting on top of the new water line is not recommended. This planting should be replaced with a row of appropriate, tall shrubs.

- ☐ The plans are not clear as to whether there will be curbs on the internal roadway or along the Route 202 frontage.

- ☐ A construction detail of the extensive proposed retaining wall on the south side of the development area is needed. The plan note says "by others" however a design is necessary for site plan approval. A to-scale detail needs to show the relationship of wall, guiderail, light pole, curbing and pavement, and planting if it is proposed.

- ☐ Applicant proposes 16' high lamp posts with 175 watt metal halide lamps in a classic lantern style. Post color should be specified. The luminaires have deflectors to reduce light spillage to areas not needing light. Lights on the building, if any are proposed, are not shown. The light level patterns shown on the plan appear to be adequate for this site.

(We have asked the applicant for technical information to determine whether these lights are Dark Sky compliant.).

- Construction work will occur in the State and Town wetland buffers for which wetland permits will be required (stormwater outfalls and temporary retaining wall construction disturbance).

Pedestrian and Vehicular Circulation

- The SEQR Findings stated that accommodations for pedestrian movements need to be developed between the grocery store and Towne Centre, and the residential component and Towne Centre. The Planning Board should discuss the current proposal in relation to this circulation.

- Are there any provisions for separating pedestrians from vehicle circulation for pedestrian safety in the area between the grocery store and the access to the Towne Centre property?

- In accordance with the SEQR Findings, the Planning Board's site plan review of the commercial component will include: truck access and maneuvering, pedestrian crossings (particularly pedestrian access to/from the grocery store), traffic calming, grocery store parking, internal and cross-connection traffic control, trash removal, shopping cart storage, snow stockpile areas, signage, sight lines, loading space(s) at the grocery store, and possible use of pervious pavement.

- Safety provisions are necessary for pedestrians crossing the new entrance road enroute to the grocery store. A speed table may be appropriate opposite the building entry. Pavement markings and/or differing pavement materials will be necessary for pedestrian safety.

- In accordance with the SEQR Findings, the Planning Board's site plan review of the residential component will include: adequacy of visitor parking, on-street parking, internal sidewalks (if any), bicycle circulation, possible use of pervious pavement, a school bus stop, and emergency vehicle access and maneuvering. The Planning Board should discuss the current proposal in relation to these items.

Example of rustic stone wall with stylized fence -- 11 Goldens Bridge Road
(See 3rd bullet under Residential Development – Route 100 Frontage)

C - PB TP CTE

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HENRY M. HOCHERMAN
RETIRED

August 1, 2016

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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
Fourth Request for Ninety-Day Extension of Amended Final Subdivision Approval

Dear Chairman Currie and Members of the Planning Board:

As you may recall, by Resolution dated June 10, 2015, your Board granted Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits Approval (the "Final Approval") for the Merritt Park Estates Subdivision to modify two conditions of the original Resolution of Approval. At the Board's May 11, 2016 meeting, the Board extended Amended Final Subdivision Approval to September 5, 2016.[1] As you know, Mancini has been installing the infrastructure (road, drainage, and utilities) in the Subdivision and wants to substantially complete that work before filing the Final Plat so that the security to be posted can be limited in amount and scope. Mancini is getting very close to being substantially completed with the work; I am advised that the outstanding work is limited to installing the plantings in the stormwater basins (best done when we get relief from the warm July temperatures) and installing the top coarse of pavement on the Subdivision Road (which Mancini intends to defer until more of the homes in the Subdivision are constructed). As you may recall, there are a number of easements, covenants and restrictions that have to be recorded against the Property at the time the Plat is filed, which were executed by the Town, Heritage Hills Condo 29, Heritage Hills Society, and Lake Lincolndale Property Owners Association ("LLPOA") before construction of the infrastructure commenced. These documents are now several years old and will have to be updated and re-executed for recording. We are in the process of updating them as part of preparing to file the Map.

[1] At the Board's July 13, 2016, the Board granted a one-year time extension for the Wetland, Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits, to and including June 10, 2017, as well.

It is possible that Mancini will be able to present the Final Map to the Chairman for signature by the September 5th deadline but we cannot be certain of meeting that deadline so, out of an abundance of caution, we are writing to request an additional 90-day extension of Final Approval to and including December 5, 2016 (which is the first business day after the ninetieth day which is a Sunday). This is our fourth request for an extension of Amended Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

I understand that the site is fully stabilized, Steve Woelfle makes periodic inspections of the site and construction work, and there have been no issues with the work.

Kindly schedule this matter for consideration at the Planning Board's August 10, 2016 meeting and let us know if an appearance is required or requested. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: Geraldine N. Tortorella

GNT:hc

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

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PLANNING AND ENGINEERING DEPARTMENTS

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Steven Woelfle
Principal Engineering
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swoelfle@somersny.com

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

DATE: August 31, 2016

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: Merritt Park Estate Amended Final Subdivision Approval – Fourth Ninety-Day Extension Request

The Planning Board granted Amended Conditional Final Subdivision Plat Approval, Tree Preservation, Steep Slopes and Wetland Permits Approval on June 10, 2015 for Merritt Park Estates Subdivision to modify two conditions of the original Resolution of Approval and a first 90-day extension was granted at the Planning Board meeting of November 10, 2015. A second extension was granted at the Board's February 10, 2016 meeting to June 6, 2016 and the current request is for a third 90 day extension up to and including September 5, 2016 under Section 276(7)(c) of Town Law was granted May 11, 2016.

Given the ongoing series of requested extensions, a Planning Board member asked for a more complete update of the site conditions and status given that a majority of the Board was not involved in the original review and approval of this subdivision. It was felt that, in addition to the updates on field conditions provided by Steve Woelfle that the applicant needed to provide additional visual information on site conditions to help inform the Board.

To that end, the memorandum of April 29, 2016 was submitted. It provides a more detailed narrative of the project background and status and, more importantly, a series of pictures identifying field conditions. The pictures depict the site work that has been completed as well as the construction of the first home to support the request for this fourth subdivision extension. Steve Woelfle indicates that the building lot construction is ongoing. The water and sewer service to the house was recently installed, inspected and backfilled. The infiltration practice provided for the house will be installed shortly. The remaining ongoing work related to the road is asphalt top course, detention basin plantings and any maintenance required after a stormwater events, e.g., cleaning roadway catch basins.

The Planning Board now has a more complete updated knowledge on which to vote on the requested extension from September 5, 2016 up to and including December 5, 2016 under Town Law Section 276(7)(c)

cc: Geraldine Tortorella, Esq.
RichardMancini
John Mancini
Steve Woefle

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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SOMERS, NY 10589
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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, Director of Planning

DATE: September 6, 2016

RE:

Project:	New York SMSA Limited Partnership d/b/a Verizon Wireless – Co-Locator
Applicant:	New York SMSA Limited Partnership d/b/a Verizon Wireless
Location:	Somers Commons Shopping Center 80 Route 6, Somers, NY Section 4.20, Block 1 Lot 11.6
Zoning:	Community Shopping Zoning District (CS)
Actions:	Review of Site Plan Special Permit Application to Co-locate a Public Utility Wireless Telecommunications Facility at 80 Route 6, Somers NY

Application Request:

The proposed action consists of the following components:

1. *Site Plan Approval for co-location of Verizon Wireless antennas on the existing Treepole and equipment within the existing approved communications compound designed and previously approved for such co-location as per §170-129.9 of the Code of the Town of Somers.*
2. *Special Use Permit as per §170-129.6 of the Code of the Town of Somers.*
3. *Wetland and Watercourse Protection as per Chapter 167 of the Code of the Town of Somers.*

The request is to co-locate three panel antennas concealed within the existing unipolar tower located at the telecommunications facility at Somers Commons Shopping Center. In addition to the antennas ground equipment to be located at the base of the tower will include a 10 kW propane powered stand-by generator surrounded by a four sided enclosure. The height of the generator enclosure is about 10 feet tall. The equipment will be screened by paneling designed to match the existing brick faced masonry walls.

In addition to the requirement for issuance of a Special Use Permit under Section 170-129.6, Section 129.9 A indicates that a modification of a wireless telecommunications facility is subject to site plan review. However, in accordance with Section 129.9 B if the Planning Board deems the modification minor, it can waive Site Plan review, such waiver being requested by the applicant.

A Wetland Permit from the Town is also required since the facility is within 100' of a detention pond that is regulated by the Town as a wetland.

Applicable Regulations and Requirements

The applicant has prepared statements demonstrating why it considers that this request meets the regulations and requirements of Section 170 -129.5.

Item H. Noise corresponds with item O of this Zoning Section. A Noise Letter of June 21, 2016 by HMB Acoustics LLC assessed the impact of the proposed generator on ambient noise levels, the generator, to be located on the south side of the building in the shopping center that houses Home Goods/ Goodwill. Residences, the sensitive receptors, are located east of the center along Tomahawk Street and the North County Trailway. The noise to be generated will only be for a maximum of 20 minutes once each week. After testing, it was determined that the noise level at the nearest residential, property line was 29 dBA compared with existing ambient noise levels of 40 to 45 dBA. So conditions of Section 170-129.5 are met.

RF Compliance Assessment

An Antenna site. FCC RF Compliance Report of June 15, 2016 by Pinnacle Telecom Group up calculated that the maximum RF level from the combination of proposed and existing antenna operations is 3.4701 percent of the FCC general population limit or 28 times below the safe
Limit for humans.

Structural Report

A letter from All Points Technology Corporation dated July 26, 2016 indicates that the Structural Analysis report prepared by Paul Ford dated December 31,

2014 was examined and that the facility will be designed to meet required standards. What is not provided is the 2014 report and any indication regarding whether it was prepared on the basis of an onsite inspection. Such report has been requested but has not yet been provided by the applicant and needs to be provided to determine structural status of the Unipole.

CC: Joe Barbagallo
Rob Wasp
Roland Baroni
Michael Sheridan

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-
5366
Fax

Town of Somers

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

MEMORANDUM

TO: Planning Board

FROM: Syrette Dym, Director of Planning

DATE: September 7, 2016

RE:

Project:	DiSiena 4 Lot Preliminary Subdivision
Applicant:	Frank and Rosemarie DiSiena
Location:	126 Primrose Street (Route 139); (Section 27.08 Block 2 Lots 1&2.1)
Zoning:	R80 Residence District
Actions:	Preliminary Subdivision of Two Existing Lots totaling 11.7 acres into Four Lots

Subdivision Drawings

The following drawings were submitted as part of the submission:

- Existing Conditions Plan – dated August 15, 2016
- Integrated Plot Plan – IPP- dated August 15, 2016
- Preliminary Site Development Plan SP-1 – dated August 15, 2016
- Erosion Control Plan – dated August 15, 2016
- Profiles and Details
- Details 2 – dated August 15, 2016
- Full Environmental Assessment Form revised February 10, 2016
- Soil Test Results – dated August 15 2016

Application for Preliminary Subdivision Approval

The applicant is now seeking Preliminary Subdivision Approval as the precursor for a Conservation Subdivision. Therefore, issues at this stage of the application relate to whether the requirements for Preliminary Subdivision have been met.

Zoning Compliance

A Zoning Compliance Chart has been provided on the Preliminary Site Development Plan (SP-1). All lots conform with zoning requirements with the exception that Lot #3 has a net area of 78,828 square feet or 1,172 square feet less than the 80,000 required in the R-80 District as stipulated by Section 170-58.3 that required exclusion of 1,267 square feet of wetland area. As such, Lot #3 does not conform with the requirements of Section 150-23 A (2. Because Conventional Subdivision layout has to be fully conforming to qualify for the lot count in a Conservation Subdivision layout. Therefore, the fact that Lot 3 is substandard in size precludes it from being concerned for a Conservation Subdivision.

If the applicant is seeking a four (4) lot Conservation Subdivision, it must present 4 lots that are fully complying with all aspects of zoning.

SEQRA

The Planning Board declared its Intent to be Lead Agency on January 13, 2016 with no objections received and more than 30 days having passed, the Board should accept Lead Agency status.

EAF

A revised EAF Part 1 was submitted dated December 11, 2015. It addressed all items with the exception of the following:

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- Endangered and Threatened Species - what species have been identified.
- What existing site features will be removed.
- Block wall around the pool is indicated as to be removed but not the pool. What is proposed for the existing stone retaining wall and patio.

LAYOUT PLAN

While the legend on all plans indicates a limit of disturbance line symbol there does not appear to be such line on any of the plans.

Z:\PE\Subdivision files\Disiena\2015-16 Application\Planner Comments\Planner's Comments 09-1-16.docx

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

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: September 6, 2016

RE:

Project:	Orchard Hill Road – Informal Application
Applicant:	Hemato-Centric Life Institute
Location:	50 Orchard Hill Road (Tax Lot 37.06-1-61)
Zoning:	R--120

Application Request:

The application is to have the Panning Board assess the steps necessary for the applicant to obtain a building permit to renovate an existing building on the site to be used as a multi- purpose building. Coincident with the renovation of this existing building is development of two parking areas, one for 20 cars and one for 60 cars. The site is 38.01 acres and is located in the R-120 Zone.

After discussion with the Building Inspector who visited the site it appears that the site has been planted by the current user and was not previously a farm operation. It has received tax exempt status but it is not clear how this exemption was received, under what auspices. This should be clarified by the Planning Board. The purpose that the applicant is appearing before the Board is for the applicant to identify what category of use it believes it falls under in an R-120 District. Once the applicant has made clear to the Planning Board what type of use it believes it is, it can then be better reviewed by and assessed by the Building Inspector and the Director of Planning with input from the Planning Board.

C-PB-TP-CTE

Marilyn Murphy

RECEIVED
AUG 29 2016
PLANNING-ENGINEERING
TOWN OF SOMERS

00007

From: Cap3650@aol.com
Sent: Monday, August 29, 2016 12:10 PM
To: Marilyn Murphy
Subject: Next Planning Poard Meeting

Dear Marilyn

This is to follow-up on and clarify our urgent need to get on the agenda for the next planning board meeting.

My wife and I have been residents of Somers for forty years and now that we are 78 and my wife is ill we find that we must have a warm house in the winter. Having just moved into a home in Heritage Hills we found the heating system inadequate last winter. Believe it or not it was actually 47 degrees in the house at one point. We really must have a service from the existing main to the house for a gas furnace to be installed. Our condo board finally approved the installation a few days ago.

Any effort on your part or on the part of the Board to get Con Edison's application for our service at 675B Heritage Hills on the agenda for the 9/16 Planning Board Meeting will be much appreciated. Delay may well mean that winter weather will be here before the new furnace.

Thank you for your attention to this matter.

Carl and Rosemary Picha

C-PB-TP-CTE

JMC

Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

August 30, 2016

RECEIVED
AUG 29 2016
PLANNING-ENGINEERING
TOWN OF SOMERS

00007

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

RE: JMC Project 16059
Towne Centre at Somers
325 Route 100
Town of Somers, NY

Continuation of Informal Appearance Before Planning Board

Dear Chairman Currie and Planning Board Members:

Thank you for the opportunity to continue our informal appearance before the Board on Wednesday, September 14, 2016 to further discuss our proposal for improvements to the Towne Centre Property.

We are requesting this continuation in order to provide you with an update on the status of our review process, discuss any additional comments/suggestions the Board may have, confirm the Board's understanding of and concurrence with our treatment of the one-way drive aisles and mountable median strips prior to proceeding with a full Site Plan Approval application.

To briefly summarize our application, Urstadt Biddle Properties is proposing various improvements to reinvigorate this property including functional and aesthetic changes to building facades as well as modifications to the site area between buildings "A" and "B". Specifically, the parking and circulation, between buildings "A" and "B", will be reconfigured to angled (60 degree) parking with a four foot (4') wide, three inch (3") high mountable curb median strip to separate the one-way drive aisles.

There will be a net increase of 9 parking spaces. Two pedestrian crosswalks, using pavers, will cross the driveway aisles and help with traffic calming. Five (5) existing trees will be removed and there will be 4 new trees and raised planters added in the core area.

The existing roof overhang and tower on Building "A" will be modified to open up the space and create a plaza area. New light fixtures, benches and site furniture will be installed. Improvements to the façades including painting, material upgrades, signage and lighting are shown on the preliminary plans prepared by the architect.

To this point, in addition to our informal appearance before the Planning Board on July 13, 2016, we have been before the Architectural Review Board two (2) times to hear their comments and incorporate their suggestions into the plans. We have received conditional approval from the ARB and are making additional minor modifications to the architectural plans to finalize that review process.

In addition, we have appeared before the Fire Prevention Bureau to the discuss the proposed plan. Attached to this letter is a copy of their memo indicating that they have no objections to the proposal.

In our prior discussions, including the preliminary meeting with Town officials, the informal appearance before the Planning Board, the Architectural Review Board and the Fire Prevention Bureau the configuration of the proposed angled parking and one-way drive aisles was reviewed. The proposed site plan has two one-way drive aisles, 13.5 feet wide each, separated by a four (4) foot wide slightly raised mountable median (3" height). This configuration provides an effective maneuvering aisle width of 17.5 feet with the center median being shared.

The Town Code (Chapter 170. Zoning, §170-36. Off Street parking unit and vehicular access specifications, D.) states that in those circumstances where the Planning Board does permit parking at an angle other than 90°, circulation in each maneuvering aisle shall be limited to one-way only. Per Figure 2 in that section, for 60° parking angle the maneuvering aisle width is to be 17.5 feet.

We feel that our proposal meets with the intent of the Code by providing an effective overall 17.5 foot one-way aisle composed of a 13.5 foot wide travel way and a shared 4 foot wide raised median (3" height). In addition, the median, being raised, will help stop cars from backing across into the adjacent aisle and assist with traffic calming. Provided that the Board agrees with our proposal, we would respectfully request a waiver of the parking aisle width requirement as stated in the Town Code.

We appreciate your time and attention and look forward to continuing our discussions with the Planning Board at your meeting on September 14, 2016.

Sincerely,

Robert Aiello, PE
Associate Principal

Encl.: Bureau of Fire Prevention Memo, August 16,2016

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BUREAU OF FIRE PREVENTION

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EFREM CITARELLA
CHIEF

Town of Somers

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AUG 15 2016

00067

MEMO TO: Planning and Engineering

FROM: Bureau of Fire Prevention

RE: Towne Centre at Somers Renovation

DATE: August 16, 2016

At our monthly meeting on August 10, 2016, we met with Rogerio Franco of Franco Designs, Robert Aiello and Craig Von Ohlsen of JMC, as well as Andy Albrecht and Robert Weeks of Urstadt Biddle Properties, Inc. presented a renovation proposal for the Towne Centre at Somers located at 325 Route 100. Plans for the breezeway area were reviewed and discussed. Nine parking spaces will be added. The Bureau had no objections.