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Town of Somers

WESTCHESTER COUNTY, N.Y.



John Currie, Chairman
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Vicky Gannon
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**SOMERS PLANNING BOARD
SPECIAL MEETING
AGENDA
SEPTEMBER 24, 2013
7:30 P.M.**

**FSEIS COMPLETENESS REVIEW AND
DISCUSSION ON DRAFT SEQRA FINDINGS STATEMENT**

1. 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.

**There will be a joint meeting between the Town Board, Planning Board,
Consultants and Applicant regarding the Somers Crossing immediately
following the Planning Board Special Meeting.**

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

1
2 **LEAD AGENCY'S SEQRA FINDINGS STATEMENT**
3 **SUELAIN REALTY**
4 **APPLICATION FOR GRANITE POINTE SUBDIVISION APPROVAL**
5

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

10 **I. INTRODUCTION**
11

12 This SEQRA Findings Statement pertains to the proposed Granite Pointe Subdivision (the
13 "Proposed Action"). It draws upon the facts and conclusions in the Draft Supplemental
14 Environmental Impact Statement (DSEIS) accepted by the Planning Board on August 23,
15 2006 and the Final Supplemental Environmental Impact Statement (FSEIS) accepted by the
16 Planning Board on _____.
17

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

- 21
- 22 • The presence of lead was confirmed in a report prepared by the project's sponsor's
23 consultant, Groundwater and Environmental Services, Inc. dated March 3, 2004,
24 and was the basis for required preparation of the Supplemental Environmental
25 Impact Statement (SEIS).
26
 - 27 • Final Subdivision Plat approval was rescinded by the Planning Board on May 26,
28 2004;
29
 - 30 • Preparation of a Draft Supplemental Environmental Impact Statement (DSEIS) by
31 the Applicant;
32
 - 33 • Acceptance of a DSEIS by the Planning Board on August 23, 2006;
34
 - 35 • Circulation of the DSEIS;
36
 - 37 • The holding of public hearings on the DSEIS by the Planning Board on October 4,
38 2006, October 18, 2006 and establishment of a comment period to end on November
39 17, 2006;

Granite Pointe Subdivision
Lead Agency's SEQRA Findings Statement

- 1
2 • On November 15, 2006, the Planning Board extended the written comment period
3 deadline to January 10, 2007;
4
5 • Preparation of a Final Supplemental Environmental Impact Statement (FSEIS);
6
7 • Acceptance of the FSEIS by the Planning Board on _____;
8
9 • Circulation of the FSEIS and the establishment of an FSEIS comment period through
10 _____;

11
12 This SEQRA Findings Statement also attests to the fact that the Planning Board has given
13 due consideration to the Supplemental Environmental Impact Statement (SEIS) prepared in
14 conjunction with this action and the public comments submitted on the same. Further, this
15 SEQRA Findings Statement contains the facts and conclusions in the Supplemental
16 Environmental Impact Statement relied upon by the Planning Board to support its decisions
17 and "indicates the social, economic and other factors and standards" that form the basis for
18 its decision.

19
20 **A. Site and Neighborhood Description**

21
22 The subject property is a 28-acre parcel of undeveloped, mostly wood land located on
23 Tomahawk Street in Somers, New York. The property is mainly surrounded by the
24 Amawalk Reservoir.

25
26 **B. Project History**

27
28 The Applicant had been granted preliminary and final subdivision plat approval for the
29 development of 23 single-family residential lots on the property. Subsequent to the
30 granting of final approval, it was further discovered that specific areas of the property
31 were impacted with deposited lead from an old shooting range. The presence of lead was
32 confirmed in a report prepared by the project sponsor's consultant, Groundwater and
33 Environmental Services, Inc. dated March 3, 2004. As a result of this new information,
34 and in order to allow the Applicant sufficient time to prepare a Supplemental
35 Environmental Impact Statement (SEIS) within the allowable time constraints, action was

Granite Pointe Subdivision
Lead Agency's SEQRA Findings Statement

1 taken by the Planning Board to rescind the final subdivision plat approval and the
2 application's status reverted to the preliminary subdivision plat approval stage.

3 **II. PROPOSED ACTION**

4
5 **A. Proposed Action**

6
7 The currently Proposed Action involves the proposed approval of a subdivision plat for
8 23 single-family residential lots on 28.8 acres located on Tomahawk Street, including the
9 approval of required environmental permits and of a soil remediation plan to eliminate
10 deposited lead, the presence of which was discovered after the Planning Board completed
11 the original environmental review for the Proposed Action.

12
13 **B. Required Approvals**

14
15 The Proposed Action requires the following approvals:

16
17 **1. Town of Somers Planning Board**

- 18
19 • Final Subdivision Plat approval
20 • Tree Removal Permit approval
21 • Stormwater Management and Erosion and Sediment Control Permit approval

22
23 **2. New York City Department of Environmental Protection**

- 24
25 • Approval of a Stormwater Pollution Prevention Plan (SWPPP)
26 • Brownfield Clean-up Program

27
28 **3. New York State Department of Environmental Conservation**

- 29
30 • Approval of a Stormwater Pollution Prevention Plan (SWPPP)

31
32 **4. State of New York Department of Transportation**

- 33
34 • Site Access Permit Approval

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1 **III. HISTORICAL USES**

2
3 **A. Shooting Range**

4
5 Trap shooting and target shooting was conducted on portions of the subject property
6 between approximately 1938 and 1968. Shooting activities were not open to the
7 public and only took place on weekends in the spring, summer and fall. The Boy
8 Scouts also utilized the shooting range. The amount of sportsmen that utilized the
9 subject property for trap or target shooting is unknown.

10
11 **B. Cut/Fill Activity**

12
13 The native soil horizon along the western margin was removed as part of cut and fill
14 activities completed in the 1970s. The exact date of the cut and fill activities remains
15 unknown.

16
17 **C. Building Demolition**

18
19 The abandoned remains of several residential and commercial buildings are located
20 on the currently undeveloped parcel. The buildings include a restaurant, which no
21 longer exists but was located in the central portion of the site, several dwellings, and
22 some storage buildings.

23 **IV. ENVIRONMENTAL IMPACTS**

24 **Shooting Range Related Site Impacts**

25 **A. Evaluation of Site Soils**

26
27 **1. Impacts Identified**

- 28
29 a. The site soils outside the area of expected shot fall was calculated at
30 70.47 mg/kg; this is below the New York State Department of
31 Environmental Conservation (NYSDEC) average range of 200-500
32 mg/kg for suburban areas. The background concentration was

Granite Pointe Subdivision
Lead Agency's SEORA Findings Statement

1 determined by averaging the XRF screening and laboratory results of
2 soil samples collected from outside the expected area of impact. Soil
3 sampling of the expected shot fall area revealed that a portion of the
4 subject property is impacted with lead and semi-volatile organic
5 compounds (SVOCs) at concentrations above applicable guidance
6 values.

7
8 b. The Area-1 (located on proposed Lots 10-13) sampling results indicate
9 a wide range of primarily lead impact within the top 1.5 feet of soil as a
10 result of the historical land use. The horizontal limits of lead impact
11 extends from the cut and fill area located on the western portion of the
12 sampling grid, across the stone wall separating the site from the
13 NYCDEP property. The area of impact widens to a maximum width
14 of approximately 540 feet along the eastern property boundary. The
15 vertical limit of the lead impact extends from grade to approximately
16 1.5 feet below grade in the area of expected shot fall.

17
18 c. SVOCs were detected at concentrations above the NYSDEC guidance
19 values along the southwestern portion of Area-1 from grade to 1.5
20 below grade. The source of these SVOCs could be attributed to
21 historical dumping in the cut and fill area and the subsequent runoff
22 during storm events.

23
24 d. The Area-2 (located on proposed Lot 19) sampling results indicate the
25 presence of low level lead and SVOC concentrations in one sample
26 located in this portion of the property. The horizontal and vertical
27 delineation of impact were adequately defined and the impact can be
28 attributed to the parking of vehicles in this area of the site over time
29 and the proximity of this location to the road.

30
31 e. Soil samples collected during the investigation of the cut and fill area
32 indicate that the native soil interface has not been impacted from the
33 historical land use. The depth of the native soil layer varied across this
34 area with the deepest observation, at 17 feet below grade, along the
35 eastern margin. The native boundary along the western margin was

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1 removed as part of the cut activities completed in the 1970s. SVOC
2 concentrations were detected in one sample which was located in the
3 northeast corner of the fill area. Lead concentrations detected in soil
4 samples collected from the cut and fill area were well below the
5 established average background for the site.

- 6
7 f. Approximately 30 Town regulated trees are proposed to be removed as
8 part of the remediation to remove lead and SVOC impacted soil from
9 the site.

10
11 **2. Mitigation Provided**

- 12
13 a. The Applicant has applied for and received inclusion into the
14 NYSDEC Brownfield Clean-up Program (BCP) for remedial site
15 clean-up. The project was accepted into the BCP on February 22,
16 2010. A Remedial Action Work Plan has been accepted for the site
17 resulting in the excavation and removal of impacted soils. The project
18 will follow a Track 1 clean-up, as defined by NYSDEC, and utilize the
19 Brownfield Remedial Program Soil Cleanup Objectives. Remedial
20 activities will be performed at the Site in accordance with the
21 NYSDEC-approved Remedial Action Work Plan. The removal will be
22 overseen by a Remedial Engineer. The Remedial Engineer will certify
23 the Final Engineering Report that the removal activities were observed
24 by qualified environmental professionals under his supervision and that
25 the remediation requirements set forth in the Remedial Action Work
26 Plan have been achieved in full conformance with that Plan.

- 27
28 b. The NYSDEC was contacted regarding the SVOC results and Spill
29 Number 04-11922 was assigned to the site. Data gathered regarding
30 the location of the SVOCs will guide the remediation process. The
31 SVOCs will be removed from the site as part of the NYSDEC
32 approved Remediation Plan.

33
34 **3. Findings and Conditions**

35

Granite Pointe Subdivision
Lead Agency's SEORA Findings Statement

1 Specifically, the Planning Board finds that:
2

- 3 a. The Remedial Action Work Plan approved by NYSDEC will result in
4 the removal of all lead and SVOC impacted soil on the subject
5 property. Therefore, the Proposed Action will not have a significant
6 negative impact on soils.
7
- 8 b. A Town of Somers Tree Removal permit will be required for the
9 removal of Town regulated trees.
10
- 11 c. As a condition of Subdivision approval, the supplemental revisions,
12 requested by the Town Engineer, to the NYSDEC approved
13 Stormwater Pollution Prevention Plan (SWPPP) shall be made prior
14 to the issuance of the Town of Somers environmental permits.

15 **B. Evaluation of Groundwater/Surface Water**

16
17 **1. Impacts Identified**

- 18
19 a. Soil contamination impacts were detected from 0 to 4 feet below grade,
20 with the majority within 2 feet below grade. Detectable soil impacts,
21 which have existed for approximately 40 years, have been limited to at
22 least 6 feet above the water table.
23
- 24 b. Based on the United States Geological Survey (USGS) of the site, the
25 maximum elevation on the subject property in the area of soil impact is
26 approximately 445 feet above mean sea level. The Amawalk
27 Reservoir is at an elevation of approximately 400 feet above mean sea
28 level. Based on the semi-circular topographic contours on the subject
29 property, surface water flows gently out, radially, towards the
30 reservoir. No areas of channelized flow (permanent or intermittent)
31 with or exiting the site were identified in the areas of soils impact by
32 lead. The existence of heavy vegetation and undergrowth has
33 prevented any permanent or intermittent, channelized, surficial flows.
34 These site conditions do not reveal a risk of surface run-off

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Lead Agency's SEORA Findings Statement

1 transporting contaminants. During remediation, there is a low risk of
2 surface run-off transporting contaminants in either a lead particulate or
3 lead enriched soil form.

4
5 **2. Mitigation Provided**

- 6
7 a. Installation of monitoring wells was only necessary if the soil
8 investigation revealed that mobilization and transport of impacted soils
9 are indicated by depth distribution of contaminants. Monitoring wells
10 are not required since detectable soil impacts were located 6 feet above
11 the water table.
12
13 b. Erosion and sedimentation will be controlled during the remediation
14 period through the use of temporary devices in accordance with a Soil
15 Erosion and Sediment Control Plan developed specifically for this site
16 in accordance with NYSDEC's *New York State Standards and*
17 *Specifications for Erosion and Sediment Control.*

18
19 **3. Findings and Conditions**

20 Specifically, the Planning Board finds that:

- 21
22
23 a. The Remedial Action Work Plan approved by NYSDEC will result in
24 the removal of all lead and SVOC impacted soil on the subject
25 property. Therefore, the Proposed Action will not have a significant
26 negative impact on groundwater and/or surface water.
27
28 b. As a condition of Subdivision approval, the supplemental revisions,
29 requested by the Town Engineer, to the NYSDEC approved
30 Stormwater Pollution Prevention Plan (SWPPP) shall be made prior
31 to the issuance of the Town of Somers environmental permits.

32 **C. Risk Assessment**

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34 **1. Impacts Identified**

Granite Pointe Subdivision
Lead Agency's SEORA Findings Statement

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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.

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2. Mitigation Provided

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- 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.

Granite Pointe Subdivision
Lead Agency's SEQRA Findings Statement

1 **V. General Findings**

2
3 The Planning Board concludes that the areas of significant impact associated with the
4 project involves lead and SVOC impacts to site soils, surface run-off and exposure to
5 contaminants during remediation. As such, the Planning Board has addressed in the
6 FSEIS and Findings how these impacts can be mitigated.

7
8 The Planning Board, acting as Lead Agency, finds that:

- 9
10 a. The Board has given due consideration to the Draft and Final Supplemental
11 Environmental Impact Statements.
12
13 b. The Board has weighed and balanced relevant environmental impacts with
14 social, economic and other considerations.
15
16 c. This SEQRA Findings Statement provides a rationale for the Board's
17 decision(s).
18
19 d. The Board hereby certifies that the requirements of Part 617 of Title 6
20 NYCRR have been met.
21
22 e. The Board hereby certifies that consistent with the social, economic and
23 other essential considerations, from among the reasonable alternatives
24 available, the action is one that avoids or minimizes adverse environmental
25 impacts to the maximum extent practicable, and that adverse environmental
26 impacts will be avoided or minimized to the maximum extent practicable
27 by incorporating as conditions to the decision those mitigative measures
28 that were identified as practicable.

29
30 **NOW THEREFORE, BE IT RESOLVED**, that the foregoing SEQRA Findings
31 Statement is hereby adopted.

32 **BY ORDER OF THE PLANNING BOARD**

33
34
35 _____ Date: _____

Granite Pointe Subdivision
Lead Agency's SEORA Findings Statement

1 John Currie, Chairman

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DRAFT



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MEMORANDUM

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.

