

John Currie, *Chairman*  
Jan Corning  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
Dennis McNamara  
Bruce Prince

# Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589  
TEL (914) 277-5366  
FAX (914) 277-4093  
EMAIL:  
PLANNINGBOARD@SOMERSNY.COM



## SOMERS PLANNING BOARD AGENDA MAY 9, 2018

### TIME EXTENSION:

#### 1. XENIA STEPHENS SUBDIVISION (TM: 28.07-1-1)

Request for a 90-day extension of the Final Subdivision Approval and Stormwater Management and Erosion and Sediment Control Permit from June 13, 2018 up to and including September 10, 2018 pursuant to Town Law 276 (7) (c) and Town Code Section 150-13M. This is the third request for an extension. The property is located at the corner of Route 100 and Route 138 and is in the R-80 Zoning District.

### INFORMAL APPLICATION:

#### 2. DECICCO & SONS (TM: 17.15-1-15.1)

Application for the installation of three underground 1980-gallon propane tanks and slight modification of the retaining wall alignment. The project is located in the MFR-DH District and the Groundwater Protection Overlay District. The applicant requests a determination of change as a minor site plan modification and referral to the Zoning Board of Appeals for an area variance.

**SOMERS PLANNING BOARD  
AGENDA  
MAY 9, 2018**

**3. TEXT AMENDMENT DISCUSSION**

Proposed Text Amendment to Chapter 170, Zoning, Article XXII, Signs, Section 170-126 Business Districts relative to signs in the Business Historic Preservation (B-HP) District of the Code of the Town of Somers.

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5/4/2018 2:09 PM

PLANNING AND ENGINEERING DEPARTMENTS

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**Town of Somers**  
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Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**MEMORANDUM**

**TO:** Town of Somers Planning Board

**FROM:** Syrette Dym, Director of Planning

**DATE:** May 4, 2018

**RE:** Xenia Stephens Final Subdivision Approval – Third Ninety-Day Extension Request

By letter dated May 1, 2018, received by the Planning Board office May 3, 2018, the applicant's representative requested a third 90-day extension to the final subdivision approval of Resolution 2017-15 granted June 14, 2017 which expired December 14, 2017 and for which a first extension was granted up to and including March 14, 2018 and a second extension was granted up to and including June 12, 2018. The requested extension is from June 13, 2018 up to and including September 10, 2018 pursuant to Town Law Section 276(7)(c) and Town Code Section 150-13M. There have been no changes to the plan.

I have no objections to granting of an extension to this approval.

Cc: Joe Barbagallo  
Alvaro Alfonzo-Larrain  
Roland Baroni  
Tim Allen

Z:\PE\Subdivision files\Xenia Stephens-Elephant Farm\Xenia Stephens\Extensions\Third Extension 05-04-18.docx

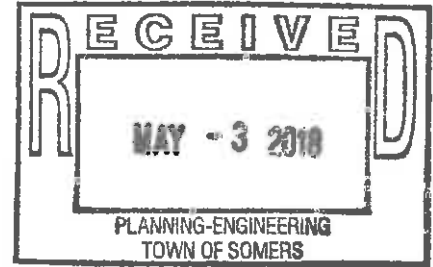
# **BIBBO ASSOCIATES, L.L.P.**

*Consulting Engineers*

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

C-5 PB  
TP  
CTE

May 1, 2018



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

Attn: Mr. John Currie, Chairman

Re: Xenia Stephens Subdivision  
Final Subdivision Approval and Stormwater  
Management and Erosion and Sediment Control  
Permit Extension  
T.M.# 28.07-1-1

Dear Members of the Board:

On behalf of our client we are requesting that a 90 day extension be granted for Resolution 2017-15 that will be expiring on June 12, 2018 for the above referenced project.

Based on family considerations and the passing of the project surveyor we request the extension referenced above.

We respectfully request to be placed on your next available agenda. Should you require any additional information, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "T.S. Allen".

Timothy S. Allen, P.E.

TSA/mme  
Enclosures

cc: Xenia Stephens  
File

*Site Design ♦ Environmental*

Meeting  
Agenda  
SC-PB, CTE TH  
DM PL09  
SHIB

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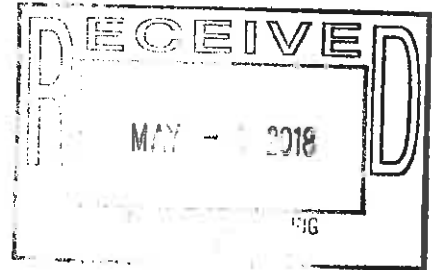
Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

MEMORANDUM

**TO:** Town of Somers Planning Board  
**FROM:** Syrette Dym, Director of Planning  
**DATE:** May 4, 2018  
**RE:** Project: Wilderness Crossing – DeCicco's  
Applicant: Wilderness Crossing  
Location: Route 100 (Section 17.15 Block 1 Lot 15.11)  
Zoning: MFR-DH; Groundwater Protection Overlay District  
Actions: Informal Application Seeking Relief Site Plan Procedures Relative to Minor Modification of Site Plan



**Original Informal Application of March 18, 2018 Received March 22, 2018**

The following items were submitted for review:

- Cover letter from Studio Rai dated March 18, 2018
- Application Request for Informal Appearance Before the Planning Board
- Application fee
- Short Environmental Assessment Form Parts 1 and 2
- Landscape Plan LS-1 Revised March 18, 2018 by Studio Rai.

**Submission of April 25, 2018**

The following items were submitted for review:

- Cover letter from studio rai received April 25, 2018
- Specifications for proposed underground storage tanks; corrosion protection description; installation of underground and mounded containers.
- Landscape Plan Propane Tank LS-1 and Landscape Plan LS-2 (large and small scale) by Studio Rai.

**Comments**

At its meeting of April 11, 2018, the Planning Board raised concerns regarding the corrosive nature of the underground tanks and their potential adverse environmental impacts.

In response to these concerns, the applicant has provided tank specifications, information regarding coating of the tanks and installation specifications.

With input from the Consulting Engineer, the Planning Board should make a determination regarding the adequacy of these measures. If they determine they are adequate, the Planning Board should take the following actions, as previously specified.

### *Site Plan Modification*

Section 170-114 Site Plan approval under 170-114.A. (3) indicates the following: “ (3) Revisions of approved site plans shall be subject to the same approval procedure”, i.e. ,of Section 170-114. Therefore, the modification sought would normally be subject to a new site plan review.

However, Section 170-114. F(1)b) states the following:

“(1) Applicability. A property owner or tenant with the consent of the property owner may apply to the Planning Board for a waiver of the site plan application procedures specified in Section 170-114B when the proposal is for one of the following activities:

(b) Revision of an approved site plan that does not increase floor area or extent of site disturbance.”

In accordance with Section 170-114 F (3) the Planning Board must make the following determinations that:

“(a) The proposed action will not conflict with the site plan standards of Article IV of Chapter 144, Site Plan Review, of the Code of the Town of Somers; and

(b) The proposed action will not require physical site work that is subject to Planning Board review or, in the case of a revision to an approved but not fully constructed site plan, will not require physical site work with a scope significantly greater than that shown on the originally approved site plan.”

With regard to a determination under F (3) (a), since the only change to the site plan relates to the addition of the storage tanks and realignment of the retaining wall, there is no conflict with standards of Article IV of Chapter 144.

With regard to a determination relative to Section F (3) (b), the Planning Board has to make a determination relative to a not fully constructed site plan that the scope of work needed to make the proposed changes are not significantly greater than that shown on the originally approved site plan.

According to the EAF, the area to be disturbed for construction of the tanks is 320 square feet. The revised site plan indicates that the storage tank area is 16’8 1.2” by 19’ 11”. The distance from the closest storage tank to the relocated retaining wall is 10’. Based on information from the applicant, a hole 10-feet deep will be dug, covered with one foot of gravel and cement. This may be modified by input from the Consulting Town Engineer and the Planning Board. Then the tanks, which stand four to five feet in height, will be placed and covered by four to five feet of fill, also potentially subject to modification. The retaining wall

has been moved approximately eight feet closer to the wetland buffer but will remain inside the buffer boundary. The length of the retaining wall to be relocated is approximately 20 feet. Due to overall site construction and location of the retaining wall in its previous alignment, the approximately 320 square foot area in which the tanks will lie would also have been disturbed in their previous alignment and as part of overall site construction. Burying the tanks maintains the approved visual character of the site as opposed to constructing the tanks above ground. Therefore, the scope of physical site work meets the criteria of (b) above.

The Planning Board needs to make a determination that the proposed tanks meet the above criteria and that site plan procedures can be waived subject to the granting of an area variance by the Zoning Board of Appeals.

### **Zoning**

The site is located in the Groundwater Protection Overlay District (GPOD). Article IXA, Section 170-32.7 Prohibited uses, states the following:

“The following uses are prohibited uses within the Groundwater Protection Overlay District:

H. The storage of hydrocarbon products except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers.”

Since the requested propane tanks fall within the category of hydrocarbons and they are not associated with a residential use, they are not permitted within the GPOD. As such they require an area variance from the Zoning Board of Appeals, as confirmed by the Town Attorney.

The Applicant is requesting that a letter of support be sent to the Zoning Board of Appeals by the Planning Board. A SEQR determination will be made by the Zoning Board as part of its consideration of the requested area variance.

A revised draft memorandum of recommendation is attached for consideration and review by the Planning Board.

Cc: Joe Barbagallo  
Alvaro Alfonzo-Larrain  
Roland Baroni  
Joe Eriole  
John DeCicco, Jr.

may  
2018  
cc - PB  
5/4/18  
CTETH  
DTP/ug  
bp

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

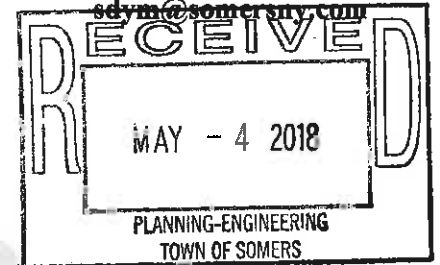
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Syrette Dym, AICP  
Director of Planning  
sdym@somersny.com



MEMORANDUM

**TO:** Town of Somers Zoning Board of Appeals  
**FROM:** Town of Somers Planning Board  
**DATE:** May 5, 2018  
**RE:** Area Variance Request by Wilderness Crossing - Recommendation to Town of Somers Zoning Board of Appeals Relative to Request by Wilderness Crossing for an Area Variance to Place Three Propane Storage Tanks Underground in Association with its DeCicco's Market within a Groundwater Protection Overlay District.

At its meeting of May 9, 2018, the Town of Somers Planning Board reviewed an informal application by Wilderness Crossing to request a waiver of site plan procedures relative to modifications to its approved site plan of June 14, 2017 by Resolution #2017-11. The modifications proposed included provision of three underground propane storage tanks within the Groundwater Protection Overlay District(GPOD) and resulting realignment of an adjacent retaining wall. The storage tanks are identified in the GPOD zoning district in Article IXA. Section 170-32.7 Prohibited uses of the Zoning Ordinance in the following manner:

"The following uses are prohibited uses within the Groundwater Protection Overlay District:

H. The storage of hydrocarbon products except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers."

Since DeCicco's is not a residential use, the tanks are prohibited and, therefore, require an area variance to be allowed on the site, as verified by the Town Attorney.



As explained by the applicant in their cover letter of March 18, 2018 to the Planning Board, the tanks are needed for cooking, baking, emergency generator operation and as back-up heat in the event of a pump failure. The applicant submitted revised Landscape Plan Propane Tank LS-1 and Landscape Plan LS-2 prepared by studio rai, project architect, by letter received April 25, 2018. That submittal included a revised site plan, details and product specifications for the proposed propane tanks

The Planning Board has determined that the tanks as proposed would not create additional site disturbance and are visually improved by their underground placement. The Planning Board has suggested the following modifications to the proposal by the applicant:

- (1) Rather than utilizing four to five feet of standard fill to cover the tanks once placed on the one foot of gravel and cement within the dug out area, the hole with tanks should be backfilled with five feet of porous gravel fill; and
- (2) A routine monitoring program to ensure the quality of the tanks should be established

With the above modifications, the underground tanks would not pose a hazard to groundwater quality.

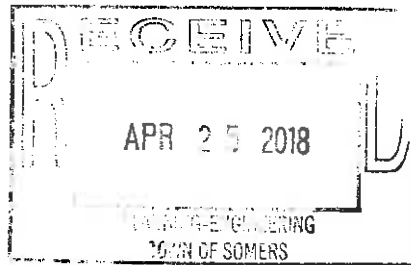
Based on the above, the Planning Board recommends that the Zoning Board of Appeals grant the requested area variance to provide cooking and backup generator and heat facilities to the DeCicco's market.

Cc: Roland Baroni  
Joe Eriole  
John DeCicco, Jr.

Z:\PE\Site plan files\Wilderness Crossing\Revised Draft Memo to ZBA 05-05-18.docx

# studio rai

Architectural Design P.C.  
290 Salem Rd.  
Pound Ridge, NY 10576  
Tel: (914) 763-0215  
Fax: (914) 763-0216  
[Lucio@studiorai.com](mailto:Lucio@studiorai.com)  
[www.studiorai.com](http://www.studiorai.com)



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

Re: Decicco's Supermarket

Dear Ms. Dym,

Enclosed please find revised Dwgs., Site Plan, Details and product specifications for the proposed Propane tanks.

Sincerely,

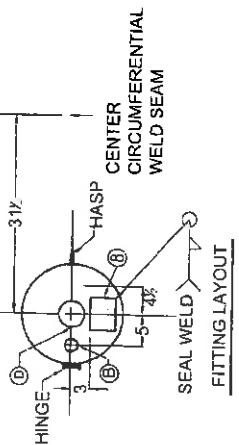
A handwritten signature in black ink, appearing to read "Lucio Di Leo". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lucio Di Leo R.A., AIA

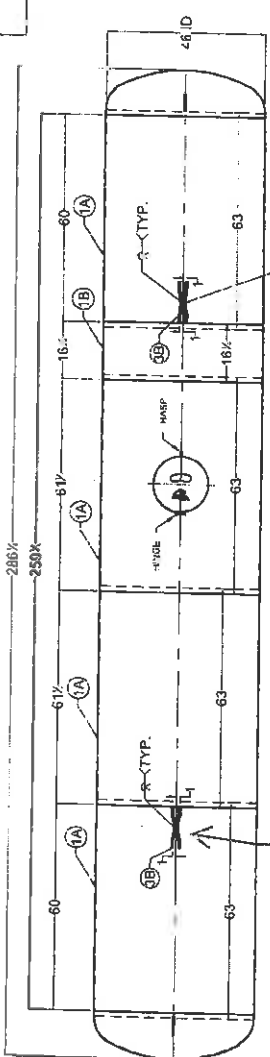
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DYM

**ADDITIONAL NOTES:**

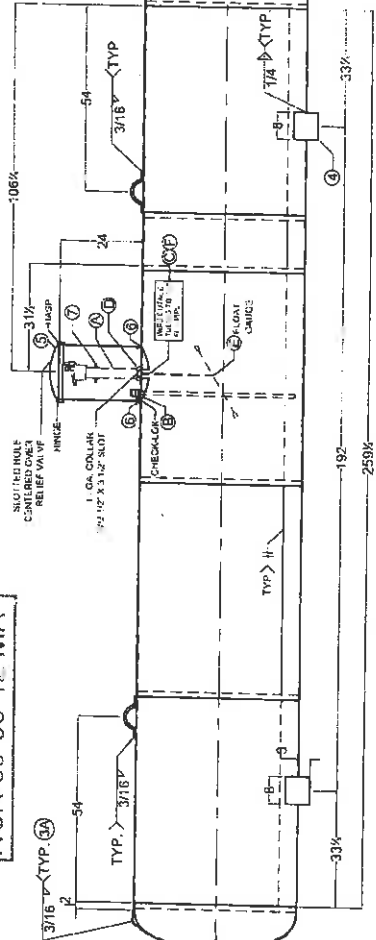
- BOLT HOLES TO STRADDLE NATURAL CENTER LINES.
- VESSEL TO BE THOROUGHLY CLEANED.
- ALL OPENINGS CLOSED FOR SHIPMENT.
- LIFTING LUGS FOR TARE WEIGHT ONLY.



TANKS SOLD WITH COMPOSITE DOME MUST HAVE UL MARK REMOVED AND DATA REPORT CORRECTED



NCR 09-06-12 MA



END VIEW

PART NUMBER: 0119904X LONG RISER  
0119903X SHORT RISER

MARK	QTY.	SIZE	TYPE	FITTINGS	SERVICE	DESCRIPTION	QTY.	ONG NO
A	1	2 1/2	1/2" SCH 40 PIPE (T.O.E.)	SHERWOOD PV2088PT	MULTIVALVE	SHELL - 0.27" X 63" X 145 9/16" - SA485	4	
A (AL.1)	1	2 1/2	1/2" SCH 40 PIPE (T.O.E.)	BC3475RL24.1	MULTIVALVE	SHELL - 0.27" X 15 3/4" X 15 3/4" - SA485	1	
B	1	1 1/4	1/2" SCH 40 PIPE (T.O.E.)	BC3475RL24.1	MULTIVALVE	HEADS - 45" I.D. X 0.260" ELLIPTICAL - SA485	2	
C	1	3/4	1/2" SCH 40 PIPE (T.O.E.)	PVE5137	CHECK VALVE	LIFTING LUGS 1 1/2" SQ	2	D-2
D	1	2 1/2	1/2" SCH 40 PIPE (T.O.E.)	BC3475RL24.1	MULTIVALVE	LIFTING LUGS 1 1/2" SQ	4	D-2
E	1	1 1/4	1/2" SCH 40 PIPE (T.O.E.)	BC3475RL24.1	MULTIVALVE	TANK LEGS	4	D-2
F	1	1/8	1/2" SCH 40 PIPE (T.O.E.)	BC3475RL24.1	MULTIVALVE	SNAP LOCK DOOR CLIPS	2	D-2
						ANGOE ATTACHMENT	2	D-2/30-30
						DATA PLATE	1	D-7

SER. NO. \*YY  
CERTIFIED BY: AMERICAN WELDING & TANK LLC  
FRESHLY INSPECTED ACCORDING TO UTM

MAX ALLOWED WORK PRESS 250 PSI AT 400 °F  
MO MAT -20 °F AT 250 PSI PLANT NO \*  
YEAR BUILT 2011  
LENGTH 286 7/8 IN  
HEAD THK 269 IN  
GROUND TYPE AMTUG  
LISTED CONTAINER ASSEMBLY FOR LP GAS  
WATER CAPACITY 1990 GALLONS

THIS CONTAINER SHALL NOT CONTAIN A PRODUCT HAVING A VAPOR PRESSURE IN EXCESS OF 2.15 PSI AT 100°F.  
DIP TUBE LENGTH - 85% FULL AT 30°F D.T. = 13.1 IN

DATA PLATE DETAIL

**GENERAL NOTES:**

- LIFTING LUGS DESIGNED FOR TOTAL LIFTING WEIGHT OF 8000#
- TOTAL EMPTY WEIGHT IS 3544#
- ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED.
- COMPLETE TANK DRIED TO REMOVE ALL MOISTURE.
- EXTERIOR OF TANK TO BE GRIT BLASTED.
- PAINT PER SHOP ORDER.
- VACUUM PURGE TANK.
- DIMENSIONS ARE SUBJECT TO CHANGE WITH OUT NOTICE.
- (NON-PRESSURE RETAINING COMPONENTS ONLY)
10. THREADS OF ALL FITTINGS TO BE COATED WITH COMPOUND SUITABLE FOR USE WITH PROPANE GAS.
- FLOAT GAUGE TO BE INSTALLED WITH FLOAT ARM 45° OFF LONGITUDINAL CENTERLINE OF TANK.
11. ALL WEIGHT AND CAPACITIES ARE APPROXIMATE

GENERAL SPECIFICATIONS

WATER CAPACITY (GALLONS)	1990
ALLOWABLE WORKING PRESSURE (PSIG)	250
JOINT EFFICIENCY	100%
ASME UW-51 LONG SEAM	100%
ASME UW-52 HEAD TO SHELL	100%
HYDROSTATIC TEST PRESSURE (PSIG)	325
SURFACE AREA (SQ. FT.)	284
RELIEF VALVE SETTING (PSIG)	250
RELIEF DISCHARGE RATE - (CFM RECD.)	170
HEAT TREATMENT NOT REQUIRED	
CODE: ASME SECTION VIII DIV. I	
STANDARDS: UNDERWRITERS LABORATORIES INC.	MP-5127
N.F.P.A. 58 LP GAS CODE	
MATERIAL SPECS. COUPLINGS SA-103	
ADAPTOR SA-105	
PIPE SA-563 OR SA-108B	

1990 W.G. UNDERGROUND  
PROPANE TANK TYPE BS - AP

AMERICAN WELDING & TANK LLC

DATE 01/03/00  
REVISED BY RAC  
APPROVED BY CDH  
REVISION NO LP - 1990UG

UG STANDARD



## POWDURA® Epoxy Powder Coating

### PRODUCT DESCRIPTION

#### EGS6-00008 UNDERGROUND GREEN

POWDURA® Epoxy Powder Coating is recommended for a broad range of interior functional and decorative applications.

#### Performance Tests:

Adhesion: No Failure with 1/16in. squares(5B)  
(ASTM D-3359)

Flexibility: Pass 1/8" Mandrel Bend  
(ASTM D-522)

Pencil Hardness: H-2H  
(ASTM D-3363)

Impact Resistance(d/ir/rev): 40/40  
(ASTM D-2794)

#### CHARACTERISTICS:

Gloss: 60-80

Cure Schedule: 5 min @ 205°C (401°F)

Film Thickness Range: 6.0-8.0 mils

Specific Gravity: 1.46 +/-0.05

Coverage at 1.0 mil: 131.6 sq.ft/lb

Additional Comments:

#### Storage:

POWDURA® Powder Coatings should be kept in a dry and cool area at temperatures below 80°F (26.7° C). Shelf life is approximately months.

When not in use, store powder in sealed containers: fine powders are hygroscopic.

#### SPECIFICATIONS:

General: Substrate should be free of grease, oil, dirt, fingerprints, drawing compounds, any contamination, and surface preparation treatments to ensure optimum adhesion and coating performance properties. The use of a chemical conversion coating prior to the application of a powder coating is strongly recommended.

Aluminum: A minimum of a 5-stage chrome phosphate metal treatment, or equivalent, is required for good adhesion and optimum coating performance properties.

Consult Metal Preparation Brochure CC-T1 for additional details.

Date of Print: 3/24/2008

#### Testing:

Due to the wide variety of substrates, surface preparation methods, application methods, and environments, the customer should test the complete system for adhesion and compatibility prior to full-scale application. The properties listed are typical and should not be construed as the actual specification.

#### Product Limitations:

Contact your Sherwin-Williams Representative where use of this product at higher than recommended film thickness may be required.

#### APPLICATION:

Powder coatings must be applied using suitable electrostatic equipment. Consult your Sherwin-Williams Representative regarding unique applications.

#### CAUTIONS:

Thoroughly review product label for safety and cautions prior to using this product. Please direct any questions or comments to your local Sherwin-Williams facility.

CAUTION! Causes eye irritation, causes skin irritation, may cause allergic skin reaction, respiratory irritant, dust may cause eye and respiratory irritation, dust may form an explosive mixture in air. Avoid breathing dust. Avoid contact with eyes and prolonged or repeated contact with skin. Use protective clothing and NIOSH approved respirator. Do not use near sparks or open flame or any type of ignition source. Wash thoroughly after handling. Use only with adequate ventilation.

#### FIRST AID:

If on SKIN: Wash thoroughly with soap and water.

If in EYES: Flush with water immediately and procure medical attention. The area adjacent to the coating operation should be properly ventilated. Cure ovens must be exhausted to the outside atmosphere. All dusts are respiratory irritants, inhalation of the dust should be avoided. To avoid static electricity build-up, properly ground all equipment. Provide dust collection equipment with adequate explosion venting; dust clouds of any finely divided organic material can be ignited by open flame or electrical sparks.

**DO NOT TAKE INTERNALLY.  
KEEP OUT OF REACH OF CHILDREN.  
FOR INDUSTRIAL USE ONLY.  
REFER TO MATERIAL SAFETY DATA  
SHEET FOR ADDITIONAL INFORMATION.**

#### Note:

Product Data Sheets are periodically updated to reflect new information relating to the product. It is important that the customer obtain the most recent Product Data Sheet for the product being used. The information, rating and opinions stated above pertain to the material currently offered and represent the results of tests believed to be reliable. However, due to variations in customer handling and methods of application which are not known or under our control, The Sherwin-Williams Company cannot make any warranties or guarantees as to the end results.

Grimsby, ON, Canada

Prepared/Revised: 3/24/2008

EGS6-00008  
01 00

MATERIAL SAFETY DATA SHEET

Section 1 -- PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NUMBER	DATE OF PREPARATION	HMIS CODES
EGS6-00008	25-MAR-08	Health 2* Flammability 1 Reactivity 0

PRODUCT NAME  
POWDURA® Epoxy Powder Coating, UNDERGROUND GREEN

MANUFACTURER'S NAME  
THE SHERWIN-WILLIAMS COMPANY  
101 Prospect Avenue N.W.  
Cleveland, OH 44115

TELEPHONE NUMBERS and WEBSITES

Regulatory Information  
(216) 566-2902

Medical Emergency  
(216) 566-2917

Transportation Emergency  
(800) 424-9300

for Chemical Emergency ONLY (spill, leak,  
fire, exposure, or accident)

Section 2 -- COMPOSITION/INFORMATION ON INGREDIENTS

% by WT	CAS No.	INGREDIENT	UNITS	VAPOR PRESSURE
2	Proprietary	Polyamide		
		ACGIH TLV	Not Available	
		OSHA PEL	Not Available	
36	471-34-1	Calcium Carbonate		
		ACGIH TLV	10 mg/m3 as Dust	
		OSHA PEL	10 mg/m3 Total Dust	
		OSHA PEL	5 mg/m3 Respirable Fraction	
0.7	13463-67-7	Titanium Dioxide		
		ACGIH TLV	10 mg/m3 as Dust	
		OSHA PEL	10 mg/m3 Total Dust	
		OSHA PEL	5 mg/m3 Respirable Fraction	

Section 3 -- HAZARDS IDENTIFICATION

ROUTES OF EXPOSURE

INHALATION of dust.

EYE or SKIN contact with the product or dust.

EFFECTS OF OVEREXPOSURE

EYES: Irritation.

SKIN: Prolonged or repeated exposure may cause irritation.

INHALATION: Irritation of the upper respiratory system.

SIGNS AND SYMPTOMS OF OVEREXPOSURE

Redness and itching or burning sensation may indicate eye or excessive skin exposure.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE

None generally recognized.

Continued on page 2

**CANCER INFORMATION**

For complete discussion of toxicology data refer to Section 11.

**Section 4 -- FIRST AID MEASURES**

**EYES:** Flush eyes with large amounts of water for 15 minutes.  
Get medical attention.

**SKIN:** Wash affected area thoroughly with soap and water.

**INHALATION:** If affected, remove from exposure. Restore breathing.  
Keep warm and quiet.

**INGESTION:** Do not induce vomiting.  
Get medical attention immediately.

**Section 5 -- FIRE FIGHTING MEASURES****FLASH POINT**

Not Applicable

LEL

UEL

**FLAMMABILITY CLASSIFICATION**

N.A.

N.A.

Not Applicable

**EXTINGUISHING MEDIA**

Carbon Dioxide, Dry Chemical, Foam

**UNUSUAL FIRE AND EXPLOSION HAZARDS**

Dust at sufficient concentrations can form explosive mixtures with air.  
During emergency conditions overexposure to decomposition products may  
cause a health hazard. Symptoms may not be immediately apparent. Obtain  
medical attention.

**SPECIAL FIRE FIGHTING PROCEDURES**

Full protective equipment including self-contained breathing apparatus  
should be used.

Water spray may be ineffective. If water is used, fog nozzles are  
preferable. Water may be used to cool closed containers to prevent  
pressure build-up and possible autoignition or explosion when exposed to  
extreme heat.

**Section 6 -- ACCIDENTAL RELEASE MEASURES****STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED**

Remove all sources of ignition.

Sweep up material taking care not to generate airborne dust.

**Section 7 -- HANDLING AND STORAGE****STORAGE CATEGORY**

Not Applicable

**PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE**

Store in a cool, dry area out of direct sunlight.

Keep container closed when not in use. Transfer only to approved  
containers with complete and appropriate labeling. Do not take internally.  
Keep out of the reach of children.

Continued on page 3

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 Section 8 -- EXPOSURE CONTROLS/PERSONAL PROTECTION
 

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## PRECAUTIONS TO BE TAKEN IN USE

Use only with adequate ventilation.

Avoid eye and prolonged skin contact. Avoid generating or breathing airborne dust.

Wash hands after using.

This coating may contain materials classified as nuisance particulates (listed "as Dust" in Section 2) which may be present at hazardous levels only during sanding or abrading of the dried film. If no specific dusts are listed in Section 2, the applicable limits for nuisance dusts are ACGIH TLV 10 mg/m<sup>3</sup> (total dust), 3 mg/m<sup>3</sup> (respirable fraction), OSHA PEL 15 mg/m<sup>3</sup> (total dust), 5 mg/m<sup>3</sup> (respirable fraction).

## VENTILATION

Local exhaust preferable. General exhaust acceptable if the exposure to materials in Section 2 is maintained below applicable exposure limits. Refer to OSHA Standards 1910.94, 1910.107, 1910.108.

## RESPIRATORY PROTECTION

If personal exposure cannot be controlled below applicable limits by ventilation, wear a properly fitted organic vapor/particulate respirator approved by NIOSH/MSHA for protection against materials in Section 2.

When sanding or abrading the dried film, wear a dust/mist respirator approved by NIOSH/MSHA for dust which may be generated from this product, underlying paint, or the abrasive.

## PROTECTIVE GLOVES

Required for long or repeated contact.

## EYE PROTECTION

Wear safety spectacles with unperforated sideshields.

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 Section 9 -- PHYSICAL AND CHEMICAL PROPERTIES
 

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PRODUCT WEIGHT	12.46 lb/gal	1493 g/l
SPECIFIC GRAVITY	1.50	
BOILING POINT	Not Applicable	
MELTING POINT	Not Available	
VOLATILE VOLUME	0 %	
EVAPORATION RATE	N.A.	
VAPOR DENSITY	N.A.	
SOLUBILITY IN WATER	N.A.	
VOLATILE ORGANIC COMPOUNDS	(VOC Theoretical - As Packaged)	
0.00 lb/gal	0 g/l	Less Water and Federally Exempt Solvents
0.00 lb/gal	0 g/l	Emitted VOC

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 Section 10 -- STABILITY AND REACTIVITY
 

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STABILITY -- Stable

## CONDITIONS TO AVOID

High concentrations of airborne dust which may ignite explosively.

## INCOMPATIBILITY

Strong oxidizers, acids or alkalies.

## HAZARDOUS DECOMPOSITION PRODUCTS

By fire: Carbon Dioxide, Carbon Monoxide

## HAZARDOUS POLYMERIZATION

Will not occur

Continued on page 4

## Section 11 -- TOXICOLOGICAL INFORMATION

## CHRONIC HEALTH HAZARDS

## TOXICOLOGY DATA

CAS No.	Ingredient Name				
Proprietary	Polyamide	LC50	RAT	4HR	Not Available
		LD50	RAT		Not Available
471-34-1	Calcium Carbonate	LC50	RAT	4HR	Not Available
		LD50	RAT		Not Available
13463-67-7	Titanium Dioxide	LC50	RAT	4HR	Not Available
		LD50	RAT		Not Available

## Section 12 -- ECOLOGICAL INFORMATION

## ECOTOXICOLOGICAL INFORMATION

No data available.

## Section 13 -- DISPOSAL CONSIDERATIONS

## WASTE DISPOSAL METHOD

Waste from this product is not hazardous as defined under the Resource Conservation and Recovery Act (RCRA) 40 CFR 261.

Incinerate in approved facility. Do not incinerate closed container. Dispose of in accordance with Federal, State/Provincial, and Local regulations regarding pollution.

## Section 14 -- TRANSPORT INFORMATION

US Ground (DOT)

Not Regulated for Transportation.

Canada (TDG)

Not Regulated for Transportation.

IMO

Not Regulated for Transportation.

## Section 15 -- REGULATORY INFORMATION

## SARA 313 (40 CFR 372.65C) SUPPLIER NOTIFICATION

CAS No.	CHEMICAL/COMPOUND	% by WT	% Element
No ingredients in this product are subject to SARA 313 (40 CFR 372.65C) Supplier Notification.			

Continued on page 5



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**CALIFORNIA PROPOSITION 65**

**WARNING:** This product contains chemicals known to the State of California to cause cancer.

**TSCA CERTIFICATION**

All chemicals in this product are listed, or are exempt from listing, on the TSCA Inventory.

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**Section 16 -- OTHER INFORMATION**

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This product has been classified in accordance with the hazard criteria of the Canadian Controlled Products Regulations (CPR) and the MSDS contains all of the information required by the CPR.

The above information pertains to this product as currently formulated, and is based on the information available at this time. Addition of reducers or other additives to this product may substantially alter the composition and hazards of the product. Since conditions of use are outside our control, we make no warranties, express or implied, and assume no liability in connection with any use of this information.

## 6.16\* Corrosion Protection

**A.6.16** For information on protection of underground components see NACE RP-01-69, *Recommended Practice, Control of External Corrosion on Underground or Submerged Metallic Piping Systems*.

**6.16.1** All metallic equipment and components that are buried or mounded shall be coated or protected and maintained to minimize corrosion.

**6.16.2** Corrosion protection of all other materials shall be in accordance with accepted engineering practice.

Corrosion protection is required for buried and mounded equipment and components where soils can have a corrosive action on metal. Coatings have traditionally provided protection, although cathodic protection increasingly is being used to protect containers and polyethylene piping is replacing metallic piping underground. There are two types of cathodic protection, active and passive. Active systems are not normally used for buried and mounded propane containers. A passive cathodic protection system consists of an underground or mounded container and a buried sacrificial anode that is connected by a wire to the container. See Exhibit 6.17 showing underground containers with anode bags prior to backfilling. The sacrificial anode is usually made of magnesium or other electrochemically in powder form in a bag, or in a rod or ribbon. The sacrificial anode will corrode before the tank corrodes, similar to galvanized pipe, where the zinc coating corrodes and in doing so protects the steel from corroding. All passive cathodic protection systems should be monitored when installed using a half-cell meter, to verify that the system is working. Using a copper-copper sulfate half cell, a voltage of  $-0.85$  or lower (more negative) indicates that the system is working. The voltage should be recorded and additional annual readings are recommended by most corrosion engineers. The system can be checked at intervals longer than one year, but if a failure occurs, corrosion of the container will occur from the time of failure to the time it is identified and corrected.

Failure of cathodic protection systems can occur by severance of the wire connecting the sacrificial anode to the container, by depletion of the anode, by grounding of the container to a building wiring system, and by other mechanisms.

Where a coating is used, fittings such as collars must be coated after installation. Coated piping should not be installed in soil where there are rocks that can scrape the coating and expose the pipe to corrosion. If a coating is used, the coating must be completely free of openings or pinholes to prevent corrosion. Where dissimilar metals are connected together, it is also important that an insulating fitting be installed to eliminate cathodic action on the piping. If this insulating fitting is not used, the piping system can be adversely affected rather rapidly.

## 6.17 Equipment Installation

**6.17.1** Reserved.

**6.17.2** Pump Installation.

**6.17.2.1** Pumps shall be installed in accordance with the pump manufacturers' installation instructions.

**NEW** **6.17.2.2** Installation shall be made so that the pump casing is not subjected to excessive strains transmitted to it by the suction and discharge piping. Such protection shall be accomplished by piping design, the use of flexible metallic connectors that do not exceed 36 in. (1 m) in overall length, or by other means.

6.6.2 The surface on which the containers are placed shall be level and if not paved shall consist of dry grass and weeds and other combustible material within 10 ft (3 m) of the container.

6.6.3 Flexibility shall be provided in the connecting piping in accordance with 6.9.6.

6.6.5.4 Where portable storage containers are installed at isolated locations with the bottoms on skids or runners above the ground, either fire-resistive supports shall be provided or fire-resistive supports shall be permitted when all the following conditions are met:

- 1. The height of the outside bottom of the container does not exceed 5 ft (1.5 m) above the ground.
- 2. The approval of the authority having jurisdiction is obtained.

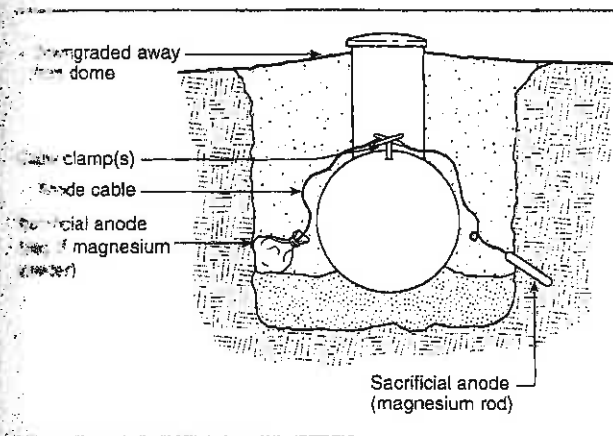
A portable storage container can be used in a temporary installation for applications such as fuel supplies, crop drying, road construction, building construction, and commercial use at fairs. Note that 4.3.2 requires that the authority having jurisdiction be notified before starting temporary installations using storage containers of over 2000 gal (7.6 m<sup>3</sup>) individual water capacity or with aggregate water capacity exceeding 4000 gal (15.1 m<sup>3</sup>) that will be used for no more than 12 months.

The requirement in 6.6.5.4 emphasizes the concern over the integrity of the container and its supports be subjected to fire. The height limitation ensures that, in the event fire-resistive supports are used, the container is not installed at an extremely high elevation which may result in damage to the container should the supports be affected by the heat.

**6.6.6 Installation of Underground and Mounded Containers.**

6.6.6.1\* ASME container assemblies listed for underground installation, including interchangeable aboveground-underground container assemblies, shall be installed underground in accordance with 6.6.6.1(A) through 6.6.6.1(K).

The requirements in 6.6.6.1 cover only containers listed for underground installations and interchangeable aboveground-underground container assemblies. (See Exhibits 6.16, 6.17, and 6.18.) Exhibit 6.17 shows two underground containers installed in an excavation ready for



**EXHIBIT 6.16** Typical Small ASME Container Underground Installation. (Courtesy of National Propane Gas Association)



**EXHIBIT 6.17** Installation of Two Underground Tanks, Showing Placement of Anodes. (Courtesy of H&H Gas)

PLANNING AND ENGINEERING DEPARTMENTS

Telephone  
(914) 277-5366  
Fax  
(914) 277-4093

**Town of Somers**  
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**MEMORANDUM**

**TO:** Planning Board

**FROM:** Syrette Dym, Director of Planning

**DATE:** May 4, 2018

**RE:** Amendment to Business Historic (B-HP) District Sign Regulations - Referral for Comments From Town Board

The Town Building Inspector, with input from the Signage Task Force, has requested the Town Board to consider an amendment to the Zoning Ordinance that would permit "for sale" and "to let" signs in the Business Historic (B-HP) District where such signs are now prohibited. To minimize visual impact on the character of the district, the proposed amendment limits the size of the signs to 1 ½ feet by 2 feet on each road frontage to be set back at least 10 feet from the street line and limits such signs to wording and numbers only.

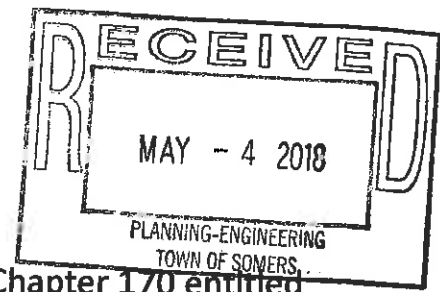
At its meeting of April 12, 2018, the board considered the request and declared itself lead agency under SEQR and referred the proposed changes to various boards for their comments and recommendation. The Town Board set June 14, 2018 as the date for its public hearing on this item.

The Planning Board should consider the proposed changes and forward its comments to the Town Board for review prior to its June 14, 2018 meeting in the event it wants to take action on this item at that meeting.

**Cc:** Rick Morrissey  
Roland Baroni  
Joe Eriole  
Patricia Kalba

TOWN OF SOMERS

Local Law No. \_\_\_\_\_ For the Year 2018



A Local Law to amend the Code of the Town of Somers Chapter 170 entitled  
Zoning:

Be It Enacted by the Town Board of the Town of Somers as follows:

Article XXII. Signs is hereby amended as follows:

Section 170-126. Business districts.

A. In NS, CS, PH and OLI Districts the following signs are authorized:  
[Amended 8-8-1996 by L.L. No. 16-1996]

- (1) One "for sale" sign or one "to let" sign, each not exceeding 1 1/2 feet by 2 feet.
- (2) In the case of a public garage or gasoline service station, in addition to one business sign not exceeding 150 square inches or a diameter of 12 inches for each gasoline pump, the owner or proprietor of said public garage or gasoline service station may erect and maintain not more than two signs, each not exceeding four feet by five feet, affixed to the principal building or erected on posts within the drive-in area but in no case less than 15 feet from any street or property line. One or both of such signs may be illuminated, but shall comply with the conditions governing illuminated signs in Subsection A(3) below.
- (3) In the case of each other enumerated use permitted in NS, CS, PH or OLI Districts, one or two signs, affixed and parallel to the outer walls of the structure within which the permitted use is situated and facing upon either the principal street giving access to such structure or upon the parking lot appurtenant to such structure, provided that the aggregate area of each such sign shall not exceed one square foot for each linear foot of the building facing such street or such parking lot and devoted to the particular use or business housed therein, and provided, further, that no such sign shall exceed two feet in height or in length exceed 1/2 of the linear footage of wall appurtenant to such permitted use fronting on such street or

parking lot. One of said two signs may be an illuminated sign, provided that it shall not be illuminated by flashing or intermittent lights, and no red, green, orange or yellow lights which, by reason of their location, might be confused with traffic lights shall be permitted in connection with any permitted use, and no fluttering or revolving devices, banners or yard signs shall be permitted. Where the building is set back more than 20 feet from the street line, one additional sign not exceeding four feet by five feet may be erected not nearer than 15 feet to the street line. The maximum height of the top of the sign shall not exceed 10 feet above grade.

- B.** In Office Business OB-100 and Corporate Research/Office CRO Districts, the following signs are authorized:  
[Added 3-9-1978; amended 3-30-1982]

**(1)** One freestanding identification sign, not exceeding 100 square feet in area, may be erected at each entrance drive to a permitted principal office use, in addition to any necessary, small directional signs which may be located in and around parking areas and on buildings. All such signs may be illuminated, but shall be required to comply with the conditions governing illuminated signs as set forth in Subsection **A(3)** above.

- C.** In Business Historic Preservation B-HP Districts, permitted signs shall be as set forth in § **170-17.2D** of this chapter,  
[Added 8-17-1978; amended 12-19-2003 by L.L. No. 12-2003]

**ADD:**

***“with the exception that the following signs are authorized:***

- (1) One “for sale” or one “to let” sign on each road frontage not exceeding 1 ½ feet by 2 feet, set back at least 10 feet from the street line in the Business Historic Preservation District. The sign can only include wording and numbers.”**

TEL: 914-277-3323  
FAX: 914-277-3960

TOWN CLERK'S OFFICE

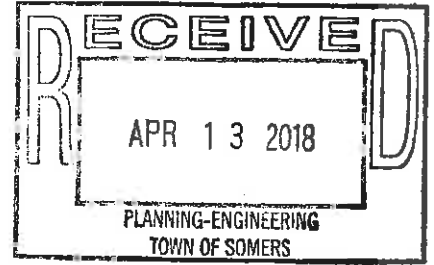
**Town of Somers**

WESTCHESTER COUNTY, N.Y.

Town House  
335 Route 202  
Somers, N.Y. 10589

PATRICIA KALBA  
TOWN CLERK

*May Agenda*  
*EC - PB*  
*4/18/18. pip* *DobPlng*  
*TA*

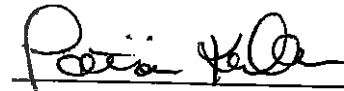


**RESOLUTION**

**RESOLVED**, that the Town Board does hereby declare their intent to be Lead Agency for the proposed text amendment to Chapter 170, entitled Zoning, Article XXII, entitled Signs, Section 170-126, entitled Business Districts relative to sign in the Business Historic Preservation (B-HP) District of the Code of the Town of Somers.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Regular Meeting held on April 12, 2018.

Dated: April 13, 2018

  
\_\_\_\_\_  
Town Clerk

- Ec: Supervisor  
Director of Finance
- Cc: Involved and Interested Agencies

TEL: 914-277-3323  
FAX: 914-277-3960

TOWN CLERK'S OFFICE

Town House  
335 Route 202  
Somers, N.Y. 10589

# Town of Somers

WESTCHESTER COUNTY, N.Y.

PATRICIA KALBA  
TOWN CLERK



## RESOLUTION

**RESOLVED**, that the Town Board does hereby authorize distribution of the Notice of Intent to be Lead Agency and the Short Environmental Assessment Form for the proposed text amendment to Chapter 170, entitled Zoning, Article XXII, entitled Signs, Section 170-126, entitled Business Districts relative to sign in the Business Historic Preservation (B-HP) District of the Code of the Town of Somers to all Involved and Interested Agencies.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Regular Meeting held on April 12, 2018.

Dated: April 13, 2018

  
\_\_\_\_\_  
Town Clerk

Ec: Supervisor  
Director of Finance  
Cc: Involved and Interested Agencies



TEL: 914-277-3323  
FAX: 914-277-3960

TOWN CLERK'S OFFICE

Town House  
335 Route 202  
Somers, N.Y. 10589

# Town of Somers

WESTCHESTER COUNTY, N.Y.

PATRICIA KALBA  
TOWN CLERK

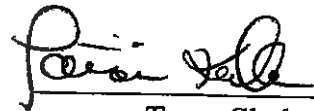


## RESOLUTION

**RESOLVED**, that the Town Board does hereby schedule Public Hearing for June 14, 2018 for the proposed text amendment to Chapter 170, entitled Zoning, Article XXII, entitled Signs, Section 170-126, entitled Business Districts relative to sign in the Business Historic Preservation (B-HP) District of the Code of the Town of Somers.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Regular Meeting held on April 12, 2018.

Dated: April 13, 2018

  
\_\_\_\_\_  
Town Clerk

Ec: Supervisor  
Director of Finance  
Cc: Involved and Interested Agencies

**NOTICE OF SEQRA ACTIONS –Amendments to Article XXII Signs Section 170-126 Business Districts Relative to Signs in the B-HP District of the Code of the Town of Somers  
Notice to Act as Lead Agency**

Issued by Town of Somers Town Board  
Westchester County, New York

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act (SEQRA)) of the New York State *Environmental Conservation Law* and Chapter 92 (Environmental Quality Review) of the *Code of the Town of Somers, New York*.

The Town Board of the Town of Somers, Westchester County, declares its intent to act as lead agency as part of an uncoordinated review for amendment to Article XXII Signs Section 170-126 Business Districts of the Code of the Town of Somers.

The Somers Town Board at its meeting of April 12, 2018 declared itself Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code as part of an uncoordinated review.

The Proposed Action is an Unlisted Action under SEQRA as per Chapter 92 of the *Code of the Town of Somers* in conjunction with Article 24 of the *NYS Environmental Conservation Law*.

**PROPOSED LEAD AGENCY:** Town Board, Town of Somers  
Somers Town House  
335 Route 202  
Somers, New York 10589

**TITLE OF ACTION:** Amendment to Article XXII. Signs Section 170-126. Business districts of the Code of the Town of Somers

**DESCRIPTION OF ACTION:** The action involves amendment to Article XXII. Signs Section 170-126. Business districts of the Code of the Town of Somers. The action involves amendments to Article XXII. Signs Section 170-126. Business districts relative to for sale and to let signs in the B-HP district. Signs permitted in the B-HP district are governed by Section 170-17.2 Design guidelines of Article IV. B Business Historic Preservation District and by Section 170-126. Business districts of Article XXII. Signs. Permitted signs are identified as those set forth in Section 170-17.2D which then makes reference in Section 170-17.2 Design Guidelines D. Signage guidelines (6) to the Schedule of Signs Permitted in the B-HP District located in the back of the zoning ordinance. Based on the above guidelines and regulations, "for sale" or "to let" signs are not permitted, while such signs are permitted in the NS, CS, PH and OLI districts. The amendment to Section 179-17.2D is intended to permit one such "for sale" or "to let" sign per property road frontage set back a minimum of 10 feet from the street line limited in size to a maximum 1 ½ feet by 2 feet. To minimize visual impacts in the B-HP district, such signs can only have wording and numbers.

**LOCATION:** The Town of Somers, Westchester County New York

**SUPPLEMENTAL INFORMATION:** A Short Form (EAF) has been prepared for the Proposed Action. This form is being distributed to Interested Agencies (see list below), and this information is also available for review in the Planning and Engineering office at the Town House and on the Town's web site.

Contact: Syrette Dym, AICP, Director of Planning  
335 Route 202  
Somers, New York 10589

Telephone: 914-277-5366

Date of this Notice: April 12, 2018

**SEQR DISTRIBUTION LIST – Amendments to Article XXII. Signs Section 170-126. Business districts of the Code of the Town of Somers**

**Involved Agency:**

Town Board  
335 Route 202  
Somers, New York 10589  
Attn: Rick Morrissey, Supervisor

**Interested Agencies -**

Town of Somers Town Clerk  
Somers Town House  
335 Route 202  
Somers, New York 10589  
Attn: Patricia Kalba, Town Clerk

Town of Somers Building Inspector  
Somers Town House  
335 Route 202  
Somers, New York 10589  
Attn: Efreem Citarella, Building Inspector

Architectural Review Board  
Somers Town House  
335 Route 202  
Somers, New York 10589  
Attn: Denise Schirmer

Town of Somers Planning Board  
Somers Town House  
335 Route 202  
Somers, New York 10589  
Attn: Syrette Dym, Director of Planning

Historic Properties Board  
Somers Town House  
335 Route 202  
Somers, New York 10589  
Attn: Denise Schirmer

Somers Historic Society  
Somers Town House

335 Route 202  
Somers, New York 10589  
Attn: Denise Schirmer

Westchester County Planning Board  
148 Martine Avenue  
White Plains, NY 10601  
Attn: Norma Drummond, Acting Commissioner

**Others - Lead Agency Representatives-**

Syrette Dym, AICP, Director of Planning  
Somers Town House  
335 Route 202  
Somers, New York 10589

Stephans, Baroni, Reilly & Lewis LLP  
175 Main Street  
White Plains, NY 10601  
Attn.: Roland A. Baroni, Esq

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Amendment to Article XXII Signs Section 170-126 Business districts			
Project Location (describe, and attach a location map): Town of Somers, NY			
Brief Description of Proposed Action: Amendment to the Business Historic Preservation B-HP Districts relative to permitted signs to authorize permission for one "for sale" sign or one "to let" sign, each not exceeding 1 1/2 feet by 2 feet on each property road frontage set back at least 10 feet from the street line. The sign shall only include wording and numbers.			
Name of Applicant or Sponsor: Town Board, Town of Somers		Telephone: 914-277-5366	
Address: 335 Route 202		E-Mail: sdym@somersny	
City/PO: Somers		State: NY	Zip Code: 10589
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			NO <input type="checkbox"/>
b. Total acreage to be physically disturbed? _____ acres			YES <input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: _____</p>		<p>Date: _____</p>
<p>Signature: _____</p>		

## **EAF Part 1 – Narrative Description of Proposed Action**

The action involves amendments to Article XXII. Signs Section 170-126. Business districts relative to "for sale" and "to let" signs in the B-HP district.

Signs permitted in the B-HP district are governed by Section 170-17.2 Design guidelines of Article IV. B Business Historic Preservation District and by Section 170-126. Business districts of Article XXII. Signs. Permitted signs are identified as those set forth in Section 170-17.2D which then makes reference in Section 170-17.2 Design Guidelines D. Signage guidelines (6) to the Schedule of Signs Permitted in the B-HP District located in the back of the zoning ordinance.

Based on the above guidelines and regulations, "for sale" or "to let" signs are not permitted, while such signs are permitted in the NS, CS, PH and OLI districts. The amendment to Section 179-17.2D is intended to permit one such "for sale" or "to let" sign on each road frontage per property in the B-HP district, to be set back at least 10 feet from the street line and limited in size to a maximum 1 ½ feet by 2 feet. To minimize visual impacts in the B-HP district, such signs will only include wording and numbers.

The intent is to permit such signs in the B-HP District but to regulate them such that they do not have an adverse visual impact on the character of the district.



**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **BHD- Sign Amend**

Date: **May 10, 2018**

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See Attached.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town Board Town of Somers <hr/> Name of Lead Agency	<hr/> Date
Rick Mcrissey <hr/> Print or Type Name of Responsible Officer in Lead Agency	<hr/> Supervisor <hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

## TOWN OF SOMERS

Local Law No. \_\_\_\_ For the Year 2018

A Local Law to amend the Code of the Town of Somers Chapter 170 entitled  
Zoning:

Be It Enacted by the Town Board of the Town of Somers as follows:

Article XXII. Signs is hereby amended as follows:

Section 170-126. Business districts.

A. In NS, CS, PH and OLI Districts the following signs are authorized:

[Amended 8-8-1996 by L.L. No. 16-1996]

- (1) One "for sale" sign or one "to let" sign, each not exceeding 1 1/2 feet by 2 feet.
- (2) In the case of a public garage or gasoline service station, in addition to one business sign not exceeding 150 square inches or a diameter of 12 inches for each gasoline pump, the owner or proprietor of said public garage or gasoline service station may erect and maintain not more than two signs, each not exceeding four feet by five feet, affixed to the principal building or erected on posts within the drive-in area but in no case less than 15 feet from any street or property line. One or both of such signs may be illuminated, but shall comply with the conditions governing illuminated signs in Subsection A(3) below.
- (3) In the case of each other enumerated use permitted in NS, CS, PH or OLI Districts, one or two signs, affixed and parallel to the outer walls of the structure within which the permitted use is situated and facing upon either the principal street giving access to such structure or upon the parking lot appurtenant to such structure, provided that the aggregate area of each such sign shall not exceed one square foot for each linear foot of the building facing such street or such parking lot and devoted to the particular use or business housed therein, and provided, further, that no such sign shall exceed two feet in height or in length exceed 1/2 of the linear footage of wall appurtenant to such permitted use fronting on such street or

parking lot. One of said two signs may be an illuminated sign, provided that it shall not be illuminated by flashing or intermittent lights, and no red, green, orange or yellow lights which, by reason of their location, might be confused with traffic lights shall be permitted in connection with any permitted use, and no fluttering or revolving devices, banners or yard signs shall be permitted. Where the building is set back more than 20 feet from the street line, one additional sign not exceeding four feet by five feet may be erected not nearer than 15 feet to the street line. The maximum height of the top of the sign shall not exceed 10 feet above grade.

- B.** In Office Business OB-100 and Corporate Research/Office CRO Districts, the following signs are authorized:  
[Added 3-9-1978; amended 3-30-1982]

**(1)** One freestanding identification sign, not exceeding 100 square feet in area, may be erected at each entrance drive to a permitted principal office use, in addition to any necessary, small directional signs which may be located in and around parking areas and on buildings. All such signs may be illuminated, but shall be required to comply with the conditions governing illuminated signs as set forth in Subsection A(3) above.

- C.** In Business Historic Preservation B-HP Districts, permitted signs shall be as set forth in § 170-17.2D of this chapter,  
[Added 8-17-1978; amended 12-19-2003 by L.L. No. 12-2003]

**ADD:**

***“with the exception that the following signs are authorized:***

- (1) One “for sale” or one “to let” sign on each road frontage not exceeding 1 ½ feet by 2 feet, set back at least 10 feet from the street line in the Business Historic Preservation District. The sign can only include wording and numbers.”**