

John Currie, *Chairman*
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara
Bruce Prince
Christopher Zaberto

PLANNING BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

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**SOMERS PLANNING BOARD AGENDA
DECEMBER 11, 2019**

7:30PM

MINUTES: Draft Minutes for consideration of approval:
October 16, 2019

PROJECT REVIEW:

**1. PERMIT APPLICATION FOR THE REMOVAL OF DEAN'S
BRIDGE 'P' AND PLUM BROOK BRIDGE 'M'.**

Application by the New York City Department of Environmental Protection for Environmental Permits including Wetlands Permit, Tree Removal Permit, Stormwater Management and Erosion and Sediment Control Permit, and Steep Slopes Permit for the Removal of Dean's Bridge 'P' located at the end of Deans Bridge Road on the border of North Salem and Plum Brook Bridge 'M' located between Routes 100 & 138.

2. NEW PRIVATE SCHOOL IN SOMERS – TM: 17.19-1-1

Application for Site Plan Approval, Stormwater Management and Erosion and Sediment Control, Wetland and Watercourse Protection, Steep Slopes Protection, and Tree Preservation and Preliminary Subdivision Approval for the adaptive reuse of the former IBM property. The property is located at 294 Route 100 on the easterly side of Route 100 and is in an OB-100 Zoning District.

3. COBBLING ROCK ESTATES SUBDIVISION - 37.19.1.1

Application for a Revised Conventional 9 Lot Subdivision, Steep Slope Protection, Stormwater Management and Erosion and Sediment Control, and Tree Removal Permits with construction of two (2) Town Roads, and a Preliminary Conservation Subdivision. The property is located on the south side of Cobbling Rock Drive and Dr. Tony's Road and is located in an R120 Zoning District.

DISCUSSION:

4. Referral from the Town Board for review and comment regarding a request from Somers Realty of a land donation. The subject properties are located west of the northern portion of the North County Trailway and southeast of Avalon at Somers project that is part of the Planned Hamlet. The properties are known as 4.20-1-12 (33 acres) and 15.08-1-4 (37 acres).
5. PLANNING BOARD CALENDAR FOR 2020.

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SOMERS PLANNING BOARD MINUTES

October 16, 2019

ROLL:

PLANNING BOARD MEMBERS PRESENT:

Acting Chairman McNamara, Ms. Gerbino,
Mr. Goldenberg, Mr. Prince and Mr. Zaberto

ABSENT:

Chairman Currie and Ms. Gannon

ALSO PRESENT:

Director of Planning Syrette Dym,
Consulting Town Engineer Joseph Barbagallo
Town Attorney Joseph Eriole and
Planning Board Secretary Barbara J. Sherry

Acting Chairman McNamara asked everyone to please stand and join him in The Pledge of Allegiance.

The meeting commenced at 7:30pm. Planning Board Secretary Barbara J. Sherry called the roll and noted that the required quorum of four members was present in order to conduct the business of the Board.

APPROVAL OF DRAFT MINUTES:

Acting Chairman McNamara asked if there were any concerns, comments or corrections from the Board on the draft minutes of the September 11, 2019 meeting. There were none.

On a motion by Ms. Gerbino, seconded by Acting Chairman McNamara and unanimously carried, the Board moved to approve the September 11, 2019 Minutes.

TIME EXTENSION:

GRANITE POINTE RE-GRANT: TM: 27.05-3-2&5

Acting Chairman McNamara stated this is a request for the 9th – 90 day time extension for the Granite Pointe Subdivision Re-Grant of Final Subdivision Approval, Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits, as per Resolution 2017-10, from October 30, 2019 up to and including January 27, 2020 pursuant to Town Law Section 276 (7) (c) and Town Code Section 50-13M. The property is located on the east side of Route 118/202, adjacent to the Amawalk Reservoir and is located in an R-40 Zoning District for the development of 23 lots in a Cluster Subdivision.

On a motion by Acting Chairman McNamara, seconded by Ms. Gerbino, and unanimously carried, the Board moved to approve the 9th – 90 day time extension for the Granite Pointe Subdivision Re-Grant of Final Subdivision Approval, Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits, as per Resolution 2017-10, from October 30, 2019 up to and including January 27, 2020 pursuant to Town Law Section 276 (7) (c) and Town Code Section 50-13M.

PROJECT REVIEW:

NEW PRIVATE SCHOOL IN SOMERS – TM: 17.19-1-1

Acting Chairman McNamara stated this is a discussion of the proposed amendments to the Zoning and Comprehensive Plan to facilitate the proposed New Private School In Somers in an OB-100 Office Business District.

Acting Chairman McNamara added he has reviewed this and has no problem other than the residential nature of the student dormitories. He does not see a conflict with the proposal to be with that of the OB-100 District, the proposal is for a for-profit organization. He also noticed that the proposed changes to Section 170-27 and Sections 170-92A amend that Code to include some of the accessory uses for the school. He opined that he has no concern.

Director of Planning Dym asked if the applicant would like to say anything about the zoning. They did not.

Director of Planning Dym stated the applicant, as part of their petition in support of the New Private School in Somers provided the Zoning. It has been looked over and will be part of the SEQRA Review that is currently ongoing with the Town Board as Lead Agency. You will see that there are still two (2) blanks in the proposed zoning which cannot be filled in, they are on page 4, letters I & J, and they relate to the Floor Area Ratio (FAR) and the percent of lot and accessory building coverage. Once the Planning Board begins the site plan review, we will be able to determine exactly what those numbers should be. Related to all that, what I had to do for the Town was to take a look at the Town's Comprehensive Plan (the Plan). At the time the Plan was done we knew that Pepsi had left, but we did not know that IBM was in the process of vacating their campus. That was not reflected in the Plan, therefore a lot of the language in the Plan is really to reflect that occurrence and to update the Plan so that it is clear and that the language is reflected in the Plan and both of the campuses are basically being adaptively reused. Pepsi, less so in the sense it is a multipurpose office building, and the proposed New Private School in Somers is the major adaptive reuse for the IBM building. That is what is reflected in the language of the Plan, after going through the Plan and trying to find the places where changes were needed. You will also see that the Westchester County Planning Board is part of this entire process, both for the Zoning and the Comprehensive Plan. They are required to review and provide their comments back to the Town, related to any kind of amendments to a Comprehensive Plan and Zoning Ordinance and they did that in a September 20, 2019 memorandum. It basically talked about the integrity of the architecture of the I.M. Pei buildings, other than that they had no problems.

Director of Planning Dym stated she is looking to the Board to see if there are any comments that you have because this was referred to you by the Town Board. If you have any comments you wish to relay back to the Town Board and if you seem fine with everything that is the memo what I will write.

Acting Chairman McNamara stated he was speaking for himself earlier and not the entire Board. He asked if there were any comments from the Board.

Ms. Gerbino stated she is being reflected as being opposed to multi-family housing and that was a misrepresentation of a question she posed which she could not understand. How the applicant's attorney could state unequivocally that multi-family housing would not be allowed, and the reason I questioned it was he is not

our attorney and does not do our zoning, our attorney does our zoning and our attorney spoke at that time and said it will be in the amendment to the zoning and it is. But I do not oppose multi-family housing.

Acting Chairman McNamara stated he believes the proposed changes, which are under the purview of the Town Board and not this Board, to the allowed accessory uses covers it.

Mr. Zaberto added he agrees with that.

Acting Chairman McNamara asked if there were any questions or concerns to go back to the Town Board.

Ms. Gerbino asked, when attempting to visualize how we are going to subdivide this, I ponder the lots that are not involved in the New Private School in Somers and how they can be reused.

Director of Planning Dym stated she provided a memo from the Planning Board to the Town Board stating that the Board has no significant issues with what is being proposed to these two items.

Additionally, Director of Planning Dym added, she has had discussion with Bonnie Von Ohlsen of Kimley-Horn, for the applicant's team, related to the next steps. We are going through the next batch of material along with the Consultant's office – Woodard and Curran, my office and the Traffic with Frederick P. Clark (FP Clark) to determine whether or not it addresses all the concerns that were identified in all the correspondence from both meetings and all offices. Once we have determined that all of those concerns have been addressed, it will go back to the Town Board for completeness.

Director of Planning Dym added the applicant would like to be placed on the November Agenda for a preliminary overview, again in advance of submitting a full site plan application that would be on the December Planning Board Agenda.

Ms. Gerbino and Acting Chairman McNamara stated there is a Special Vote on the night of December 11, 2019 which is our regularly scheduled meeting and we will not be able to have that meeting unless we move it to a different location or another date.

Director of Planning Dym stated we will address that.

Chairman McNamara added as for setting actions for next month's meeting that is fine and asked Director of Planning Dym if she is proposing any actions for next month.

Director of Planning Dym stated there are no actions to be taken, the applicant just wants to be able to come before the Board again.

ANIKO BANFI & BRUCE WARD – APPLICATION FOR PRELIMINARY SUBDIVISION APPROVAL – TM: 47.08-1-34

Acting Chairman McNamara stated this application is to formalize a transaction between two (2) adjoining neighbors to transfer approximately one (1) acre of land between the two lots. He added this is a simple lot line change and believes it to be an uncoordinated action and a Type II Action.

Director of Planning Dym stated, this cannot be a Type II Action because of a change from the New York State SEQRA Law, which we will have to address, but we can say this is an Unlisted Action and the Board must schedule a Public Hearing.

Director of Planning Dym explained, the Town's SEQRA Law needs to be amended because Lot Line changes prior to January 1, 2019 were not Type II Actions, but the revised SEQRA Law made Lot Line changes a Type II Action. However we have to go by the NY State SEQRA Law and by the Town's SEQRA Laws, and the Town's SEQRA has not been amended, therefore we cannot do this at this time until we change this Law.

Acting Chairman McNamara stated that is something for the Town Board.

Director of Planning Dym responded that it is something we have to submit to the Town Board very perfunctory, but it is something that has to happen. So therefore we have to set a Public Hearing and have them come back at the next meeting and then we can waive everything you need to waive and give them their approvals. But we must do it in that manner.

Ms. Gerbino asked if there will be a drawing so that we can see what we are doing.

Mr. Paul Rowan, Licensed Surveyor approached the Board and pointed out on the drawing the Ward/Banfi property at 37 Mekeel Street, the neighboring property at 25 Moseman Avenue and area that is "hatched" is the property being transferred.

Mr. Prince asked why is this being done.

Mr. Ward and Ms. Banfi approached the Board and Mr. Ward stated that when they originally purchased the property there was an existing encroachment on the property by the previous tenants to the property now, they cleared off a lot of the land that is flat to their yard, yet still our property, and the previous tenants let it happen. So this effort is a logical thing to do.

Mr. Zaberto asked if any of these action change the zoning area.

Director of Planning Dym stated not at all.

Ms. Gerbino asked if this will remain two (2) acre zoning.

Mr. Rowan stated yes, this is R-80 zoning, eighty thousand square feet (80,000). He added the chart on the map indicates all the zoning requirements.

Ms. Gerbino asked if you were paying taxes on the improvement to their property.

Mr. Ward stated no, and added, on a certain level this will preserve the integrity of the woodlands in the sense that by splitting it up this is not going to be subdivided to put a house there and actually allows better caretaking of the woodlands on both sides.

Mr. Prince asked if there was any problem with the pool as it is very close to the original property line.

Mr. Ward responded that they had an encroachment of their generator on our property line.

Mr. Prince stated is seems very reasonable.

Mr. Zaberto asked if the neighbors in the back did not like this idea would they be notified of the Public Hearing.

Acting Chairman McNamara stated yes, all the adjoining neighbors and across the street will be notified.

Director of Planning Dym stated all the Board has to do is declare themselves as Lead Agency and set the date for a Public Hearing.

Director of Planning Dym added as a compliment to Ms. Banfi & Mr. Ward, during the application process they were extremely diligent and thorough.

On a motion by Ms. Gerbino, seconded by Mr. Zaberto, and unanimously carried, the Board moved to declared themselves as Lead Agency.

On a motion by Acting Chairman McNamara, seconded by Mr. Zaberto and unanimously carried, the Board moved to schedule the Banfi/Ward Public Hearing for Wednesday, November 13, 2019 at 7:30pm.

KENNEDY CATHOLIC HIGH SCHOOL – RE-GRANT – TM:28.15-1-10

Engineer John Karell approached the Board and stated he is representing the applicant. He explained that this is an Application for a Re-Grant of an Amended Site Plan for the Football Field Lighting and Concession Building that includes bathrooms and a press box directly to the east of the Football Field, that was previously granted in 2017 and since that time the permit has expired. The property is located at 54 Route 138 and is in an R120 Zoning District.

Engineer Karell stated these are exactly the same plans that were approved by the Board in 2017. Late last year he just received approval to build the holding tank for the concession stand.

Acting Chairman McNamara asked if this is yet to be built.

Engineer Karell stated yes, that is correct, and added that Consulting Town Engineer (CTE) Barbagallo's memo summarized the entire project.

Ms. Gerbino stated there is no change.

Engineer Karell stated there is absolutely no change except that they are now showing the holding tank for the septic from the concession stand and that it now has Westchester County Health Department approval.

CTE Barbagallo added that was part of the original submission. The only thing is they have gone through this and because the location of the tank has moved a little bit, neither himself nor Director of Planning Dym thought it was necessary. It can be handled as part of the submittal to address one of the conditions and frankly, the location is much better than previously shown.

Acting Chairman McNamara stated this is simply a site change:

CTE Barbagallo stated nothing has changed other than the tank going from Point A to Point B.

Acting Chairman McNamara stated as long as it is in the same envelope we do not need to reevaluate this.

Attorney Joseph Eriole stated there are no impacts on this.

Mr. Prince stated the Football Field Lighting is accomplished and the concession stand is still outstanding.

Acting Chairman McNamara asked if there were any questions or concerns from the Board. There were none.

Director of Planning Dym stated, given all this, the only way to proceed so they do not have to go through all the normal Site Plan Review Procedures is basically the Board has to make a determination under Section 144-2 of the Town Code which allows for the waiving of all the required procedures, including waving a Public Hearing due to the Special Circumstances and once that determination is made you will vote to approve the Re-Grant of the Site Plan Approval.

On a motion by Acting Chairman McNamara, seconded by Mr. Prince, and unanimously approved, the Board moved to waive the required Site Plan Approval and procedures including the waiving of a Public Hearing.

On a motion by Ms. Gerbino, seconded by Mr. Goldenberg and unanimously approved the Board moved to approve the Re-Grant of the Site Plan Approval and procedures including all prior determinations and conditions.

COBBLING ROCK ESTATES SUBDIVISION– TM: 37.19-1-1

Senior Engineer Matthew Gironda, Bibbo Associates approached the Board and stated he is here on behalf of the applicant.

Engineer Gironda stated they have previously been before the Board, have conducted a site walk with the Board and have revised the plans in response to comments from Director of Planning Dym as well as Consulting Town Engineer

(CTE) Barbagallo. A preliminary Stormwater Pollution Prevention Plan (SWPPP) has been prepared.

The drawings presented to the Board as well as the Consultants were for a Conventional nine (9) lot Subdivision, essentially for the basis to establish a lot count and now the applicant intends to proceed with a Conservation Subdivision if the Board would grant the permission to do that. We are here this evening to ask the Board, based on discussions had with the Director of Planning Dym as well as CTE Barbagallo on how to proceed forward with a Conservation Layout and asking the Board to acknowledge this conventional layout as the basis for the lot count on a Conservation Subdivision.

Acting Chairman McNamara and Ms. Gerbino stated, on the site walk they all agreed on the lot count, however, do not think we agreed on a Conservation Subdivision.

Ms. Gerbino asked how that came about.

Engineer Gironda stated that was essentially discussed with the applicant as a way to preserve some of the environmentally sensitive lands, to stay off the lands that are really undesirable to develop. If the Board does not want to proceed with a Conservation Subdivision, that is a different conversation.

Acting Chairman stated we need to see "A" and "B" for a comparison.

Mr. Prince asked could you basically give us an understanding of what you are aiming to change.

Engineer Gironda stated as you can see from the Constraints Map there is an area of Steep Slopes along the eastern and western portions of the parcel. There are currently walking trails from the neighboring property that comes through and essentially that is the area we would propose to put into conservation, along with the Steep Slopes area and the area along the southwestern portion of the property to allow future access, conservation and things of that nature, to be used as it is currently is today. If the Board would allow us to proceed with a Conservation Subdivision, it would allow us to propose lots with less required frontage and push the building sites into the more desirable flat area and stay off the environmentally sensitive lands.

Acting Chairman McNamara asked how the lot size changes in a Conservation Subdivision as he would not like to see one acre lots.

Engineer Girona responded he believes the minimum lot size within a Conservation Subdivision is sixty thousand (60,000) square feet. He would anticipate the lots would be somewhere between sixty (60) and eighty (80) thousand square feet. When we actually lay it out the numbers will be fine-tuned, but that is where he expects it to be.

CTE Barbagallo stated that is one and one half (1 ½) to two (2) acres per lot.

Engineer Girona added the adjacent property on Whitman Drive, Cobbling Rock and Dr. Tony's Road is R-80, two (2) acre zoning, adding the Home Owners Association (HOA) will own a percentage of the conservation easement.

Director of Planning Dym asked who are you proposing to take care of the Conservation parcels or are they going to remain part of a Homeowners Association.

Engineer Girona stated they would essentially be part of a conservation easement that we could establish an Homeowners Association (HOA), which I believe is the typical way that has been done in the past, and each parcel within the subdivision will have equal ownership of that conservation easement and would be responsible for the maintenance and upkeep of it. If there was another entity that would like to assume control of it, but there is not. So we would establish an HOA and the lot owners each will own an equal percentage of the conservation parcels.

Mr. Prince asked if that would negatively affect your ability to sell the lots.

Town Attorney Eriole stated, after discussion with CTE Barbagallo, that is a market decision and this is a relatively small unit count to establish an HOA with that kind of obligation. Although not strictly the Planning Board's concern, but it is a concern.

Acting Chairman McNamara stated the layout is not typical for an HOA. In a typical HOA, the homes would be more in a cluster and the surrounding property is the open space.

Town Attorney Eriole stated this is a bit Atypical in its development model but is not legally inappropriate if that is the way they wish to go.

Engineer Gironda stated additionally, in a conservation subdivision they would also be reducing the length of the roads and probably supplying some common driveways. Off the Dr. Tony's side we would certainly shorten that road up as much as we could and a common driveway for the two (2) lots which would be modified but the intent is to reduce the impervious surface, conserve environmentally sensitive lands and proceed with what, he believes, was discussed during the site walk.

Ms. Gerbino stated they never discussed clustering.

Mr. Prince stated you are probably jumping ahead of what was discussed. What we did talk about was Lot #1 which has some problems, in my opinion this is an excellent idea if you can pull it off. As far as I am concerned you are saving land, maintaining it and you are not restricted to unzoning.

Engineer Gironda stated as shown on the maps, the frontage of the properties would be two hundred and fifty (250) feet. There is a significant amount of useable land especially throughout the central portion of the property, this in a conventional layout is wasted.

Mr. Prince stated from his training this would be a benefit for everybody. As previously stated this will affect your sale ability, but if it is something that can be done, he has no problems.

Acting Chairman McNamara stated he has nothing against having the units on two (2) acres instead of three (3) acres. You are not materially changing the value of each lot. My concern is the HOA or the lack of maintenance of the open space should there be requirements to clean it up. People dump stuff in there, there are water courses in there that need to be cleaned out a bit. That is my concern.

Engineer Gironda stated that is understood and he believes that the maintenance responsibilities would be spelled out in Easement and HOA documents and Deed Restrictions.

Ms. Gerbino stated there is another consideration and that is the Somers Land Trust has asked us in such situations, rather than in an HOA, to consider that the Deed Restrictions be granted to them and they will come once a year to maintain this.

Engineer Girona stated he did not believe that the applicant would have any objection to that.

Ms. Gerbino stated she did not know what that would do to an HOA, there might still have to be one, she is not certain.

Acting Chairman McNamara asked who would pay the taxes on the property under those conditions.

Ms. Gerbino added the Land Trust will not own it.

Acting Chairman McNamara opined they will control it but not pay the taxes.

Mr. Prince stated the other question is how long this land has existed the way it is right now.

Ms. Gerbino responded about three hundred (300) years.

Mr. Prince said there has not been any dumping nor any maintenance in those areas for three hundred (300) years either.

Mr. Zaberto added it is hard to access, with no roads.

Mr. Prince stated this borders on an existing community that could have affected this.

Acting Chairman McNamara stated which has prevented people from coming in there and dumping.

Ms. Gerbino asked, the nine (9) clustered homes, how close together are they going to be.

Acting Chairman McNamara stated on two (2) acres.

Ms. Gerbino interjected she is not so sure, clustering is clustering, I have seen a lot of clustering of million dollar homes in Town, look in Granite Springs and see how close they are together.

Engineer Girona stated based upon the required property setbacks even with the reduced conservation zoning, he could maintain between seventy five and one hundred feet (75 & 100) between homes.

Ms. Gerbino stated the reason she brought it up is our zoning requires it, if we involved with clustering, it means you have to go before the Architectural Review Board (ARB) because they have to review what you cluster, they do not review individual home, but the minute we cluster the code says the resulting structures, because they are clustered they do not define whether they are next to each other.

Engineer Girona asked if those individual lots, when they came in for building permits, would need ARB approval in a Conservation Subdivision versus a Conventional Subdivision.

Ms. Gerbino stated all she can say is she read it in the Code Book that if we Cluster that means that anything that is clustered, if we go from a nine (9) lot subdivision to a clustering, whatever it is you build they get to review.

Acting Chairman McNamara stated he was not aware of that.

Mr. Prince asked if that is true.

Director of Planning Dym stated she would have to research this.

Ms. Gerbino stated she realizes what you are clustering, according to you, is seventy five (75) feet apart from each other, but when I read it and we have clustered, we have been avoiding this issue. I do not throw this out as a detriment, I read it in the Code Book.

Director of Planning Dym stated within the Town Code is a section on Conservation Subdivisions. One of the reasons I did not detail it was because, like the Board, I was informed after the Board's site walk that that was not going to be their recommendation to you. I did see that in your comment back, but I thought there might have been some misunderstanding, but apparently there is not a misunderstanding, apparently this is what your client is asking you to do. After further discussion about Conservation Subdivision, Engineer Girona stated if the Board sends them in a different direction then so be it.

Acting Chairman McNamara stated the Board needs to see the two (2) plans together to make a comparison to make an informed decision. We have not

seriously considered a Conservation Subdivision and now that you are asking us to seriously consider this, I need to see an "A" and a "B".

Engineer Girona responded that the Conservation Subdivision layout that we proceed with to present back to the Board acknowledges that we can proceed with a nine (9) lot Conservation Subdivision.

Acting Chairman McNamara stated the lot count is not the issue.

CTE Barbagallo stated there are two issues before we move on to the lot count. He stated he thought Engineer Girona said one of the reasons you want to put this into a Conservation Subdivision was that the areas where there is existing usage in walking paths could be maintained. If that is the case the homeowners documents will need to reflect that, somehow allowing public access onto these properties.

Engineer Girona stated that is certainly something that we need to discuss in more detail. Right now this is a vacant piece of land that is being used by people in the neighborhood, whether or not they are technically allowed to be on the property, but they use it.

CTE Barbagallo stated there is a distinction between looking the other way when people use it, and we say that we are putting in a Conservation Easement to help facilitate that. This is an important item to check with your client.

Acting Chairman McNamara added there is a difference between people walking the trails and dirt bikes.

CTE Barbagallo noted as it comes to the lot count, he asked Engineer Girona if he brought the alternatives that we discussed.

Engineer Girona stated he sent an email during the day today.

CTE Barbagallo responded that he was in the Town House all day today.

Engineer Girona stated they did put together an alternative sketch.

CTE Barbagallo interjected, to bring the Board up to speed. He and Engineer Girona were talking about the lot count, and he does have a pretty long memo and many of the comments are details and probably similar to Director of Planning Dym, where they are more in line with a conventional subdivision, we have not

necessarily geared toward the lot count. There are two (2) comments applicable to the lot count that I would like to bring up. The first is related to Lot #1, I understand the layout and the added access road, the quandary for me is I do not know if I would ever be comfortable approving a conventional subdivision that had that basin as accessible as it is, we have asked for that to be moved closer to the road. What I would like to see to prove that lot out, is can that lot be swapped where the septic is and the basin is. That, to me would be an important element to prove that Lot #1 is a lot that we should include in the lot count. At least we should look at that alternative and understand that I have given the applicant some leeway on the field testing. We can assume the field testing that was done in the present location is the same testing we would apply for the new location and look at it from an area perspective to make certain it fits and can work. I suspect that it will but I know I have comments on the record and I just do not think that this would be a scenario that the Highway Department would be comfortable with. As a result I would want to make certain before we consider this a nine (9) lot subdivision for conservation purposes that we can build that lot with the basin up front.

Engineer Girona stated that obviously the Board has not seen the alternative plan we prepared. It is essentially (pointing to the plan) this basin was placed in the area which is now our proposed septic area on Lot #1. The septic area was placed in the southeastern portion of the property, and an infiltration system was placed in this location (pointing on the plan). So the on-lot improvements and on-lot impervious surface would be dealt with wholly within its own boundaries and its own system, and the common improvements will be dealt with within a stormwater basin. Essentially the alternate that CTE Barbagallo was speaking of.

CTE Barbagallo asked if we could coordinate the review of that between now and the next meeting. If the Board wanted to proceed with a lot count otherwise I think we would be back looking at that and making certain we are comfortable with that.

CTE Barbagallo stated the only other comment he has, which I think is minor, but to be consistent with precedent, I think you have assumed some infiltration rates on your infiltration basins. He would like to see some actual testing in those locations to demonstrate that yes that is what it is, so that we can prove out the infiltration areas as yes that is how big they are. You have modeled them and made some assumptions I think we should do a couple of tests to validate that those are appropriate soil conditions.

Engineer Girona asked if that is something you would want to see before you would feel comfortable acknowledging the nine lot.

CTE Barbagallo responded that he has not seen the soil, you have said they are good, you have assumed pretty high rates, but for all I know it is solid clay, I have no idea. I would like to see that as part of the submittal, again it is something we can handle in the intermediate period between now and the next Board meeting. The applicant may want to proceed based on the Board's direction in that regard on the number of lots.

CTE Barbagallo stated those are just the items that I thought we should follow before we do the final lot count.

Ms. Gerbino stated that we have to know whether we have nine (9) lots as there is a big difference between nine (9) and eight (8) lots.

Engineer Girona stated from a zoning stand point I believe Director of Planning Dym's memo identifies this as well, this conventional nine (9) lot layout satisfies applicable zoning requirements and I believe I am correct about that.

Director of Planning Dym responded yes and that is why I turned to CTE Barbagallo to find out from an Engineering point of view.

CTE Barbagallo stated usually what I do at that point without going crazy on the details, is ask can everything that needs to be on the lots, fit on the lots, and that is what we are talking about here.

Engineer Girona stated that is essentially what we are talking about here. I respect the point of view and the comments and access to this basin and ultimately we do not want to build it there anyway. The intention if we do and the Board allows us to proceed with a Conservation Subdivision that basin will move up the hill into the location presented to CTE Barbagallo in the alternative. We have done testing in this area and throughout the property based on the existing topography and the testing completed shows this as a viable site for infiltration. I know that access can be a bit difficult, we have provided an access path that is less than a twenty percent (20%) grade essentially, eighteen percent (18%) grade on grass pavers. I am not saying it is the easiest basin to access but it is a viable location from the Stormwater and properties area stand point.

Mr. Prince asked if we could simultaneously move ahead with this. You satisfy CTE Barbagallo's requirement that could make nine (9) lots which may be totally superfluous assuming we do some conservation. I also think there was some conversation during our site walk that we were critical of Lot #1 and I think some people may have commented that this would be an interesting place for a Conservation District without actually doing so. So that may be why there is this confusion.

Engineer Girona asked Mr. Prince, without actually doing the subdivision.

CTE Barbagallo stated Mr. Prince is referring to the comments on the site walk that might have led to this.

Mr. Prince stated comments at the site walk, somebody at the site walk could have interpreted it as we were in favor of it. As I have said if you can prove that this is a viable nine (9) lot Conservation Subdivision I cannot see why not.

CTE Barbagallo stated that is why I was suggesting the intervening period, which is what I meant. As it relates to the infiltration areas in doing testing, I would suggest contingent on just submitting some testing in that regard, I do not think it has to hold this up. I also think Lot #1 does not have to necessarily hold it up, but you have to come in front of us and I will have to report that yes I think this is good and then they can be presenting the Conservation Subdivision so you can see the side by sides. I want that side by side to have that basin up front on the Conventional Subdivision only because I have seen some of these proposals, time goes by, forget about the Conservation and go back to the Conventional and all of a sudden this is the plan that is up and now there is a basin in the woods that we cannot take care of. I just want the actual drawing that is being used for the lot count to be reflective of the basin in the front, so that if I am not here the next person will know.

Engineer Girona stated he agreed and as we proceed with the Conservation layout, if we go that route, we will have to go through the design parameters and prove that subdivision out and prove all elements of the subdivision for all involved for all agencies and the Town.

Acting Chairman McNamara stated the first order of business for this evening is to declare ourselves Lead Agency, the thirty days since we have a declaration has expired.

On a motion by Mr. Zaberto, seconded by Acting Chairman McNamara, and unanimously approved, the Board moved to declare themselves Lead Agency.

Acting Chairman McNamara stated the next time we see you, you will have two (2) plans, a Conventional Subdivision and a Conservation layout.

CTE Barbagallo added a Conventional nine (9) lot swap working on lot #1 make a couple of perk tests to make sure the infiltration is not a problem, just to be consistent with what we have done on some recent ones I just want to be consistent with that.

Ms. Gerbino added a Lot #1 that Highway Superintendent Chiaverini will approve.

Acting Chairman McNamara asked looking at Lot #1, the southern property line, would swinging that down a bit help.

Engineer Girona responded that it would provide some more room, but with the lot as it is laid out now and the alternative that was presented to CTE Barbagallo we are able to fit septic area, infiltration area and infiltration basin for the road.

THE PARAMOUNT AT SOMERS: ENTRY RENOVATIONS: TM: 28.17-1-19.1

Mr. Robert Seigart, Architect with Schopfer Architects, approached the Board and stated he is here representing The Paramount at Somers.

Mr. Seigart stated he believed all the comments received from the last meeting have been responded to and that Director of Planning Dym has gone through them and accepted them. The only one that is written as a partial acceptance is the parking issue, basically it is asking for a parking management plan during construction to make certain there are always enough handicap and visitor spaces. I have spoken to the owner and we are in discussions on how they best do that. Not knowing how the Board has specific requirements for this. We have spoken to the owner about notifying/asking their staff to carpool, at least during the six (6) month construction period and having a staff member responsible for the parking. Basically to go out, particularly during times when there are a lot of visitor's, to make certain there is enough parking and if not, to designate additional spaces, there are additional signs to be able to move staff vehicles. There are enough spaces but they are "down in the back forty". They know they need to stay on the staff to ensure they are parking further away, if they need to shuttle staff up they

will do that. They want to be flexible to be able to address any issues, be it staff parking or parking where they are not supposed to or if it is just the spaces filling up.

Acting Chairman McNamara stated he believes it is in everyone's best interests and certainly ours that priority for parking goes to the visitors.

Mr. Seigart agreed and stated the owners do not want complaints either inside or outside the building. He added he has been there when the parking lot, although not completely full, it does happen, so they will have to keep after that and make certain, for instance the sixteen (16) cars that are in the area where the contractor's will be parking, that those vehicles are not parking nearby, they are going to have to park in the lot down back. They realize this is something they are going to have to keep on top of.

Acting Chairman McNamara stated on a rainy day like today, some people are going to be very uncomfortable.

Mr. Seigart stated that is very true.

Mr. Prince stated the rain brings up an issue that I had mentioned previously. He asked Mr. Seigart to see the Site Plan, noting that it might be outside the jurisdiction of the Planning Board, but the description in our memo basically says "Replacing existing concrete entry patio and then planting bed with new ornamental concrete on walk and an open walk way canopy to the vehicle drop off area."

Mr. Prince stated that canopy is well short of the vehicle drop off area.

Mr. Seigart stated that is correct and that this was spoken about at the last meeting. He has also spoken to the owners but there are a couple of issues. There are existing oil tanks and piping and the curb is a flushed curb. It has happened before, but there are people that mistakenly come up on the sidewalk area. Between those two (2) can we move the canopy up further, yes, but not much without risking the columns, the oil tanks or piping getting hit there. It is not perfect but the idea is this is an improvement over what is there now. The site will not allow the canopy to be taken all the way out to the edge of the road.

Director of Planning Dym stated she had no other issues and added that Consulting Engineer Barbagallo's office had no other issues either.

On a motion by Acting Chairman McNamara, seconded by Mr. Goldenberg, and unanimously approved, the Board moved to declare themselves Lead Agency.

On a motion by Acting Chairman McNamara, seconded by Mr. Zaberto, and unanimously carried, the Board moved to schedule the Public Hearing for Wednesday, November 13, 2019 at 7:30pm at the Somers Town House.

Acting Chairman McNamara asked if there was any other business for the Board for this application. There was none.

Director of Planning Dym began to state that the December 11, 2019 meeting. At this point Consulting Town Engineer (CTE) Barbagallo interjected, stating the Planning Board has asked for updates on other projects going on in town which connects very nicely with what Director of Planning is bringing up.

CTE Barbagallo stated the Sewer projects in Lincolndale and Shenorock have been through a public process this summer. The Town Board has had three (3) Public Meetings and three (3) Public Hearings that led them to take action to form the District on September 12, 2019. That facilitated a thirty (30) day Referendum Period where the public could come in and petition for a Special Election. There was a very low threshold of the number of petitions that needed to be submitted, and tonight at a Special Meeting of the Town Board there was a certification from the Town Clerk that they received the requisite number of signatures to facilitate a Special Election vote. The Town Board has scheduled that for December 11, 2019 and now there will be a series of information meetings between now and December 11, 2019, when the Special Election will be held in this room which is why Director of Planning Dym was looking to reschedule that date.

Acting Chairman McNamara stated before this meeting began there was discussion on whether to move the December Board meeting to December 18th or move the location.

Ms. Gerbino stated, normally we do not change the date of the meeting we meet in different location, such as the Library or the VanTassell.

Director of Planning Dym stated we must also take into consideration the filming of the meeting. Then she asked Mr. Paul Holman what his availability is if we have to relocate the December 11, 2019 meeting.

Mr. Homan stated he will take care of that.

Director of Planning Dym stated Planning Board Secretary Barbara Sherry will explore the availability of other venues.

Acting Chairman McNamara stated the Board can make the decision at the November 13, 2019 meeting.

Town Attorney Joseph Eriole stated there is plenty of time to notice any change of venue.

Acting Chairman McNamara stated the Board has not made any commitments for the December meeting, no public hearings, etc.

Mr. Prince asked about the vote on the district, is there a percentage or is it just 50.1%?

CTE Barbagallo responded if you want the full explanation, he suggested you listen to the October 14, 2019 Town Board meeting where Town Attorney Roland Baroni went through a detailed discussion on this.

CTE Barbagallo “paraphrased” based on my understanding that eligible voters are defined by individuals names who exist on the deed. If your name is on the Deed you become an eligible voter. All of the eligible voters who show up to vote, no absentee ballots, it becomes a simple majority at that point.

Town Attorney Eriole stated not of the eligible voters but the voters who actually come out and vote. Further discussion ensued regarding eligible voters with CTE Barbagallo suggesting that you listen to the October 14, 2019 Town Board meeting where Town Attorney Roland Baroni went through a detailed discussion on this.

Acting Chairman McNamara announced the next meeting of the Planning Board will be held on November 13, 2019. With no other business before the Board, on a motion by Acting Chairman McNamara to adjourn the meeting, seconded by Ms. Gerbino, and unanimously carried, the meeting adjourned at 8:45pm.

Respectfully Submitted,

Barbara J. Sherry
Secretary to the Planning Board

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OPEN SPACE COMMITTEE

Telephone
(914) 277-5582
Fax
(914) 277-3790

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MICHAEL BARNHART
CHAIRMAN



MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Deans Bridge and Plum Brook Road Bridges

DATE: December 3, 2019

The proposal to remove the Deans Bridge and Plum Brook Road bridges was reviewed and discussed at the Committee's monthly meeting on November 21, 2019. The Committee is happy that the Plum Brook Road Bridge will be replaced at a later date. They do recommend that the abutments be kept or if replaced, that the original look be preserved as much as possible. The Committee also recommends that a provision be made for pedestrian access to the bridge and Plum Brook Road to preserve significant passive recreational opportunities.

With regard to the Deans Bridge Road bridge, the Committee recommends either preservation or reconstruction of the existing western abutment as a birding or observational platform with a railing and seating areas.

The Committee urges the Town to work with NYCDEP to utilize these projects to enhance public passive recreation in these scenic and historic locations.



MEMORANDUM

TO: Town of Somers Planning Board
CC: Barbara Sherry, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: December 6, 2019
RE: Deans Bridge 'P' Removal
Environmental Assessment Statement, Joint Application, Stormwater Management and Erosion and Sediment Control Permit (Chapter 93), Steep Slopes Protection Permit (Chapter 148), Tree Removal Permit (Chapter 156), Wetland and Water Course Protection Permit (Chapter 167), R-120 District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of New York City Department of Environmental Protection's application for the removal of Deans Bridge 'P' (Dean's Bridge) and site restoration.

The applicant proposes the removal of the existing Dean's Bridge, an east-west two-lane bridge carrying Dean's Bridge Road over the Croton River (Muscoot Reservoir) between the Towns of Somers and North Salem. The Bridge is a 128-foot long single span. Dean's Bridge was closed permanently to vehicular and pedestrian traffic in 1994.

The applicant seeks to remove the entire bridge superstructure (e.g., structural steel, deck, railing, curbing, bearings) and demolition of the selected portions of unreinforced concrete abutments and wingwalls. The total acreage of the site is 1.05 acres, with 0.434 acres proposed to be disturbed. The total area of the project site and contiguous properties owned by the NYCDEP is 1,266 acres.

The proposed project is anticipated to take 18 to 24 months to complete. Construction activities will occur between the hours of 7:00am and 4:00pm Monday through Friday.

Following demolition of Dean's Bridge, the area is to be restored using native plant species to improve habitat and visual aesthetics and manage post-construction stormwater runoff. NYCDEP is pursuing an Institute for Sustainable Infrastructure Envision Gold Award.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

- Town of Somers Code, Chapter 93: *Stormwater Management and Erosion and Sediment Control*, and other sections, as applicable.
- Town of Somers Code, Chapter 148: *Steep Slopes Protection*.
- Town of Somers Code, Chapter 156: *Tree Preservation*.
- *New York State Standards and Specifications for Erosion and Sediment Control*, dated November 2016.



- *New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual (SMDM)*, dated January 2015.
- *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources*, Chapter 18.

DOCUMENTS REVIEWED

- Removal of Dean's Bridge 'P', *Environmental Assessment Statement (EAS) and Supplemental Report*, New York City Department of Environmental Protection, dated July, 2019.
- Removal of Dean's Bridge 'P', *Joint Permit Application*, New York City Department of Environmental Protection, dated August 14, 2019.
- Removal of Dean's Bridge 'P' and Plum Brook Bridge 'M', *Town of Somers Permit Application*, Prepared by EnTech Engineering, P.C., dated October 1, 2019.
- Removal of Dean's Bridge 'P' and Plum Brook Bridge 'M', *Presentation to the Town of Somers Planning Board*, New York City Department of Environmental Protection, dated November 13, 2019.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Wetland and Water Course Protection Permit (Chapter 167)
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit (Chapter 93)
- Town of Somers Planning Board: Tree Removal Permit (Chapter 156)
- Town of Somers Planning Board: Steep Slopes Protection Permit (Chapter 148)
- NYCDEP: Stormwater Pollution Prevention Plan Approval
- NYCDEP: Hazardous Substances and Hazardous Wastes Submittal
- NYSDEC: Protection of Waters – Stream Disturbance (Bed and Banks)
- NYSDEC: Freshwater Wetlands Permit
- NYSDEC: Protection of Waters – 401 Water Quality Certification
- NYSDEC: State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002)
- NYSDEC: Stormwater Pollution Prevention Plan
- NYSDEC: Beneficial Use Determination
- NYSDEC: US EPA ID Number
- NYSDEC: Waste Transporter Permit



- NYSDOT: Divisible Load Overweight Permit (Form PERM 92)
- NYSDOT: Special Hauling Permit (Form PERM 39-1 or PERM 39-2)
- USEPA: Hazardous Waste Part A Permit
- USACE: Nationwide Permit #3 Maintenance

DISCUSSION

The following is a summary of our comments. Please note further comments may be provided upon review of additional information.

Endangered and Threatened Species

The project site contains or is adjacent to habitat for the threatened Northern Long-eared Bat (*Myotis septentrionalis*) and endangered Indiana Bat (*Myotis sodalis*) (EAS, page 24). Dean's Bridge is located 11.8 miles from a documented Indiana Bat hibernaculum and 2.3 miles from a documented Northern Long-eared Bat hibernaculum (EAS, page 24). The Applicant will limit tree removal to between November 1 and March 31 and conduct a Bridge Structure Assessment prior to demolition between May 15 and August 15. Various dates for the start of demolition are found throughout the EAS and Joint Application.

1. The Applicant shall clarify dates and phasing for the project.

Aquatic Wildlife

The Applicant states a fish passageway will be constructed between barges to mitigate the impediment of migratory fish (Joint Application, page 8).

2. The Applicant shall provide specifics on this mitigation measure, including construction and removal times.

Lead Pollution and Mitigation

A January 2018 hazardous materials investigation determined the green paint on the steel safety railings, steel curb, and steel beams contains lead above the threshold considered to be hazardous (EAS, page 24). The Applicant shall address the following comments:

3. The Applicant shall provide the DEP-approved site-specific Safe Work Plan, Waste Management Plan, and Detailed Specification 13283 Lead Management to prevent lead pollution of the Croton River and Muscoot Reservoir.
4. The Applicant shall provide the DEP-approved site-specific Safe Work Plan, Waste Management Plan, and Detailed Specification 13283 Lead Management to provide dust control.



Stormwater Management and Erosion and Sediment Control Permit (Chapter 93)

The Applicant shall include all the required elements of a Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls consistent with the requirements of Section 93-6 of the Town Code and the New York State Standards and Specifications for Erosion and Sediment Control (2016).

5. The Applicant shall clarify the area of disturbance and make all submittals consistent.
6. In the November 13, 2019 presentation to the Planning Board, the Applicant indicated the Stormwater Pollution Prevention Plan (SWPPP) is approved (page 29). The Applicant shall submit the approved SWPPP to the Town of Somers for review.
 - a. The Applicant shall provide a draft NOI and MS4 SWPPP Acceptance form for review by the Consulting Town Engineer.
 - b. The Applicant shall obtain coverage under the NYSDEC SPDES General Permit (GP-0-15-002).
7. The Applicant shall include construction sequence notes specifying:
 - a. Installation of erosion and sediment control practices prior to commencement of construction activities.
 - b. All major construction activity milestones (i.e., minor and major site grading, demolition, site restoration, etc.).
 - c. Temporary erosion and sediment control measures cannot be removed until site stabilization (80% uniform density of permanent vegetation or permanent mulch/stone) has been achieved.
8. The Applicant shall include the following in the Erosion & Sediment Control Plan that comply with the New York State Standards and Specifications for Erosion and Sediment Control (2016):
 - a. Orange construction fencing detail and specifications.
 - b. Stabilized construction entrance detail, specifications, and location.
 - c. The location of equipment staging areas.
 - d. Soil stockpile detail and specifications.
 - e. Silt fence detail and specifications.
 - f. Hay bale detail and installation specifications.
 - g. Erosion control matting detail and specifications for proposed disturbance on steep slope areas.
 - h. Site pollution prevention details and specifications.
 - i. Vegetation protection detail and specifications.
 - i. Tree species in the disturbed area.



9. The Applicant shall provide inspection and maintenance requirements for all proposed temporary erosion and sediment control practices.
10. The Applicant shall include a description of the proposed soil restoration procedures, consistent with Chapter 5 of the NYSDEC Design Manual on the plans.
11. The Applicant shall revise the Stormwater Management and Erosion and Sediment Control Application to acknowledge the Steep Slopes Permit and Tree Preservation Permit.
12. The Applicant shall include a note on the plan which states "All E&SC measures shall be installed and maintained per New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016".
13. The Applicant shall include a note on the plans which states: "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use".
14. The Applicant shall include a note on the plans which states: "Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements."
15. The Applicant shall provide a contractor certification statement.

Tree Removal Permit (Chapter 156)

The Applicant indicates that 28 trees in the project area (EAS, page 19) will be removed during site clearing and grading. ESC-1 shows 35 trees to be removed (Joint Application, page 44). The presentation by the NYCDEP (page 14) indicates 17 trees for removal.

New landscaping will be provided during site restoration (EAS, page 17).

16. The Applicant shall clarify the number of trees to be removed and make all submissions and plans consistent with this number.
17. The Applicant shall update the Somers Tree Removal Permit and fees.
18. The Applicant shall submit plans indicating trees to be protected.
19. The Applicant shall submit details on the restoration of the site in official submittals (species tables are provided in the November 13 presentation but not in application materials).
 - a. Number, species, and locations of replacement of native trees and shrubs.
 - b. Vegetation maintenance plans, including deer protection, watering, and replacement of any dead specimens.

Wetlands & Water Course Protection Permit Application (Chapter 167)

Additional wetlands comments may be forthcoming after our office completes a wetlands investigation.

20. The Applicant shall provide proposed landscape drawings for post-demolition site restoration, including grading and vegetation plans.



Permit Approvals

21. The Applicant shall furnish copies of all permit approvals issued by authorities outside of the Town of Somers.

Public Safety

22. The Applicant shall provide details and specifications for vehicular barriers post-demolition, including landscaping plans for visual and site restoration purposes.
23. The Applicant shall adjust their work start times to accommodate morning school bus pick-up in the vicinity of Dean's Bridge as per page 5 of the NYCDEP presentation to the Town of Somers Planning Board.

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

Sincerely,

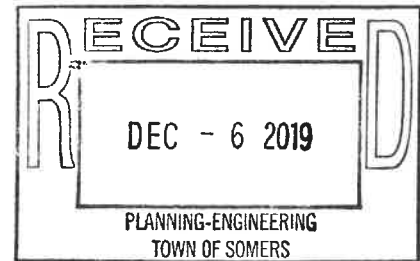
Jennifer L. Martinez, P.E.
Assistant Consulting Town Engineer

On behalf of,

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

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

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Rye Brook, New York 10573 F 914.448.0147
www.woodardcurran.com



MEMORANDUM



TO: Town of Somers Planning Board
CC: Barbara Sherry, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: December 6, 2019
RE: Plum Brook Bridge 'M' Removal
Environmental Assessment Statement, Joint Application, Stormwater Management and Erosion and Sediment Control Permit (Chapter 93), Steep Slopes Protection Permit (Chapter 148), Tree Removal Permit (Chapter 156), Wetland and Water Course Protection Permit (Chapter 167), R-120 District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of New York City Department of Environmental Protection's application for the removal of Plum Brook Bridge 'M' (Plum Brook Bridge) and site restoration.

The applicant proposes the removal of the existing Plum Brook Bridge, an east-west two-lane bridge carrying Plum Brook Road over the Muscoot Reservoir in the Town of Somers. The Bridge is a 105-foot long single span. Plum Brook Bridge was closed permanently to vehicular and pedestrian traffic in 1998.

The applicant seeks to remove the entire bridge superstructure (e.g., structural steel, deck, railing, curbing, bearings) and partial abutment removal. The total acreage of the site is 0.55 acres, with 0.347 acres proposed to be disturbed. The total area of the project site and contiguous properties owned by the NYCDEP is 1,266 acres.

The proposed project is anticipated to take 18 to 24 months to complete. Construction activities will occur between the hours of 7:00am and 4:00pm Monday through Friday.

Following demolition of Plum Brook Bridge, the area is to be restored using native plant species to improve habitat and visual aesthetics and manage post-construction stormwater runoff. NYCDEP is pursuing an Institute for Sustainable Infrastructure Envision Gold Award.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

- Town of Somers Code, Chapter 93: *Stormwater Management and Erosion and Sediment Control*, and other sections, as applicable.
- Town of Somers Code, Chapter 148: *Steep Slopes Protection*.
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- *New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual (SMDM)*, dated January 2015.
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- USEPA: Hazardous Waste Part A Permit
- USACE: Nationwide Permit #3 Maintenance

DISCUSSION

The following is a summary of our comments. Please note further comments may be provided upon review of additional information.

Endangered and Threatened Species

The project site contains or is adjacent to habitat for the threatened Northern Long-eared Bat (*Myotis septentrionalis*) and endangered Indiana Bat (*Myotis sodalis*) (EAS, page 24). Dean's Bridge is located 12.1 miles from a documented Indiana Bat hibernaculum and 5.4 miles from a documented Northern Long-eared Bat hibernaculum (EAS, page 24). The Applicant will limit tree removal to between November 1 and March 31 and conduct a Bridge Structure Assessment prior to demolition between May 15 and August 15. Various dates for the start of demolition are found throughout the EAS and Joint Application.

1. The Applicant shall clarify dates and phasing for the project.

Aquatic Wildlife

The Applicant states a fish passageway will be constructed between barges to mitigate the impediment of migratory fish (Joint Application, page 3).

2. The Applicant shall provide specifics on this mitigation measure, including construction and removal times.

Lead Pollution and Mitigation

A January 2018 hazardous materials investigation determined the red paint on the steel safety railings and steel beams, and green paint on the repaired portion of the steel bridge railing contains lead above the threshold considered to be hazardous (EAS, page 24). The Applicant shall address the following comments:

3. The Applicant shall provide the DEP-approved site-specific Safe Work Plan, Waste Management Plan, and Detailed Specification 13283 Lead Management to prevent lead pollution of the Croton River and Muscoot Reservoir.



4. The Applicant shall provide the DEP-approved site-specific Safe Work Plan, Waste Management Plan, and Detailed Specification 13283 Lead Management to provide dust control.

Stormwater Management and Erosion and Sediment Control Permit (Chapter 93)

The Applicant shall include all the required elements of a Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls consistent with the requirements of Section 93-6 of the Town Code and the New York State Standards and Specifications for Erosion and Sediment Control (2016).

5. The Applicant shall clarify the area of disturbance and make all submittals consistent. The EAS (page 3) indicates 0.347 acres proposed to be disturbed and on page 19 of the same document 0.222 acres is stated as the approximate area of soil disturbance. It appears as if 0.222 acres may refer to the proposed area to be dredged or excavated (page 4). On page 26, 0.247 acres is stated as the anticipated area disturbed. The Joint Application (page 11) provides another set of disturbed area values.
6. In the November 13, 2019 presentation to the Planning Board, the Applicant indicated the Stormwater Pollution Prevention Plan (SWPPP) is approved (page 29). The Applicant shall submit the approved SWPPP to the Town of Somers for review.
 - a. The Applicant shall provide a draft NOI and MS4 SWPPP Acceptance form for review by the Consulting Town Engineer.
 - b. The Applicant shall obtain coverage under the NYSDEC SPDES General Permit (GP-0-15-002).
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- g. Erosion control matting detail and specifications for proposed disturbance on steep slope areas.
- h. Site pollution prevention details and specifications.
- i. Vegetation protection detail and specifications.
 - i. Tree species in the disturbed area.

- 10. The Applicant shall provide inspection and maintenance requirements for all proposed temporary erosion and sediment control practices.
- 11. The Applicant shall include a description of the proposed soil restoration procedures, consistent with Chapter 5 of the NYSDEC Design Manual on the plans.
- 12. The Applicant shall include a note on the plans which states "All E&SC measures shall be installed and maintained per New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016".
- 13. The Applicant shall include a note on the plans which states: "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use".
- 14. The Applicant shall include a note on the plans which states: "Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements."
- 15. The Applicant shall provide a contractor certification statement.

Tree Removal Permit (Chapter 156)

The Applicant indicates that 5 trees in the project area (EAS, page 19) will be removed during site clearing and grading.

New landscaping will be provided during site restoration (EAS, page 17).

- 16. The Applicant shall submit plans indicating trees to be protected.
- 17. The Applicant shall submit details on the restoration of the site in official submittals (species tables are provided in the November 13 presentation but not in application materials).
 - a. Number, species, and locations of replacement of native trees and shrubs.
 - b. Vegetation maintenance plans, including deer protection, watering, and replacement of any dead specimens.

Wetlands & Water Course Protection Permit Application (Chapter 167)

Additional wetlands comments may be forthcoming after our office completes a wetlands investigation.



18. The Applicant shall provide proposed landscape drawings for post-demolition site restoration, including grading and vegetation plans.

Permit Approvals

19. The Applicant shall furnish copies of all permit approvals issued by authorities outside of the Town of Somers.

Public Safety

The Applicant notes that the existing overhead powerlines will need to be relocated by NYSEG prior to the start of demolition of the bridge.

20. The Applicant shall provide details and specifications for vehicular barriers post-demolition, including landscaping plans for visual and site restoration purposes.

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

Sincerely,

A handwritten signature in cursive script, reading "Jennifer Martinez".

Jennifer L. Martinez, P.E.
Assistant Consulting Town Engineer

On behalf of,

A handwritten signature in cursive script, reading "Joseph C. Barbagallo".

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

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
Director of Planning
sdym@somersny.com

MEMORANDUM

TO: Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: November 8, 2019

RE: Application for Amended Site Plan Approval for the New School in Somers at 294 Route 100 for Adaptive Reuse of Former IBM Corporation Property

The Applicant, 294 Route 100 LLC, has submitted a formal site plan application and related plans and documents to begin the site plan review process for reuse of the former IBM Corporation property as a new for-profit private school. This application is being submitted formally for review by the Planning Board with full understanding by the Applicant and the Town that the SEQR review process concurrently being undertaken by the Somers Town Board as lead agency on the Petition for the zone change and SEQR review of the potential impacts of such change and resulting redevelopment of the site has not yet been completed.

The documents submitted as part of the site plan package include the following:

- Cover Letter from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP dated November 4, 2019
- Application for Site Plan Approval dated 11-1-19 and fee
- Affidavit date 11-1-19
- Applicant Acknowledgement dated 11-1-19
- Certification dated 11-1-19
- Application for Stormwater Management and Erosion and Sediment Control Permit dated 11-1-19; no fee submitted
- Application for Wetland and Watercourse Protection Permit dated 11-1-19 and fee
- Application for Steep Slope Protection Permit dated 11-1-19 and fee

- Application for Tree Removal Permit dated 11-1-19
- Application for Preliminary Subdivision Approval dated 11-1-19
- Preliminary subdivision Plat consisting of five (5) Sheets dated November 4, 2019 prepared by Insite Engineering
- Site Plan drawing set consisting of 18 drawings dated 11-1-19 prepared by Insite Engineering
- Stormwater Pollution Prevention Plan dated 11-4-19 prepared by Insite Engineering

These November 1, 2019 documents should not be confused by the Planning Board with the that were submitted by the applicant for informal discussion at the Planning Board meeting of November 13, 2019. Those documents are dated September 5, 2019 and are associated with the ongoing SEQR review by the Town.

Cc: Town Board
 Roland Baroni
 Patricia Kalba
 Tom Tooma
 Chief Michael Driscoll
 Denise Schirmer
 Joe Barbagallo
 Alvaro Alfonzo-Larrain
 Jenn Martinez
 Mike Galante
 Mark Weingarten
 Peter Wise
 Roxana Girand
 Bonnie VonOhlsen
 John Canning
 Rich Williams
 Erik Kaeyer

Attach.

Z:\PE\Site plan files\Somers Academy\Site Plan\Site Plan Application 11-06-19\Application Submission Cover Letter.doc

**FREDERICK P. CLARK ASSOCIATES**

PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT

a Hardesty & Hanover company

555 Theodore Fremd Ave., Suite C-301

Rye, NY 10580

T: 914.967.6540

www.hardestyhanover.com

December 2, 2019

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

**Subject Review of Response to Comments – Repurposing of Former IBM Campus –
Somers Academy – Somers, New York**

Dear Ms. Dym:

As requested, we have completed a review of the most recent revised Traffic Study submission for the repurposing of the former IBM Campus to become a Private School. This report was prepared by Kimley Horn and dated Revised November 2019.

Findings

Based on the Traffic Study provided, we found that the traffic volumes and capacity analysis are reasonably acceptable for purposes of comparing the impacts of the previous IBM Campus to the proposed Private School. The Study used site traffic for a Private Day School, which is significantly higher than the traffic anticipated by the proposal, which is considered a conservative analysis.

As noted in the findings of the Study, it was found that there were deficiencies for the existing and in the future with both IBM reoccupied and the proposed Private School at the Study Area signalized intersections. Therefore, the Applicant provided an analysis with proposed timing changes to the signalized intersections to mitigate these deficiencies. Based on our review of the proposed timing changes, we found the following issues:

- NYS Route 100 at NYS Route 138 – Typically, NYSDOT requests that the cycle length for each plan be the same. The proposed changes has a cycle length of 120 during the weekday morning highway peak hour and 108.5 seconds during the weekday afternoon School and highway peak hours.

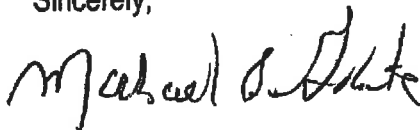
- NYS Route 100 at U.S. Route 202/Bailey Court – Based on our review, NYSDOT may request that the pedestrian WALK and DO NOT WALK be maintained and that the phase sequence for the side roads be maintained as existing.

Based on our review of the build conditions with timing improvements, the signalized intersections operations will be improved when compared to the no-build condition with the re-occupancy of IBM. Below is a table illustrating intersection overall Levels of Service and delay for the no-build and build conditions with timing improvements found in the Applicant's Traffic Study:

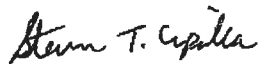
INTERSECTION	WEEKDAY MORNING HIGHWAY PEAK HOUR		WEEKDAY AFTERNOON SCHOOL PEAK HOUR		WEEKDAY HIGHWAY SCHOOL PEAK HOUR	
	No- Build	Build with Improvements	No- Build	Build with Improvements	No- Build	Build with Improvements
NYS Route 100 at U.S. Route 202/Bailey Court	F/108.3	E/70.7	D/45.2	C/33.4	F/80.4	D/41.2
NYS Route 100 at West Driveway	B/14.8	C/26.8	B/14.9	B/13.6	D/37.7	B/11.9
NYS Route 100 at	F/115.6	D/50.4	F/104.3	C/28.3	C/21.9	B/15.9

It is our recommendation that the Applicant coordinates with NYSDOT to implement these timing changes. We defer to NYSDOT regarding our comments on the signal plan changes noted above. In their review, NYSDOT may determine to maintain the current timing plans not implement these timing changes. If they are not implemented, the proposed Private School will have less of an impact on area roadways and intersections than the previous IBM Campus.

Sincerely,



Michael A. Galante
Managing Principal



Steven T. Cipolla, E.I.T.
Traffic Engineer

PLANNING AND ENGINEERING DEPARTMENTS

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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: December 4, 2019

RE: Project: New Private School in Somers – Amended Site Plan Approval
Preliminary Subdivision Approval and Related Approvals
Applicant: 294 Route 100 LLC c/o Sebastian Capital
Location: 294 Route 100
Zoning: Office Business OB-100; Tax Lot - 17.19-1-1
Actions: Application for Amended Site Plan Approval, Preliminary
subdivision Approvals, Stormwater Management and Erosion and Sediment
Control Permit; Steep Slope Protection Permit, Tree Removal Permit, and
Wetland and Watercourse Protection Permit

Submission

By cover letter dated November 4, 2019, from DelBello, Donnellan Weingarten Wise & Wiederkehr, LLP, attorneys for the Applicant 294 Route 100 LLC, the Applicant submitted an application for amended site plan approval and preliminary subdivision approval with related required environmental permits for construction by its projected leasee of a New Private School on a portion of the property based on a related petition for rezoning to the Town Board to permit construction of such use within the existing Office Business OB-100 District.

The application package contained the following:

1. Application for Site Plan Approval dated 11-01-19
2. Affidavit of Owner dated 11-01-19
3. Applicant Acknowledgement dated 11-01-19
4. Applicant Processing Restrictive Law Certification date fdf11-01-19

5. Application for Stormwater Management and Erosion and Sediment Control Permit dated 11-01-19
6. Application for Wetland and Watercourse Protection Permit dated 11-01-19
7. Application for Steep Slope Protection Permit dated 11-01-19 Partial Title Report dated 0-22-19 relative to purchase of property by deed from New Somers II, L.L.C. dated 11-29-16-19
8. Application for Tree Removal Permit dated 11-01-19
9. Application for Preliminary Subdivision Approval dated 11-01-19
10. Stormwater Pollution Prevention Plan dated 11-04-19 for Phase 1 of the project
- 11.
12. Drawing Set for "Phase 1" of the Site Plan prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. all dated 11-04-19 with the exception of the preliminary subdivision plat drawings which are dated 02-14-19 including:
 - a. OP-1 Phase 1 Overall Plan
 - b. EX-1 Phase I Existing Conditions & Removals Plan
 - c. SP-1.0 Phase 1 Overall Layout & Landscape Plan
 - d. SP-1.1 Phase 1 Enlarged Layout & Landscape Plan
 - e. SP-1.2 Phase 1 Enlarged Layout & Landscape Plan
 - f. SP-1.3 Phase 1 Enlarged Layout and Landscape Plan
 - g. SP-1.4 Phase 1 Enlarged Layout and Landscape Plan
 - h. SP-2.0 Phase 1 Overall Grading & Utility Plan
 - i. SP-2.1 Phase 1 Enlarged Grading & Utility Plan
 - j. SP-2.2 Phase 1 Enlarged Grading & Utility Plan
 - k. SP-2.3 Phase 1 Enlarged Grading & Utility Plan
 - l. SP-3.1 Phase 1 Enlarged Erosion Control Plan
 - m. SP-3.3 Phase 1 Enlarged Erosion Control Plan
 - n. D-1- Site Details
 - o. D-2 – Erosion & Sediment Control Details
 - p. Dd-3 Sewer/Water Details
 - q. D-4 Stormwater Details
 - r. 1-5 – Preliminary Subdivision Plat Prepared for 294 Route 100 LLC

Site Plan Review

Overall Plan

Zoning Bulk Table

The minimum lot area required for a Special Permit Use is shown as 250 acres in the zoning bulk table. The zoning amendment proposed in the zoning petition proposed a minimum lot size of 200 acres or more as the minimum lot size for a private for-profit secondary school as a special exception use in the OB-100 district. Is the 250-acre number in the required column in the bulk table incorrect?

The size of lots proposed for the four-lot subdivision are 344.9 acres for Lot 1, 35.5 acres for Lot 2, 233 acres for Lot 3 and 109.7 acres for Lot 4. The proposed private school special exception use minimum lot size of 200 acres, if correct, would permit Lot 3 to be a potential expansion lot

for the school use in the future. If the 250-acre minimum is correct and the requested zoning is to be amended, then Lot three would not be so eligible. This needs to be clarified or corrected.

It also raises a zoning question that needs clarification. That is, is the request for the special exception use permit to apply only to lots 1 and 2? Or is it intended to cover lots 3&4? This needs to be clarified. The percentage of the lot to be occupied by principal buildings is shown in the bulk table as 2.8%. The building square footage versus lot size used to calculate this percentage needs to be provided.

To accommodate concerns related to potential future impacts of future uses on the surrounding property roads, there has been a suggested modification to the prior suggested zoning setback. The existing proposed zoning requirement that "No building, structure or recreation area shall be nearer to any property line or street line than 100 feet" is proposed to be changed to the following - "No principal building or structure, or recreation area or field shall be: (1) nearer than 100 feet to any property line; (2) nearer to 500 feet to the street line of any State road; or (3) nearer than 100 feet to any other street line, except streets internal to the lot on which the institution is located". That proposed change, which still needs to be approved by the town Board as part of its consideration of the zoning petition (as to be amended), needs to be reflected in the bulk table with exterior and interior distances shown.

The maximum floor area ratio (FAR) for Lot 1 is shown as 0.08. The calculation that results in this ratio needs to be provided.

The Phase 1 Overall Plan drawing OP-1 provides a Slopes Table and Summary of Environmentally Sensitive Lands. The Applicant needs to provide calculations that show how once these lands are subtracted from the overall site what the remaining acreage of the 344.9 acres would be and what the remaining calculations for other categories in the bulk table would be. All this should be shown in an additional column in the bulk table.

Proposed Jogging Trail

The Overall Site Plan (OP-1) shows a proposed jogging trail of 2.4 miles and an extension of 0.5 miles. This all appears to be shown within the boundaries of Lot 1. No details on how this trail would be created, what exactly exists in its path and what it would be made of is provided. More information needs to be provided.

Proposed Walking Path to Somers Hamlet

The overall Plan for Phase 1 shows a proposed walking path to Somers Hamlet. This connection would be an important pedestrian connection for students to access uses within the Somers hamlet. The trail would largely be created on Lot 4 which has consistently been identified as not being a subject of this site plan approval. However, due to its importance, its use and any impacts should be considered as part of the ongoing process with the Town Board and Planning Board and any SEQOR determination regarding it should be identified and included. It appears that its alignment is intended to exit Lot 4 between the Bailey Court office uses and the Citibank building, generally in the vicinity of the signalized intersection of Route 100 and Route 202. Given the availability of sidewalks along the Route 100 frontage of Bailey Park, St. Luke's

Church and the Towne Centre at Somers shopping center, students could access the center and DeCicco's in a safe pedestrian route.

Parking

The Overall Site Plan and individual Enlarged Plans show what appears to be four parking areas intended to service Phase 1 development. These areas appear to be the following:

- Re-Use of Existing Parking - Proposed Faculty Parking (40 spaces) and Proposed Student Parking Lot (223 space) south of the new proposed athletic fieldhouse
- Re-Use of Existing Parking – Proposed Visitor Parking/Student Bus Drop Off Lot (176 spaces) in main building arrival circle
- Proposed Faculty Parking Lot /Student Drop Off (411 spaces) to the east of the main arrival circle

These are the lots that are identified by words and space numbers on the OP-1 Overall Phase 1 Plan drawing. When the enlarged drawings are examined, particularly drawing SP-1.0, it appears that the 411-space lot is actually comprised of a lot of 228 spaces, one of 84 spaces, one of 23 spaces and one of 76 spaces, totaling the 411 spaces. These lots that appeared to be reconfigured to serve Phase 1 uses total 850 spaces.

First, the proposed zoning for the school special exception use proposes parking requirements for students, employees and visitors. An analysis of the proposed number of persons to be generated in each category during Phase 1 is provided on Drawing SP-1.0 which shows required parking for 465 spaces in Phase 1. Although the parking table shows that a total of 2,448 spaces needs to be provided, how this translates into number of spaces required based on the proposed zoning and how this is met with the proposed total of 850 parking spaces for the Phase 1 plan.

The Overall Plan and Enlarged Plans should more clearly depict which are the lots meant to serve Phase 1 through shading and which are to remain and/or be demolished in Phases 2 and 3.

Recreational Facilities

The recreational facilities proposed for Phase 1 appear to be the following:

- Two proposed Baseball Fields north of Building OB-4 on site of existing 108 space parking area
- A Proposed Field House south of OB-4 and west of CSB on site of vacant treed area
- Eight Tennis Courts southeast of OB-1 on site of existing 145 parking spaces
- Two proposed multi-use fields (1 & 2) and softball field east of OB-3 on site of 422 spaces

It appears that none of these fields are synthetic turf and that none are to be lighted. This should be clearly identified. It should be noted regarding which of the fields which are synthetic and are lighted and when they will be constructed. The SWPPP dated November 4, 2019 is more specific in its designation of all fields to be built during all phase. The SWPPP identifies the following:

- 2 baseball fields – redevelopment (i.e. over existing parking lots)
- Natural Turf Multi-Use Fields 1&2 and Softballs Field – redevelopment
- Tennis Courts – redevelopment

- Natural Turf Multi-Use Field 4 – redevelopment
- Synthetic Multi-Use Field and Track 3 – redevelopment and new impervious area
- Natural Turf Multi-Use Field 5, 6 & 7

It appears that the fields for Phase 1 are all natural turf. Drawing SP-1.3 shows the Phase 1 baseball fields as lighted. Details of the lights and a light spill diagram need to be provided, even though it is understood that impacts have been identified in the SEQR documents.

The enlarged plans show four-foot high chain link fences surrounding all the outdoor fields with some six-foot high fences in strategic locations. These heights are in compliance with permitted zoning fence heights. The proposed baseball fields also show surrounding fencing with protective coil on top of the fencing. Whereas Site Details Drawing D-1 shows the detail of the four-foot high fence, there is no detail showing the coils and there should be. The purpose of the coils should be provided.

The Applicant should also explain why each field needs to be surrounded by fencing in addition to the 6-foot-high fencing at strategic locations for what would appear to be safety reasons.

The uses to be contained in the Field House need to be supplied and detailed exterior architectural plans for the facility need to be provided.

Fire Access Road

The SWPPP identifies that the plan includes a fire access road as new development. This road does not seem to be identified on the proposed Phase 1 plans. Is it proposed for Phase 1? If not, why this is not deemed necessary for Phase 1 but is provided for later phases needs to be discussed.

Drone Pads and Relocating Access Road

There are three drone pads shown on drawing SP-1.0 Phase 1 Overall Layout & Landscape Plan. However, these drone pads are not shown on the OP-1 drawing and should be.

The first pad is located at the western end of the 263-space parking area to remain south of the proposed athletic field. It is accessed from the lot from a four-foot wide asphalt strip approximately 40 feet in length leading to a pad whose radius is 6 feet and a diameter of approximately 12 feet. There will be an adjacent rain garden. Pad #2 is located at the southern end of the 84-space parking lot to the east of the arrival circle directly from a designated parking space that will be eliminated from parking use. The access strip is approximately 13 feet long and 4 feet wide with the pad the same size as that of pad #1. There is an adjacent rain garden. PD #3 is located southeast of Multi-use Field 2 between a proposed infiltration basin and a pretreatment basin. It is accessed from a relocated roadway leading to the project ring road from which it is accessed by an approximately eight-foot long strip. It would appear there needs to be a better pedestrian connection to this pad since an existing walkway on the other side of the relocated road does not reach the drone pad location and vehicular traffic will be accessing adjacent parking lots to the south of the multi-use fields.

Subdivision Plat

A review of the subdivision plat and bulk table makes clear the size of each of the proposed lots.

First, it would appear that the graphic scale on the Cover Sheet 1 of 5 is incorrect and needs to be amended. The bulk table on the cover sheet expands the bulk table shown on the site plan Drawing OP-1 but expands it to show lots 2, 3 and 4. The same amendments identified as needed on the site plan bulk table need to be made in this bulk table. In addition, the front, side and rear yard dimensions need to be adjusted in both places based on the proposed new setback regulations proposed for special exception use permits. For Lot 2, the accessory building and their coverage need to be identified to explain the result of 1.9% building coverage.

Cc: Joe Barbagallo
Jennifer Martinez
Roland Baroni
Joe Eriole
Roxana Girond
Mark Weingarten
Peter Wise
Bonnie VonOhlsen
Rich Williams
Eric Kaeyer

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MEMORANDUM

TO: Town of Somers Planning Board
CC: Barbara Sherry, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: December 6, 2019
RE: 294 Route 100
Preliminary Subdivision Plat Approval, Site Plan Approval, Stormwater Management and Erosion and Sediment Control Permit, Wetland and Watercourse Protection Permit, Tree Removal Permit, and Steep Slopes Protection Permit.
TM: 17.19-1-1, OB-100 District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Site Plan Approval Application that has been submitted for Phase 1 of the adaptive re-use of a portion of the former IBM Corporation property at 294 NYS Route 100 to a private, for-profit high school in Somers, New York.

The proposed project includes the renovation of existing buildings for school facilities and dormitories, the construction of a new field house, and the construction of nine athletic fields (including tennis courts, one synthetic turf athletic field with a track, a baseball field, and five natural grass athletic fields). This application is for Phase 1 of the proposed three-phase project. Phase 1 of this project is proposed to be serviced by existing water and sewer utilities. Infiltration systems and rain gardens are proposed to provide stormwater quality treatment.

The project site is located within the East of Hudson watershed and is subject to approval by both the New York City Department of Environmental Protection (NYCDEP) and the New York State Department of Environmental Conservation (NYSDEC) given the proposed site disturbance and nature of the development (classified as redevelopment with new impervious surfaces). The project will result in minor impacts to the 100-foot wetland buffer.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

- Town of Somers Code, Chapter 93: *Stormwater Management and Erosion and Sediment Control*, and other sections, as applicable.
- Town of Somers Code, Chapter 148: *Steep Slopes Protection*
- Town of Somers Code, Chapter 156: *Tree Preservation*
- *New York State Standards and Specifications for Erosion and Sediment Control*, dated November 2016 (NYS Blue Book).
- *New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual (SMDM)*, dated January 2015.



- *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources, Chapter 18.*

DOCUMENTS REVIEWED

- Cover Letter, "Re: Applications of 294 Route 100 LLC ("the Applicant") for amended site plan approval and related approvals, for the adaptive re-use of a portion of the former IBM Corporation property at 294 NYS Route 100 as a private, for-profit day and boarding high school (the "Project")", prepared by DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP, dated November 4, 2019.
- Town of Somers, Planning Board, Application for Site Plan Approval, signed by Roxana Girand, dated November 1, 2019.
- Affidavit to be completed by corporation owner, signed by Roxana Girand, dated November 1, 2019.
- Applicant Acknowledgment, signed by Roxana Girand, dated November 1, 2019.
- Town of Somers, Westchester County, New York, Chapter 67 "Application Processing Restrictive Law", signed by Roxana Girand, dated November 1, 2019.
- Town of Somers, Westchester County, New York, Application for Environmental Permit, Chapter 93 "Stormwater Management and Erosion and Sediment Control," signed by Roxana Girand, dated November 1, 2019.
- Somers Planning Board, Application for Preliminary Approval of Subdivision, signed by Roxana Girand, dated November 1, 2019.
- Town of Somers, Westchester County, New York, Application for Environmental Permit, Chapter 148 "Steep Slope Protection", signed by Roxana Girand, dated November 1, 2019.
- Tree Removal Permit Application, Section 156, Tree Preservation, signed by Roxana Girand, dated November 1, 2019.
- Town of Somers, Westchester County, New York, Application for Environmental Permit, Chapter 167 "Wetland and Water Course Protection", signed by Roxana Girand, dated November 1, 2019.
- SWPPP, Stormwater Pollution Prevention Plan for 294 Route 100 LLC, The New Private School in Somers (Former IBM Campus), 294 Route 100, Town of Somers, New York, prepared by Insite Engineering, Surveying and Landscape Architecture, P.C., dated November 4, 2019.



- Drawings, 294 Route 100 LLC, *The New Private School in Somers (Former IBM Campus)*, prepared by Insite Engineering, Surveying, and Landscape Architecture, P.C., Sheets 1-18.

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Preliminary Subdivision Plat Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- Town of Somers Planning Board: Wetland and Watercourse Protection
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
- Westchester County Department of Health (WCDOH): Approval of Sanitary Sewer Systems
- Westchester County Department of Health (WCDOH): Realty Subdivision Approval
- NYCDEP: SWPPP Approval
- NYCDEP: Sewer Approval

DISCUSSION

The following is a summary of our comments. It should be noted that further comments may be provided upon review of additional information.

1. The Applicant has depicted the limits of disturbance on the plans to be approximately 22.2 acres for Phase 1. The Applicant shall revise the limits of disturbance to include the disturbance from installing the erosion and sediment controls. The Applicant shall revise all application documents to be consistent.
2. The Applicant has prepared an acceptable Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls and post-construction stormwater runoff controls (i.e. stormwater quantity and quality controls) as required by the requirements of Section 93-6 of the Town Code, the NYSDEC SPDES General Permit (GP-0-15-002), and Section 18-39(c) of the Rules and Regulations of NYCDEP. Below are comments that shall be addressed by the Applicant for a complete SWPPP:
 - a. The Applicant shall provide a draft Notice of Intent and MS4 SWPPP Acceptance Form to obtain coverage under NYSDEC General SPDES Permit (GP-0-15-002) based upon the SWPPP for review and acceptance by the Consulting Town Engineer.



- b. The Applicant shall prepare draft Stormwater Maintenance Agreements, in accordance with the provisions of Town Code for review by the Town Attorney. Upon acceptance, the Stormwater Maintenance Agreement shall be filed with the Westchester County Clerk's Office.
 - c. On page 15 of the SWPPP, the Applicant has provided maintenance requirements for the sand filter and pocket wetlands. The Applicant is now proposing infiltration systems and rain gardens so any reference to a sand filter or pocket wetland shall be removed.
3. Based on the provided plans, the Applicant is proposing to address the stormwater quality requirements using rain gardens and infiltration systems (i.e. Stormtech SC-740 chambers and Infiltration Basins). The following comments are related to the proposed stormwater management features:
- a. The Applicant shall provide a typical construction detail for the NYSDEC rain garden per Chapter 5 of the NYSDEC SMDM and shall provide proposed grading and elevations for GIP-26A and GIP-29A on the plans.
 - b. The Applicant shall revise the provided detail for the infiltration basin to be consistent with the design requirements per Chapter 6 of the NYSDEC SMDM.
 - c. The Applicant shall revise the provided detail for the outlet structure to indicate SMP-20A and not SMP-21A in the callouts.
 - d. The Applicant shall revise the provided detail for the Stormtech SC-740 chambers to show that a minimum cover of 18 inches over top the units per the manufacturer's specifications.
 - e. The Applicant shall provide a typical construction detail for the proposed pretreatment basin to SMP-20A.
 - f. The Applicant shall revise the plans to indicate the pipe diameter and material for the proposed roof drain from the field house draining to SMP- 2A.
 - g. The Applicant shall show construction fence or alternative barrier markers surrounding the proposed infiltration practice footprint during construction to limit compaction from equipment tracking.
 - h. The Applicant has provided permanent swales west of Multi-Use Field 1 and on both sides of the proposed fire access road. The Applicant shall provide a construction detail for these permanent swales as it appears that some are vegetated swales and others are "water quality swales." The Applicant shall provide sizing calculations to demonstrate that the swales are appropriately sized to convey the contributing flows. The Applicant shall also correct the swale flow direction arrows shown on the plans.
 - i. The Applicant shall add a note to the plans that states that any infiltration system shall be subject to inspection by the Principal Engineering Technician or Consulting Town Engineer prior to backfill.



- j. The Applicant shall include manufacturer inspection and maintenance literature for the proposed Stormtech SC-740 chambers in the SWPPP.
 - k. It appears that the time of concentration paths provided in the HydroCAD model are not consistent with the delineations shown on the drainage maps. The Applicant shall revise the drainage area maps and the HydroCAD model to be consistent.
 - l. The Applicant shall revise the stage data for the rain gardens to include the complete surface area at the top elevation (i.e., GIP-26A is approximately 340 sf at Elevation 472.00' not 240 sf).
 - m. The Applicant shall revise the exfiltration for SMP-2A in the HydroCAD model to be consistent with the test results (i.e., perc test was 4.0 inches/hour not 3.50 inches/hour).
4. The Applicant shall provide pipe capacity calculations for review. The Applicant shall also clarify pipe diameter, pipe material, and pipe inverts for all proposed drainage pipes, catch basins, drainage manholes, etc.
5. The Applicant shall provide sizing calculations for the proposed rock outlet protection (100-year, 24-hour storm event) based on the NYS Standards and Specifications for Erosion and Sediment Control.
6. The Applicant has provided Erosion and Sediment Control (E&SC) plans which include the temporary E&SC practices and includes maintenance and inspection procedures of the proposed E&SC measures per the requirements of the NYS Standards and Specifications for Erosion and Sediment Control dated November 2016. The following comments are related to the E&SC plans:
- a. The Applicant shall revise the detail for the silt fence to indicate an 18-inch minimum height of the filter fabric per the NYS Blue Book (Figure 5.30).
 - b. The Applicant shall provide silt fence downstream of the proposed outlet from SMP-20A to prevent downgradient sediment migration.
 - c. The Applicant shall provide a typical construction detail for orange construction fencing to be used on-site and shall show the location of the fencing on the plans.
 - d. The Applicant shall indicate the location of the proposed concrete washout areas on the plans. The Applicant shall provide maintenance and inspection requirements for the concrete washout area.
 - e. The Applicant shall show the intended location of the equipment staging area on the plans.
 - f. The Applicant has indicated that 410 Town of Somers regulated trees will be removed as part of the Phase 1 improvements. The Applicant shall provide a tree survey for the proposed tree removals.



- g. The Applicant has indicated on the plans that several trees will be protected during construction. The Applicant shall furnish a typical tree protection detail on the plans. In addition, the Applicant shall confirm whether the three existing trees adjacent to the proposed field house will be protected or removed during construction.
 - h. The Applicant shall include a note on the plan which states "All E&SC measures shall be installed and maintained per New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016".
 - i. The Applicant shall revise the description of the proposed soil restoration procedures (per Chapter 5 of the NYSDEC SMDM) shown on Drawing D-2, so that it is legible and consistent with the table provided in the SWPPP.
- 7. Based on hydrometer testing performed at the site by the Applicant, erosive soils are present which will need to be carefully managed to effectively control soil erosion and sediment migration on-site. The Applicant shall develop a comprehensive soil handling operations plan to ensure that soils are properly maintained and managed during construction.
- 8. The following comments correspond to the drawing sheets:
 - a. The Applicant shall include construction sequence notes describing construction activities. The construction sequence shall specify:
 - 1) Installation of erosion and sediment control practices prior to commencement of construction activities.
 - 2) All major construction activity milestones (i.e. demolition, minor and major site grading, removal of existing structures, etc.).
 - 3) Temporary erosion and sediment control measures cannot be removed until site stabilization (80% uniform density of permanent vegetation or permanent mulch/stone) has been achieved.
 - b. The Applicant shall include a table on the drawings that quantifies the existing and proposed impervious surface coverage for the project. The Applicant shall clarify on the plans whether the proposed plaza area adjacent to the field house is impervious or pervious area.
 - c. The Applicant has indicated on the plans that a proposed jogging trail will be provided from one of the existing buildings. The Applicant shall provide a construction detail for the jogging trail.
 - d. The Applicant shall include a note on the plans which states: "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use".
 - e. The Applicant shall include a note on the plans which states: "Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements."



9. The Applicant shall update the plans to depict the locations of any existing and proposed utilities (i.e., gas, electric, etc.). Specifically, the Applicant shall depict the proposed new service connections for the field house.

The Applicant shall note that the capacity of the existing water and sewer systems has not yet been verified. As such, our office may provide additional comments on subsequent site plan submittals, based on the outcome of those analyses.

10. The Applicant shall perform manhole and CCTV inspections to evaluate the condition of the existing sanitary system.
11. The Applicant shall provide bottom of wall and top of wall spot elevations for the proposed stone gabion retaining wall. If the retaining wall is greater than 4 feet, prior to issuance of a building permit, the Applicant shall provide signed and sealed calculations for review.
12. The Applicant shall furnish a copy of all approvals granted by authorities other than the Town of Somers, including NYCDEP SWPPP approval, NYCDEP sewer approval, WCDOH sewer system approval, etc.
13. It appears that the Applicant is proposing some disturbance of the Town Regulated steep slopes to develop the site. The Applicant shall update the plans to indicate the quantity of steep slopes that will be disturbed due to the proposed Phase 1 development and contain all notes describing restrictions on disturbance, erosion and sediment control and enhanced stabilization measures as required by Town Code §148.
14. The Applicant is proposing disturbance within the 100-foot wetland buffer for some tree plantings. The Applicant shall clarify why these tree plantings are necessary and whether this is mitigation for the minor disturbance within the wetland buffer adjacent to the proposed baseball fields and SMP-31A (grading for baseball field and SMP-31A is shown within the adjacent regulated wetland buffers).
15. The provided drawings indicate field lighting at the baseball fields. The Applicant shall update the plans to include detail of proposed field lighting fixtures, if proposed to be installed. The Applicant shall provide specifications for consideration of the Planning Board.
16. The following comments are related to inconsistencies between the application forms provided with this submission:
 - a. The Applicant shall revise the proposed construction starting date on the stormwater management and erosion and sediment control application and the wetland and watercourse protection applications to be consistent with the other applications (i.e. start in 2020 instead of 2019).
 - b. The Applicant shall revise the breakdown of slope category in the steep slope protection application to be consistent with the site plan application (i.e., slopes greater than 25% for approximately 20,000 square feet).



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

Sincerely,

Jennifer L. Martinez, P.E.
Assistant Consulting Town Engineer

On behalf of,

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

OPEN SPACE COMMITTEE

Telephone
(914) 277-5582
Fax
(914) 277-3790

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

MICHAEL BARNHART
CHAIRMAN



MEMO TO: Planning and Engineering

FROM: Open Space Committee

RE: Cobbling Rock Estates Subdivision

DATE: October 24, 2019

At its monthly meeting on October 17, 2019, the Committee reviewed and discussed an updated preliminary 9 lot subdivision for the proposed Cobbling Rock Estates and reiterate their same concerns as their review in July 2019.

The property in question appears to be environmentally sensitive with many important habitats and unique ecological and possibly archaeological features, as recognized on the Environmental Assessment Form. The Committee would like to visit the property and make a more thorough evaluation of the environmental features of the parcel before making any detailed suggestions. However, the Committee offers the following recommendations:

[1] The property is relatively large and bisected by a significant stream corridor that follows a steep section of ravine exiting the southern boundary. Large areas of the western portion of the property are steep and rocky with a significant area of knob and basin terrain present in the northwest corner. The latter suggests the possibility of intermittent woodland pools, and some of the topology suggests seepage slopes and other important habitat types. Preliminary indications are that the property contains areas of recognized conservation value, particularly along the stream area and western edge. The Committee also notes that the property borders large areas of ecologically significant open space along its entire western, southern, and eastern perimeter, particularly Lasdon Park on the west, the Muscoot River corridor to the south, and NYCDEP lands to the east. The stream that exits to the south flows into the Muscoot River, thereby emptying into the Muscoot Reservoir. Given its open-space linkages and significant environmental features, the Committee suggests the preparation of a conservation subdivision plan that clusters all the proposed building lots on the flatter, eastern and central portion of the property with a road connection at Cobbling Rock Drive. The section from the central stream corridor west to the property boundary with Lasdon Park should remain open space. Such a

proposal would eliminate the need for at least one road connection and probably reduce costs associated with the extensive site preparation necessary to build on the western third of the property. We further suggest approaching the Westchester or Somers Land Trusts to hold a conservation easement on the open-space portion of the parcel thereby ensuring enhanced protection of its important environmental features.

[2] The Committee suggests that both a biodiversity assessment as well as an archaeological assessment be required given the important natural features of the parcel.

[3] We also recommend that the stormwater infrastructure include small reptile and amphibian protections including the use of Cape Cod style curbing and appropriate protections around catch basins and the like. If feasible, we also advise alternative means of managing stormwater such as rain gardens.

EC
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M. Byonding
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11/22/19 BPS

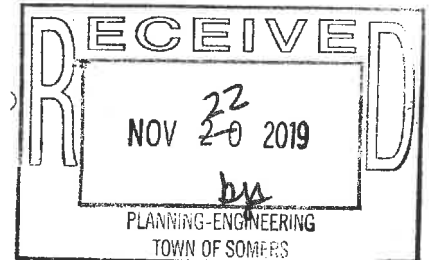
BUREAU OF FIRE PREVENTION

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Town of Somers
WESTCHESTER COUNTY, N.Y.

**SOMERS TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589**

**THOMAS J. TOOMA, JR.
CHIEF**



MEMO TO: Planning and Engineering Department

FROM: Bureau of Fire Prevention

RE: Cobbling Rock Estates Subdivision

DATE: November 21, 2019

At our monthly meeting on October 16, 2019, the Bureau reviewed and discussed an updated preliminary subdivision for Cobbling Rock Estates. The Bureau would like confirmation that the lollipop cul-de-sac and access road are compliant with Appendix D of the 2015 International Fire Code.

C. B. H. CTS
11/26/19 DP

BIBBO ASSOCIATES, L.L.P.

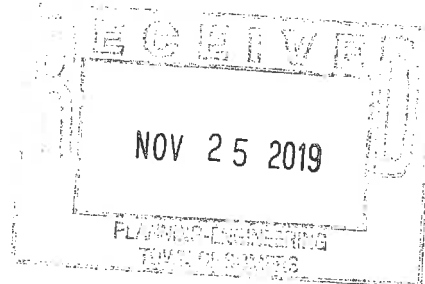
Consulting Engineers

Timothy S. Allen, P.E.
Sabri Barisser, P.E.

November 25, 2019

Town of Somers Planning Board
335 Route 202
Somers, NY 10589

Attn: Mr. John Currie, Chairman



Re: Application for Preliminary Subdivision Approval
Cobbling Rock Estates
22 Dr. Tony's Road
Sec.: 37.19 Block: 1 Lot: 1

Dear Chairman Currie and Members of the Board:

In connection with an application for Preliminary Subdivision Approval at the above referenced property please find enclosed the following items:

- 5 Sets – Preliminary Conventional Subdivision Plans (8 sheets), revised November 25, 2019.
- 8 sets - Reduced 11x17 Conventional Subdivision Plans.
- 5 copies – Preliminary Conservation Subdivision Plan, dated November 25, 2019.
- 8 copies – Reduced 11x17 Conservation Subdivision Plan.
- 13 copies – Correspondence from S.H.P.O., dated August 28, 2019.
- 3 CD's containing PDF files of above listed items.
- 2 USB Flash Drives containing PDF Files of above listed items.
- 3 Copies – Stormwater Pollution Prevention Plan (SWPPP), revised November 25, 2019.

We offer the following in response to consultant and staff review memorandums. For clarity responses are provided for only those comments which were not previously addressed:

Woodard & Curran Memorandum- dated 10/11/19

4. Comments relating to the proposed stormwater management features:
 - d. Preliminary infiltration testing was completed by our office in the locations shown on the enclosed subdivision plans. The testing yielded higher infiltration rates than what was utilized for design purposes, as such the exfiltration rate of 12 inches/hour has been confirmed. As we move forward with our application to the N.Y.C.D.E.P we will conduct Infiltration testing in accordance with Appendix D of the N.Y.S.D.E.C SMDM.
 - i. The locations of the preliminary infiltration tests are provided on the enclosed plans and results are included in the project SWPPP.

Site Design ♦ Environmental

- ii. Infiltration testing results are included in the SWPPP and as such signed and sealed by a Professional Engineer.
 - e. In conformance with Chapter 6, section 3 of the N.Y.S.D.E.C SMDM, pretreatment has been provided for all proposed infiltration systems through the use of Hydrodynamic Separators (HDS).
 - iii. The proposed HDS units are sized based on the manufacturer's specified NJDEP certified water quality treatment rates, which can be found in the literature provided in Appendix M of the project SWPPP. Please note One-year storm peak flow rates obtained from the HydroCAD analysis in Appendix C were used for sizing purposes.
 - h. The roof drain connection shown for Lot 9 will be made using a typical HDPE pipe fitting sized to match the proposed pipe diameters.
 - k. Construction fencing around the proposed infiltration basins has been provided on the Erosion Control Plan as requested.
5. See below.
- b. The location of the proposed infiltration basin has been relocated based on prior discussions with the Town Consultant Engineer. Please note, deep test pits and infiltration tests were performed in both areas which yielded suitable results. To ensure access for ongoing maintenance, an access path has been provided and is shown on the enclosed project plans.
6. Pipe sizing calculations will be provided with the final project SWPPP. As our application progresses and the SWPPP evolves through the review process of the other regulatory agencies we will provide pipe capacity calculations, pipe material labels, diameter and inverts for all proposed drainage pipes. Our final design will utilize H.D.P.E drainage pipe with a minimum diameter of 15" and a minimum pipe slope of 1%.
7. The rock outlet protection sizing calculations have been revised as requested.
8. See below.
- a. A note has been added to the plans stating temporary construction fencing / gates shall be utilized at the proposed road entrances as requested.
 - b. The silt fence locations shown on lot 2 have been revised as requested.
 - d. The stabilized construction entrance detail has been revised as requested.
 - f. The concrete washout area detail has been revised as requested.

22. A proposed diversion swale is now shown on the enclosed plans on the western side of the Lot 2 driveway to divert runoff from the uphill wooded areas. The proposed SWPPP has been designed to maintain the natural hydrology of the site to the greatest extent practicable. The small wooded areas from adjacent lots which are tributary to the infiltration systems on lots 3 & 6 are inconsequential to the peak flow analysis provided in the project SWPPP. Please note the future development of the individual lots will be subject to permitting from the Town of Somers.
23. As noted in previous correspondence the applicant's attorney will prepare all necessary legal documentation associated with the proposed drainage easements and submit to the Town attorney for review prior to final subdivision approval.
24. The HydroCAD analysis contained in Appendix C has been revised as requested.
25. The HydroCAD analysis and project detail sheets have been revised as requested.
26. Please note the proposed septic areas identified on the subdivision plans indicate the space required for a code conforming Subsurface Sewage Treatment System (SSTS) (primary & expansion). The individual SSTS designs and trench layouts for each lot will be prepared and approved by the WCHD prior to issuance of building permits. The WCHD only requires the identification of proposed SSTS areas be shown on an Integrated Plot Plan for approval of a Realty Subdivision Application.

Syrette Dym, AICP, Director of Planning Memorandum –dated 10/4/19

- We have requested a copy of the Wetland report from Tim Miller Associates and will submit the report under separate cover once it is received.
- The Zoning Conformance Table on sheet PS-1 has been updated to confirm the conventional subdivision complies with all dimensional zoning requirements.
- It is acknowledged that the site is located within an Agricultural District, it is not however located within 500' of a farm operation. Our office will confirm with Westchester County Planning on whether or not an Agricultural Data Statement is required. If so a copy will be included in future submissions.
- A copy of correspondence from the State Historic Preservation Office (SHPO) is enclosed. SHPO provided an opinion stating the project will not have any impacts on properties listed or eligible to be listed on the New York State or National Registers of Historic Places.

Per our site walk on August 24, 2019, we discussed with the Board a potential conservation subdivision. A preliminary Conservation Subdivision Plan is enclosed based on the request from the board at our previous appearance.

The proposed conservation layout has been designed to reduce impervious surfaces associated with road construction as well as preserve environmentally sensitive lands. The applicant intends to place approximately 10.1 acres of environmentally sensitive land in conservation, through the creation of deed

restricted areas to be located on two of the nine proposed subdivision lots. The deed restricted areas will be the responsibility of the individual property owner on which they are located.

We respectfully request this matter be placed on your next available agenda for your review. Should you have any questions or require any additional information please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Matte J.", with a stylized flourish at the end.

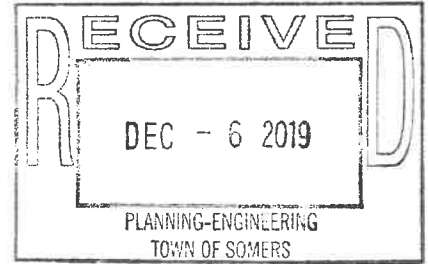
Matthew J. Gironda, P.E.
Senior Engineer

MJG/mg
Enclosures

cc: V. Andriano (w/enclosures)

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

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Rye Brook, New York 10573 F 914.448.0147
www.woodardcurran.com



MEMORANDUM



TO: Town of Somers Planning Board
CC: Barbara Sherry, Planning Board Secretary
FROM: Joseph C. Barbagallo, P.E., BCEE
DATE: December 6, 2019
RE: Cobbling Rock Estates (22 Dr. Tony's Road)
Preliminary Subdivision Plat Approval, Stormwater Management and Erosion and
Sediment Control, Tree Removal Permit and Steep Slopes Protection Permits.
TM: 37.19-1-1, R-120 District

GENERAL

The purpose of this memorandum is to provide the Planning Board with an updated summary of our comments related to our review of the Preliminary Subdivision Plat Approval Application that has been submitted for Cobbling Rock Estates located at 22 Dr. Tony's Road in Somers, New York.

The application proposes a nine-lot subdivision to contain nine single-family residences served by individual septic systems and water wells. The project will also include construction of new Town roads as two separate roadways ending in cul-de-sacs: one as an extension of Dr. Tony's Road and the other as an extension of Cobbling Rock Drive. Infiltration systems will be located on each lot to treat the new impervious areas.

The project site is located within the East of Hudson watershed and is subject to approval by both the New York City Department of Environmental Protection (NYCDEP) and the New York State Department of Environmental Conservation (NYSDEC) given the proposed site disturbance and nature of the development. A local wetland bisects the site and the site is characterized by steep slope areas.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

- Town of Somers Code, Chapter 93: *Stormwater Management and Erosion and Sediment Control*, and other sections, as applicable.
- Town of Somers Code, Chapter 148: *Steep Slopes Protection*
- Town of Somers Code, Chapter 156: *Tree Preservation*
- *New York State Standards and Specifications for Erosion and Sediment Control*, dated November 2016.
- *New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual (SMDM)*, dated January 2015.
- *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources*, Chapter 18.



DOCUMENTS REVIEWED

- Letter to Town Board, Re: *Application for Preliminary Subdivision Approval Cobbling Rock Estates, 22 Dr. Tony's Road, Sec.: 37.19 Block: 1 Lot: 1"*, prepared by Bibbo Associates, L.L.P., dated November 25, 2019.
- Letter from Erik Kulleseid, Commissioner, NYS Office of Parks, Recreation, and Historic Preservation, Re: *DEC Andriano Subdivision*, dated August 28, 2019.
- Cover Letter, Re: *Application for Preliminary Subdivision Approval, Cobbling Rock Estates, 22 Dr. Tony's Road, Sec.: 37.19 Block: 1 Lot: 1"*, prepared by Bibbo Associates, L.L.P., dated October 1, 2019.
- *Town of Somers, Westchester County, New York, Application for Environmental Permit, Chapter 93 "Stormwater Management and Erosion and Sediment Control,"* signed by Vito Andriano, dated September 30, 2019.
- *Full Environmental Assessment Form*, signed by Tim Allen, dated October 1, 2019.
- *SWPPP, Preliminary Stormwater Pollution Prevention Plan for Cobbling Rock Estates Subdivision, Dr. Tony's Road & Cobbling Rock Drive, Tax Map: Sheet 37.19, Block 1, Lot 1, Town of Somers, Westchester County, New York*, prepared by Bibbo Associates, LLP, dated September 28, 2019 and revised November 25, 2019.
- *Drawing, Preliminary Conservation Subdivision Plan*, prepared by Bibbo Associates LLP, dated November 25, 2019.
- *Drawings, Cobbling Rock Estates, 22 Dr. Tony's Road, Town of Somers, Westchester County, NY 10589*, prepared by Bibbo Associates LLP, including:

Sheet Number	Sheet Name	Dated	Last Revised	Sheet Number	Sheet Name	Dated	Last Revised
PS-1	Preliminary Subdivision Plan	07/15/19	11/25/19	EC-1	Erosion Control Plan	07/15/19	11/25/19
C-1	Constraints Map	07/15/19	11/25/19	D-1	Details	07/15/19	11/25/19
S-1	Soil Map	07/15/19	11/25/19	D-1	Details	07/15/19	11/25/19
RP	Road Profiles	07/15/19	11/25/19	D-1	Details	07/15/19	11/25/19

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Preliminary Subdivision Plat Approval
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit



- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- NYCDEP: Approval of Proposed Septic System
- NYSDEC: State Environmental Quality Review
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002)
- Westchester County Department of Health (WCDOH): Approval of Sanitary Sewer Systems
- Westchester County Department of Health (WCDOH): Realty Subdivision Approval

DISCUSSION

The following is a summary of our comments. The status of all previously provided review comments is shown below if **bold** font. It should be noted that further comments may be provided upon review of additional information.

1. The Applicant has indicated on the Full Environmental Assessment Form that the proposed limits of disturbance are approximately 8.5 acres. However, the limits of disturbance shall be delineated and quantified on the plans. The Applicant shall revise all submittal documents to be consistent. **Addressed. The Applicant has revised the plans and the submittal documents to indicate that the area of disturbance is approximately 9 acres.**
2. The Applicant shall prepare an acceptable Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls and post-construction stormwater runoff controls (i.e. stormwater quantity and quality controls) consistent with the requirements of Section 93-6 of the Town Code.
 - a. Since the project is in the East of Hudson watershed and will disturb over 1 acre of land, the project will also be required to obtain construction coverage under the NYSDEC SPDES General Permit (GP-0-15-002). The SWPPP must address supplementary criteria specified by the SPDES General Permit. **Addressed. The revised submittal is acceptable as a Preliminary SWPPP. The Applicant shall provide a more detailed SWPPP once the final design has been developed.**
 - b. The project will also be required to obtain SWPPP approval from the NYCDEP. The SWPPP must address supplementary criteria specified by Section 18-39(c). **Partially Addressed. The Applicant provide a copy of the NYCDEP SWPPP Approval once obtained.**
3. The Applicant shall provide a draft Notice of Intent and MS4 SWPPP Acceptance Form to obtain coverage under NYSDEC General SPDES Permit (GP-0-15-002) based upon the SWPPP for review and acceptance by the Consulting Town Engineer. **Partially Addressed. The Applicant shall revise the provided Notice of Intent to include complete contact information, to update the total contributing impervious areas to**



the infiltration practices (Question #29), and to provide the minimum RRv calculation (Question #32). The Applicant shall also revise the WQv treatment requirements (Questions #26 through #30) and the peak flow comparisons in the NOI (Questions #36 and #37).

4. Based on the provided plans, the Applicant is proposing to address the stormwater quality requirements using infiltration systems (i.e. Cultec Recharger 330XLHD chambers and Infiltration Basins). The following comments are related to the proposed stormwater management features:
 - a. The Applicant shall provide calculations demonstrating that the proposed systems have been sized to address Water Quality Volume (WQv) treatment requirements. The WQv shall be based on the post-development runoff from the 1-year, 24-hour storm event, as required by Chapter 10 of the NYSDEC Stormwater Management Design Manual (SMDM). Note that full treatment of the WQv is achieved by storing 100% of the WQv below the proposed invert of the outlet without crediting infiltration. **Addressed.**
 - b. The Applicant shall demonstrate that the proposed infiltration systems will satisfy the minimum Runoff Reduction Volume (RRv) requirement. The RRv shall be based on the 1-year, 24-hour storm event and the Specified Reduction Factor in the NYSDEC SMDM. **Partially Addressed. The Applicant shall revise the allowable runoff reduction volume calculations to be consistent with the revised stormwater management design (i.e. revised drainage areas and new drainage area 1.5).**
 - c. The Applicant shall conduct deep tests and provide test results to certify that minimum separation of 3 feet exists between the bottom of the proposed infiltration system and the groundwater table or bedrock. **Addressed. The Applicant has indicated that preliminary infiltration testing has been completed for the current stormwater management design. The Applicant shall provide final testing results in accordance with Appendix D of the NYSDEC SMDM once the final design is developed.**
 - i. Accurate system elevations (i.e., grade elevation, top/bottom of structure) for the proposed stormwater management system shall be provided to demonstrate that the required vertical separation has been achieved. **Addressed. The Applicant has provided system elevations based on the current stormwater management design.**
 - ii. The Applicant shall show the location of the deep tests on the plans. **Addressed.**
 - iii. Deep test results shall be signed and sealed by a Professional Engineer licensed in the State of New York. **Addressed.**
 - d. The Applicant shall clarify whether the infiltration testing was conducted following the prescribed testing methodology in Appendix D of the NYSDEC SMDM. The methodology requires the use of a 4 or 6-inch diameter solid casing, filled with 24-



inches of water, and set at a depth of 2 feet below the anticipated bottom elevation of the proposed stormwater infiltration system. **Partially Addressed. The Applicant has indicated that an infiltration rate has been assumed for the current stormwater analysis based on preliminary testing results (which have been provided). However, the Applicant shall provide final testing results in accordance with Appendix D of the NYSDEC SMDM once the final design is developed.**

- i. The Applicant shall show the location of the infiltration tests on the plans. **Not Addressed.**
- ii. The Applicant shall submit infiltration testing results signed and sealed by a Professional Engineer licensed in the State of New York. **Not Addressed.**
- e. The Applicant is required to provide pretreatment for the proposed infiltration systems in conformance with Chapter 6, section 6.3 of the NYSDEC SMDM. According to this section of the manual, the sizing of the pretreatment practice shall be based on the infiltration rate measured at the location of the proposed infiltration practice. Examples of acceptable pretreatment practices upstream of the stormwater infiltration practices include sedimentation basins, sump pits, grass channels, isolator rows, hydrodynamic separators, etc.
 - i. For infiltration rates between 0.5 inches/hour and 2 inches/hour, the Applicant is required to provide pretreatment storage for 25% of the WQv.
 - ii. For infiltration rates between 2 inches/hour and 5 inches/hour, the Applicant is required to provide pretreatment storage for 50% of the WQv.
 - iii. For infiltration rates greater than or equal to 5 inches/hour, the Applicant is required to provide pretreatment storage for 100% of the WQv. **Partially Addressed. The Applicant has indicated that the hydrodynamic separators (HDS) will be provided as pretreatment to the infiltration systems. The Applicant shall provide design calculations for the HDS systems to demonstrate that the selected system is adequately sized to treat the 100% WQv peak flow (if the infiltration rate is greater than 5 inches/hour). The Applicant may choose to provide a summary table on the plans with the model and the approved treatment capacity for the selected HDS.**
- f. It appears from the provided detail that the proposed 2" wide gravel overflow strip for the Cultec Recharger 330XLHD units will provide additional inflow to the infiltration system. The Applicant shall demonstrate that the proposed systems are sized to handle the additional inflow. The Applicant may also consider an alternative overflow mechanism like a pop-up emitter to take credit for the full volume of the infiltration system. **Addressed. The Applicant has revised the**



plans to remove the overflow strip from the Cultec Recharger 330XLHD units.

- g. The Applicant shall revise the provided detail for the infiltration basin to be consistent with the design requirements per the NYSDEC SMDM. **Addressed.**
 - h. The Applicant shall revise the plans to show the roof drain connections to the proposed catch basins draining to the infiltration systems. **Addressed.**
 - i. The Applicant shall revise the plans to show the connections from the proposed driveway and residence on Lot 3 to the infiltration system. **Addressed.**
 - j. It appears from the plans that the proposed infiltration system on Lot 5 will be located in an area with natural slopes steeper than 15%. Based on the NYSDEC SMDM, the Applicant shall relocate the proposed infiltration system to an area with natural slopes no greater than 15%. **Addressed. The Applicant has reconfigured Lot 5 to convey the runoff from the impervious surfaces from the lot towards the cul-de-sac in the Dr. Tony's Road extension for treatment in the proposed Infiltration Basin 2.4.**
 - k. The Applicant shall show construction fence or alternative barrier markers surrounding the proposed infiltration practice footprint during construction to limit compaction from equipment tracking. **Addressed.**
 - l. The Applicant shall add a note to the plans that states that any infiltration system shall be subject to inspection by the Principal Engineering Technician or Consulting Town Engineer prior to backfill. **Addressed. The Applicant has provided Note #1 on Sheet PS-1 which states the infiltration systems are subject to inspect by the Principal Engineering Technician or Consulting Town Engineer prior to backfill.**
 - m. The Applicant shall include manufacturer inspection and maintenance literature for the proposed subsurface infiltration chamber system and the infiltration basins as part of the SWPPP. **Addressed.**
5. The Applicant shall clarify how the infiltration basin in Lot 8 and the infiltration basin in Lot 1 (which will treat the proposed Town Road extension and the Lot 1 driveway and residence) will be maintained over time.
- a. Specifically, for the infiltration basin within Lot 1, the Applicant shall clarify how continued access will be provided to the system for maintenance (i.e. dedicated access road). **Addressed. The Applicant has included a proposed 10-foot wide access path/road (Grasspave2) and associated easement through Lot 1 for access to the infiltration basin. The Applicant plans to transfer responsibility for the infiltration basins to the Town after road dedication and also notes that the Town and owners of Lots 1 and 8 will need easement and maintenance agreements for access to the infiltration basins.**



- b. The Applicant shall provide alternative locations for the proposed infiltration basin on Lot 1 to provide easy access to the basin from the new Town Road extension. **Addressed.**
6. The Applicant shall provide pipe capacity calculations for review. The Applicant shall also clarify pipe diameter, pipe material, and pipe inverts for all proposed drainage pipes. **Not Addressed.**
7. The Applicant shall provide sizing calculations for the proposed rock outlet protection (100-year, 24-hour storm event) based on the NYS Standards and Specifications for Erosion and Sediment Control. **Addressed.**
8. The Applicant shall provide an Erosion and Sediment Control (E&SC) plan which includes all proposed temporary E&SC practices and includes maintenance and inspection procedures of all proposed E&SC measures per the requirements of the NYS Standards and Specifications for Erosion and Sediment Control dated November 2016. The following comments are related to the E&SC plan:
 - a. The Applicant shall provide a typical construction detail for orange construction fencing to be used on-site and shall show the location of the fencing on the plans. **Addressed.**
 - b. The Applicant shall provide a silt fence detail and indicate the location on the plans. **Partially Addressed. The Applicant shall revise the plans to relocate the silt fence locations for Lot 7.**
 - c. The Applicant shall provide a soil stockpile detail and indicate the location on the plans. **Addressed.**
 - d. The Applicant shall provide a stabilized construction entrance detail and indicate the location on the plans. **Addressed.**
 - e. The Applicant shall provide an inlet protection detail and indicate the location on the plans. **Addressed.**
 - f. The Applicant shall provide a concrete washout area detail and indicate the location on the plans. **Addressed.**
 - g. The Applicant shall show the intended location of the equipment staging area on the plans. **Addressed.**
 - h. The Applicant shall provide an erosion control matting detail for proposed disturbance on steep slope areas. **Addressed.**
 - i. The Applicant shall secure a tree removal permit for the proposed project. The Applicant shall provide a tree survey. **Partially Addressed. The Applicant recognizes they will need to secure a tree removal permit but has not provided a tree survey. Our office takes no objection if the Planning Board chooses to make the tree survey a condition of the subdivision approval.**



- j. The Applicant shall indicate which existing trees are proposed to be protected during development. The Applicant shall furnish a typical tree protection detail on the plans. **Partially Addressed. The Applicant provided a typical tree protection detail. However, the Applicant shall indicate the location of existing trees proposed to be protected.**
 - k. The Applicant shall provide inspection and maintenance requirements for all of the proposed temporary erosion and sediment control practices. **Addressed.**
 - l. The Applicant shall include a note on the plan which states "All E&SC measures shall be installed and maintained per New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016". **Addressed.**
 - m. The Applicant shall include a note on the plans which states: "Site stabilization (80% uniform density of permanent vegetation or permanent mulch/stone) must be achieved prior to removing temporary erosion control measures." **Addressed.**
 - n. The Applicant shall include a description of the proposed soil restoration procedures, consistent with Chapter 5 of the NYSDEC Design Manual on the plans. **Addressed.**
9. The following comments correspond to the drawing sheets:
- a. The Applicant shall include construction sequence notes describing construction activities. The construction sequence shall specify:
 - 1) Installation of erosion and sediment control practices prior to commencement of construction activities. **Addressed.**
 - 2) All major construction activity milestones (i.e. demolition, minor and major site grading, removal of existing structures, etc.). **Addressed.**
 - 3) Temporary erosion and sediment control measures cannot be removed until site stabilization (80% uniform density of permanent vegetation or permanent mulch/stone) has been achieved. **Addressed.**
 - b. The Applicant shall include a table on the drawings that quantifies the existing and proposed impervious surface coverage for the project. **Addressed.**
 - c. The Applicant shall quantify in a table on the plans the proposed cut/fill volumes (quantified in cubic yards) for the development. **Addressed. The Applicant provided a cut and fill table for the road extensions and the associated drainage which will be built first. The Applicant specified that cut/fill analysis for the individual lot construction will be provided once the final design for each lot is developed.**
 - d. The Applicant shall update the plans to depict the locations of any existing and proposed utilities (i.e., gas, electric, etc.). **Addressed.**



- e. The Applicant shall revise the plans to show protective markers or construction fence surrounding the proposed septic absorption field limits to prevent over-compaction by equipment tracking during construction. **Addressed.**
 - f. The Applicant shall include a note on the plans which states: "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use". **Addressed.**
 - g. The Applicant shall include a note on the plans which states: "Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements." **Addressed.**
 - h. The Applicant shall provide a landscaping plan for landscape screening between the Town Road extensions and the proposed developments for review and acceptance by the Consulting Town Engineer. The landscaping plan shall include multiple rows of select landscape plantings and must incorporate provisions for maintenance and replacement of deceased plantings. **Not Addressed. The Applicant has not provided a landscaping plan for screening or maintenance and replacement procedures for any landscaping. Our office takes no objection if the Planning Board chooses to make the landscaping plan a condition of subdivision approval.**
 - i. The Applicant shall revise Drawing S-1 to show the percentage breakdown for the Hydrologic Soil Groups B and C coverages. **Addressed.**
 - j. The Applicant shall revise the invert elevations of CB-12 on Drawing RP. The invert out is higher than the invert in. **Addressed.**
10. The Applicant shall provide bottom of wall and top of wall spot elevations for the proposed retaining wall. If the retaining wall is greater than 4 feet, prior to issuance of a building permit, the Applicant shall provide signed and sealed calculations for review. **Addressed.**
11. The Applicant shall provide a contractor certification statement. **Addressed.**
12. The Applicant shall provide a Stormwater Management and Erosion and Sediment Control application for review. **Addressed.**
13. The Applicant shall furnish a copy of NYCDEP approval for the proposed septic systems. **Not Addressed. According to the WCDOH, NYCDEP approval of the proposed septic system is not required until the Applicant files a construction approval application for the septic system on the approved lots. The Applicant requests that this approval be made a condition of the Planning Board Subdivision Approval.**
14. The Applicant shall furnish a copy of NYCDEP SWPPP approval. **Not Addressed. The Applicant requests that NYCDEP SWPPP approval be made a condition of the Planning Board Subdivision Approval.**
15. The Applicant shall furnish a copy of the Westchester County Department of Health (WCDOH) approval of the new septic system. **Not Addressed. The Applicant requests that WCDOH approval be made a condition of the Planning Board Subdivision Approval.**



16. The Applicant shall furnish a copy of the WCDOH approval of the new wells. **Not Addressed. The Applicant requests that WCDOH approval be made a condition of the Planning Board Subdivision Approval.**
17. It appears that the Applicant is proposing some disturbance of the Town Regulated steep slopes to develop the proposed new driveways and Town Road extensions. The Applicant shall update the plans to indicate the quantity of steep slopes that will be disturbed due to the proposed development and contain all notes describing restrictions on disturbance, erosion and sediment control and enhanced stabilization measures as required by Town Code §148. **Addressed.**
18. The Applicant has provided a Full Environmental Assessment Form (FEAF) with this submission. The following revisions shall be made to the form:
 - a. The Applicant shall revise Section B.b. of the FEAF to include all the local environmental permits that will be required. **Addressed.**
 - b. The Applicant shall revise Section D.1.d.iv. of the FEAF to indicate the minimum and maximum proposed lot sizes. **Addressed.**
 - c. The Applicant shall revise Section D.2.c of the FEAF to include maximum pumping capacity for the proposed wells. **Addressed.**
 - d. The Applicant shall provide the basis for the 4,000-5,000 gallons per day estimates for anticipated water usage/demand and the anticipated liquid waste generation. **Addressed.**
 - e. The Applicant shall revise Section E.1.b. of the FEAF to ensure that the total acreage after project completion is equal to the total acreage during existing conditions. **Addressed.**
 - f. The Applicant indicate how the average depth to bedrock on the project site was determined for Section E.2.a. of the FEAF. **Addressed.**
19. The Applicant shall identify if rock removal is anticipated during construction of the proposed site plan. In the event that rock removal is expected, the Applicant shall describe the intended methodology of rock removal and provide estimates of rock quantities and duration of removal activities. **Addressed. The Applicant has included a note on the plans which states that disturbance of rock outcrops shall be by means of explosives and only if the blasting is conducted in accordance with the Town of Somers regulations.**
20. The provided drawings do not illustrate the installation of exterior site lighting. The Applicant shall update the plans to include detail of proposed exterior lighting fixtures, if proposed to be installed. The Applicant shall provide lighting plans and specifications for consideration of the Planning Board. **Not Addressed. The Applicant has stated that lighting will be dependent on individual lot owner preference. Therefore, our office takes no objection if the Planning Board chooses to make the lighting plans and specifications a condition of the subdivision approval.**



21. The Applicant shall prepare draft Stormwater Maintenance Agreements, in accordance with the provisions of Town Code for review by the Consulting Town Engineer & Town Attorney. Upon acceptance, the Stormwater Maintenance Agreement shall be filed with the Westchester County Clerk's Office. **Not Addressed. The Applicant has indicated that the draft stormwater maintenance agreements will be prepared by the Applicant's attorney and subsequently provided for review.**

22. Based on the revised submittal documents, the infiltration systems proposed for Lots 1, 2, 3, and 6 have been designed to treat the proposed impervious area from each respective lot and surface run-on from upgradient adjoining lot areas. Since nearly every lot will have an infiltration system within its property lines, it is preferable that each system only treats stormwater runoff from its entire lot.

If the proposed infiltration systems cannot be designed to treat each lot separately, the Applicant shall provide reasons why the design approach is not feasible. In addition, the Applicant shall discuss with the Town Attorney the required legal instruments (related to maintenance and future development) which will need to be put in place between the lots. **Partially Addressed. The Applicant has made some revisions to the stormwater management system (diversion swale in Lot 2 to divert upland wooded area away from treatment system and an additional infiltration system to treat the impervious areas from Lot 1). In addition, the Applicant has indicated that the SWPPP was designed to maintain the natural hydrology of the site and that the inter-lot drainage is inconsequential to the peak flow analyses. However, the Applicant shall provide discussion of the required legal instruments which will need to be put in place between the lots that will treat stormwater runoff (from pervious areas) from adjacent lots.**

23. Based on the revised submittal documents, bypass flows from Lots 3 and 9 are proposed to discharge to the Infiltration Basin in Lot 1 while bypass flows from Lot 7 are proposed to discharge to the Infiltration Basin in Lot 8. Since the basins will also treat the stormwater runoff from the Town Road extensions, the Applicant shall discuss the legal instruments that may need to be developed between the Town and the abovementioned lots with the Town Attorney. **Partially addressed. The Applicant indicates that their attorney will prepare all necessary legal documentation and submit to the Town Attorney for review prior to final subdivision approval.**

24. As part of the SWPPP, the Applicant has provided HydroCAD calculations to design the infiltration practices for each respective WQv. The following comments are related to the provided calculations:

- a. The Applicant shall design each Cultec Recharger 330XLHD system to store its entire contributing WQv below the bottom of the invert to the outlet (without crediting infiltration). With the diversion structures upstream of each system, the outlet of each system would be the invert of the bypass pipe (secondary outlet of the diversion structure). The Applicant shall revise the calculations to show adequate storage of the full WQv at each lot. The Applicant shall make sure to update the summary table on Sheet D-1 to be consistent with the redesign.



Partially Addressed. The revised HydroCAD model indicates that storage of the full WQv will be provided for each lot. However, the Applicant shall revise the invert elevations presented on the plans to be consistent with the HydroCAD model.

- b. Based on the infiltration basin detail provided on the plans, the WQv peak elevation should be lower than the invert of the perforated risers. Therefore, the Applicant will need to revise the elevations proposed for Infiltration Basin 1.4 which do not currently provide enough storage of the 1-year stormwater runoff volume (0.303 acre-feet or approximately 13,199 cubic feet) up to the proposed invert of the riser (El. 275.20 with storage equal to 11,469 cubic feet). **Partially Addressed. Based on the revised HydroCAD model, storage is provided for the full WQv. However, the Applicant shall revise the plans to ensure that the orifice invert elevation is consistent in the model and on the plans.**
25. The Applicant shall make the following revisions related to the proposed diversion structures (if the current stormwater management design is maintained, refer to Review Comment #22):
- a. The Applicant shall revise the length of the 8-inch diameter secondary outlet of Diversion Structure 1.2 to be consistent with the plans. **Addressed.**
 - b. The Applicant shall revise the length of the 8-inch diameter secondary outlet of Diversion Structure 1.3 to be consistent with the plans. **Addressed.**
 - c. The Applicant shall revise the secondary outlet invert of Diversion Structure 2.1 on Drawing Sheet D-1 to be consistent with the HydroCAD model. **Not Addressed. The secondary outlet invert shown on Sheet D-1 shall be consistent with the elevation analyzed in the HydroCAD model.**
26. The Applicant shall differentiate between the initial SDA and expansion area for Lots 2 through 9. **Not Addressed. The Applicant indicates Subsurface Sewage Treatment System designs will be prepared and approved by the Westchester County Health Department prior to building permits issuance.**
27. The Applicant has revised the stormwater management design to provide a separate infiltration system to treat the stormwater runoff within Lot 1. Infiltration System 1.5 is located at the bottom of the slope, west of the proposed residence. The Applicant shall provide an access path to the new infiltration system to ensure that the infiltrators, diversion manhole, and HDS can be inspected and maintained as required.
28. The Applicant has provided a preliminary conservation subdivision plan which shows that Lot 5 will be treated by its own infiltration system instead of being treated by Infiltration Basin 2.4 which will treat runoff from the proposed Dr. Tony's Town Road extension. The Applicant shall consider revising the conventional subdivision plan to provide a separate infiltration system for proposed Lot 5.



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

Sincerely,

Jennifer L. Martinez, P.E.
Assistant Consulting Town Engineer

On behalf of,

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

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: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: December 6, 2019

RE: Project: Cobbling Rock Estates Subdivision
Applicant: Vito Andriano
Location: 22 Dr. Tony's Road
Zoning: R120 Residence District; Tax Lot - 37.19-1-1
Actions: Application for Nine-Lot Subdivision and Development of
Nine Single Family Houses

Third Submission

A third submission was made dated November 25, 2019 and received on same and consisted of the following:

- Cover Letter from Bibbo associates, L.L.P. dated November 25, 2019 responding to comments of Woodard & Curran Memorandum of 10-11-19 and Planning Director Syrette Dym comment memorandum of 10-4-19
- Letter from SHPO dated 08-28-19
- Stormwater Pollution Prevention Plan (SWPPP) revised 11-25-19
- The following revised plan sets prepared by Bibbo Associates; LLP dated 10-01-19:
 - PS-1 Preliminary Subdivision Plan
 - EC-1 Erosion control Plan
 - C-1 – Constraints Map
 - S-1 Soils Map
 - RP – Road Profiles
 - D-1 – Details (6 of 8)

- D3
- 1 – Details (8 of 8)
- Preliminary Conservation Subdivision Plan prepared by Bibbo Associates, LLP dated 11-25-19

Conventional Subdivision – Determination of Permitted Lot Count

The applicant has now requested its preference to move forward with a conservation subdivision, but the conventional lot count still needs to be initially established.

Lot Count Verification and Determination

Once the applicant verifies that side yards can be met for Lots 3 and 8, the zoning requirements for meeting lot count will have been met. Woodard & Curran needs to weigh in on whether the engineering requirements for each lot under a conventional subdivision lot count can be met.

- *Addressed. The revised bulk table reflects slightly modified lot configurations such that all lots now conform to required zoning regulations in the R-120 district for a Conventional Lot Count*

As seen in the Constraints Map drawing C-1, the site is bisected by a significant wetland and a wetland buffer that is about half coincidental with steep slopes and whose southwestern and southeastern portions are characterized by steep slopes. As a result of the central wetland, the applicant has needed to establish two town road extensions ending in cul-de-sacs, one off Cobbling Rock Drive and one off Dr. Tony's Road.

As seen on the Preliminary Subdivision Plan Drawing PS-1 Note 6, the wetlands were delineated on February 5, 2019 by Tim Miller Associates. Therefore, the delineation falls within the requirement of Chapter 167-6. A (9)(a), that wetlands be delineated no more than one year from project application. The Applicant should provide a copy of the written wetland report prepared by Tim Miller Associates.

- *Not completely addressed. Applicant has requested a copy of the Wetland report from Tim Miller Associates and will forward it when it is received.*

An area shown on proposed Lot 2 has been identified in a phone conversation between the Planning Director and Matt Gironda of Bibbo Engineering as two watercourses that were not identified as wetlands in the field.

The Zoning Conformance Table on Drawing PS-1 shows all lots that add up to a total acreage of 37.46 acres. Based on a conversation with Matt Gironda, the additional 2± acres not shown are attributed to the two proposed Town roads. This acreage should be added to a revised Zoning Conformance Table.

- *Addressed. the right of way of the proposed two roads and cul-de-sacs have been added to provide a parcel total a of 39.44 acres.*

Section 170-58.3 Calculation of lot area specifies the amounts of environmental features that should be excluded from the calculation of lot area. For wetlands it is 75%, for very steep slopes equal to or greater than 25%, it is also 75%. When any one area has more than one of these constraints, the proportion excluded remains at 75%. The zoning Conformance Table only indicates slopes “over 25%”. The table should be modified to read “equal to or greater than 25%” and the applicant should indicate that slopes equal to 25% have been identified in the constraints map. In addition, the constraints map shows a proportion of slopes overlapping wetlands. The amount of acreage of constrained area by type needs to be shown for each lot. The calculation of buildable area and deductions for wetland buffer areas also needs to be shown for each lot. This needs to be identified in the chart.

- *Addressed. The Revised Zoning Conformance Table and drawings now show that all conventional lots now comply with required zoning regulations*

Tree Removal Permit

The site is heavily wooded and the entire site is identified as forested in the cover types identified in question E.1b of the EAF. The EAF identifies that 8.5 acres of forest will be removed as a result of the development. The applicant has not submitted a Tree Removal permit application and fee nor identified the number and types of trees to be removed. The application, fee and tree survey need to be submitted as part of the application.

- *Not addressed. In response to comment memorandum from Woodard & Curran of August 9, 2019, the applicant acknowledges the need for a tree removal permit. The Planning Board should make known to the applicant that a tree survey of those areas of trees to be removed will be required and that that survey will form the basis of the tree removal permit and required fee.*

Agricultural District

The site is located within State designated Westchester Agricultural District 1 – WEST001 as identified on the Environmental Mapper and in question E.3a. of the EAF. As such, the Applicant must determine based on Section 305-a of the State Agriculture and Markets Law whether an Agricultural Data Statement (ADS) must be prepared. The Applicant should seek guidance from the Westchester County Department of Planning, David Kvinge on this matter. An ADS must be prepared if the project occurs within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district.

- *Partially Addressed – The applicant acknowledges that the site is within an Agricultural District but notes it is not 500 feet of a farm operation. Confirmation is still needed from Westchester County Planning regarding whether an Agricultural Data Statement is required.*

SHPO

EAF question E.3f. indicates that the site has or is adjacent to sites that has sensitivity for archaeological sites. The Applicant needs to obtain a letter from SHPO verifying that there is no potential adverse impact on such sensitive areas due to site development.

- *Addressed. A letter from SHPO dated August 28, 2019 indicates that no archaeological and/or historical resources listed in or eligible for the New York State and National Register of Historic Places will be impacted by the project. Subdivision Standards*

Conservation Subdivision

Preliminary Conservation Subdivision Plan Drawing PCS-1 dated November 25, 2019 has been submitted to the Planning Board as the preferred alternative subdivision plan by the applicant. As previously stated, the Planning Board by Article IIIA Section 170.13.2 is authorized to modify applicable provision of Chapter 170 for Article IIIA and the Subdivision Regulations to create a conservation subdivision.

The nine subdivision Lots plus the street right of way parcel have been established to conform with the conservation subdivision requirements of lots located within an R120 Residence District. As seen in the Conservation Zoning Conformance Table and as required by Section 170-13.3., the nine lots have been configured to meet the requirement of minimum lot size of 60,000 square feet. However, due to the existing requirements of the R120 conventional lot layout, no lot is smaller than 80,000 square feet, and without the additional conservation parcels, all are in the range of 100,000 square feet or larger. What this means from a visual and neighborhood character point of view, is that even though this is a proposed conservation subdivision, the lots are consistent with the lot sizes of the adjacent prior subdivide lots which are locate within the R80 residence district.

Zoning Conformance Table

The Zoning conformance Table is generally fine but needs some minor corrections in the following columns:

- Lot 8- Wetland Buffer within Buildable Area – The number shown is the entire lot which is not correct and needs to be corrected
- Lot 7 – Width At Front Lot Line – The width shown as 88 feet is not correct and needs to be corrected. The lot actually conforms with the minimum required.

Conservation Areas

The conservation areas are shown as part of two individual very large private lots. As such, these areas would become the responsibility of the individual owners of Lots 5 and Lot 1. Lot 1, totals 7.1 acres, of which 2.90 acres is a conservation area characterized by steep slopes. The applicant needs to specify the specific categories and acreage of steep slopes within each category that comprise the proposed 3.90-acre conservation parcel on this lot. Lot 5 is proposed as 13.22 acres of which 6.23 acres would be a conservation area

characterized by wetlands and wetland buffers. The applicant needs to provide the total acreage of wetlands and wetland buffers that comprise this conservation area.

As a result of this proposed approach, there would be no need for establishment of a homeowners association. The application is proposing that that these conservation areas be secured by establishment of deed restrictions. This approach was taken in the Tamarack & Vine approval whereby the environmentally sensitive features were placed in individual lots and guaranteed through deed restriction by a freestanding Restrictive Covenant. DiSiena also incorporated sensitive areas within individual lots and guaranteed them by deed restriction and a declaration of restrictive covenants.

CC: Joe Barbagallo
Alvaro Alfonzo-Larrain
Jennifer Martinez
Roland Baroni
Joe Eriole
Matt Gironda
Wittman Family Trust
Vito Andriano

Z:\PE\Subdivision files\Cobbling Rock Estates\Town Comments\Planning Board Comments 12-06-19.docx

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

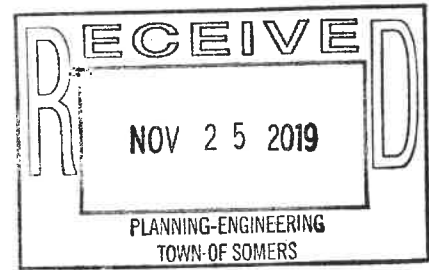
TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

PATRICIA KALBA
TOWN CLERK



MEMO

TO: Planning Board
Open Space Committee
Director of Planning
Parks and Recreation Board
Principal Engineering Technician
Superintendent of Highways

FROM: Patricia Kalba
Town Clerk

DATE: November 25, 2019

Attached please find a land donation request from Somers Realty for review and comment.

Any questions please do not hesitate to contact us. Thank you for your cooperation.

Cc: Supervisor

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



RESOLUTION

RESOLVED, that the Town Board does hereby refer a land donation request from Somers Realty to the Planning Board, Open Space Committee, Director of Planning, Parks and Recreation Board, Principal Engineering Technician and Superintendent of Highways for review and comments.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Work Session Meeting held on November 7, 2019.

Dated: November 12, 2019

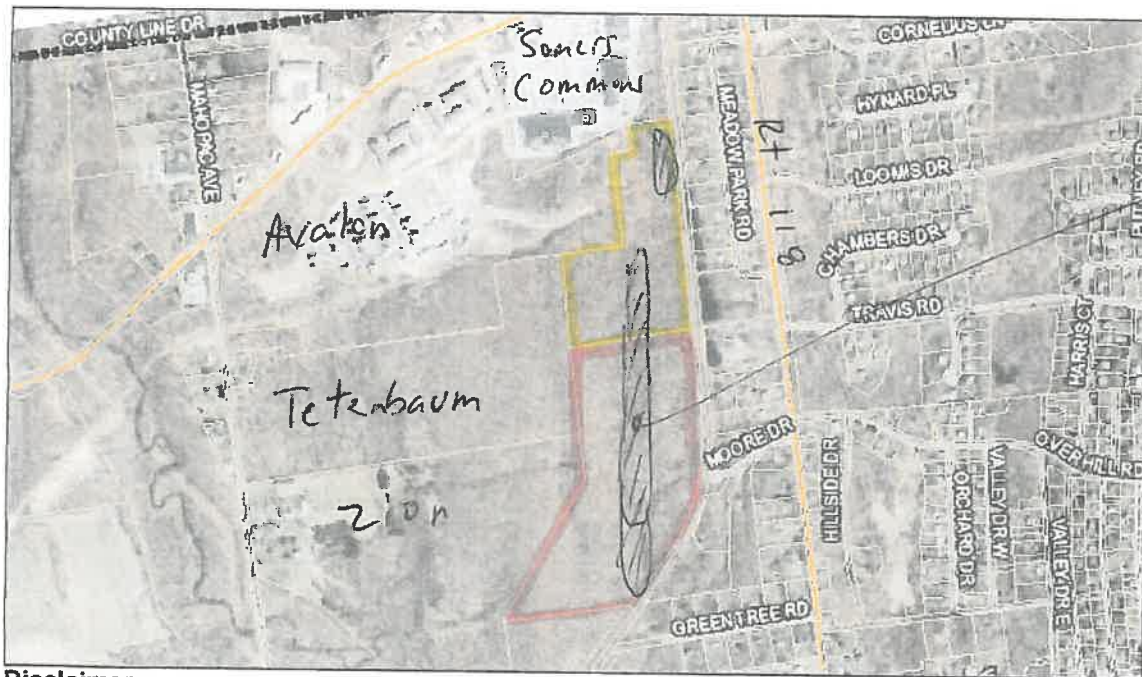
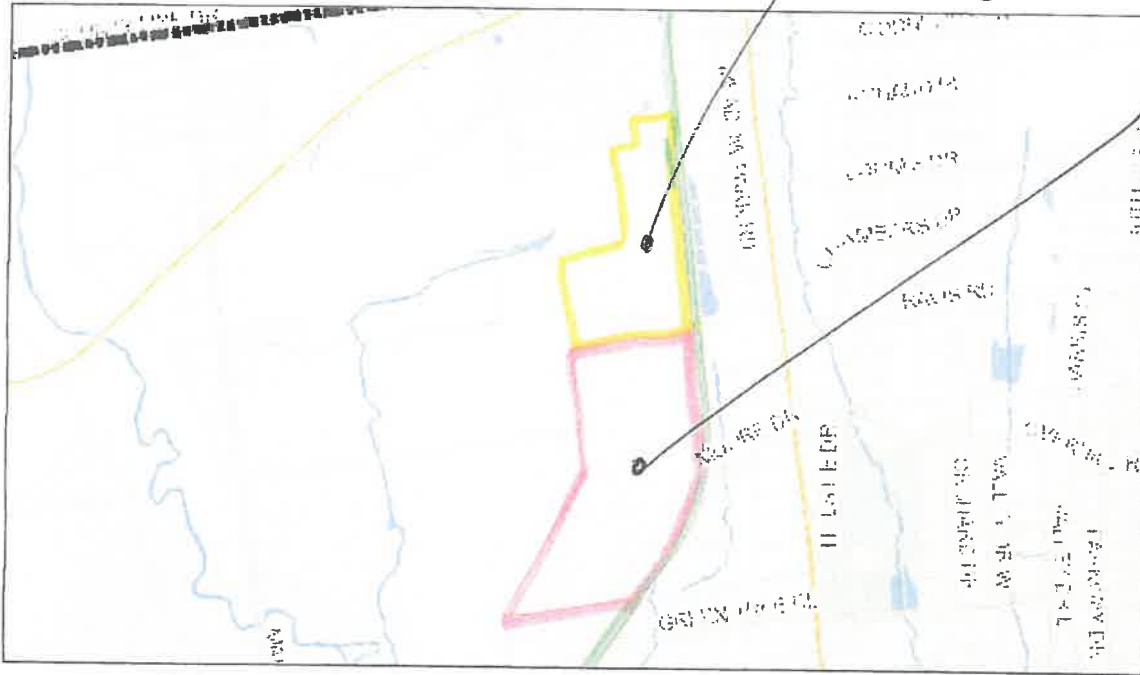

Town Clerk

Ec: Supervisor
Director of Finance
Planning Board
Open Space Committee
Director of Planning
Parks and Recreation Board
Principal Engineering Technician
Superintendent of Highways

Tax Parcel Maps

Tax map
4.20-1-12
4-33 Acres

Tax Map
— 15.08-1-4
4.37 ACRES



approx.
wetland

Disclaimer:

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.



**PLANNING BOARD –TOWN OF SOMERS
MEETING DATES FOR 2020
2nd WEDNESDAY OF THE MONTH**

ADOPTED NOVEMBER 14, 2018

Meeting Date	Evening	Staff/Consultant Submission Cut Off Date	Applicant's Sub. Cut Off Date
January 8, 2020	2 nd Wednesday	December 31, 2019	December 20, 2019
February 12, 2020	2 nd Wednesday	February 5, 2020	January 29, 2020
March 11, 2020	2 nd Wednesday	March 4, 2020	February 26, 2020
April 15, 2020	3rd Wednesday	April 8, 2020	April 1, 2020
May 13, 2020	2 nd Wednesday	May 6, 2020	April 29, 2020
June 10, 2020	2 nd Wednesday	June 3, 2020	May 27, 2020
July 8, 2020	2 nd Wednesday	June 30, 2020	June 23, 2020
August 12, 2020	2 nd Wednesday	August 5, 2020	July 29, 2020
September 9, 2020	2 nd Wednesday	September 1, 2020	August 25, 2020
October 14, 2020	2 nd Wednesday	October 6, 2020	September 29, 2020
November 18, 2020	3rd Wednesday	November 10, 2020	November 2, 2020
December 9, 2020	2 nd Wednesday	December 2, 2020	November 23, 2020

Note Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.

PLANNING BOARD MEETING SUBMISSION DATE IS 10 BUSINESS DAYS PRIOR TO MEETING DATE

STAFF AND CONSULTANT'S SUBMISSION DATE IS 5 BUSINESS DAYS PRIOR TO MEETING DATE.

**PLANNING BOARD –TOWN OF SOMERS
MEETING DATES FOR 2020
IF NEEDED – 4th WEDNESDAY OF THE MONTH**

ADOPTED DECEMBER 11, 2019 (TBD)

Meeting Date	Evening	Staff/Consultant Submission Cut Off Date	Applicant's Sub. Cut Off Date
January 22, 2020	4 th Wednesday	January 14, 2020	January 7, 2020
February 26, 2020	4 th Wednesday	February 19, 2020	February 11, 2020
March 25, 2020	4 th Wednesday	March 18, 2020	March 11, 2020
April 29, 2020	5 th Wednesday	April 22, 2020	April 15, 2020
May 27, 2020	4 th Wednesday	May 19, 2020	May 12, 2020
June 24, 2020	4 th Wednesday	June 17, 2020	June 10, 2020
July 22, 2020	4 th Wednesday	July 15, 2020	July 8, 2020
August 26, 2020	4 th Wednesday	August 19, 2020	August 12, 2020
September 23, 2020	4 th Wednesday	September 16, 2020	September 9, 2020
October 28, 2020	4 th Wednesday	October 21, 2020	October 14, 2020
November 25, 2020	4 th Wednesday	November 18, 2020	November 10, 2020
December	4 th Wednesday	NO MEETING	

Note Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.

PLANNING BOARD MEETING SUBMISSION DATE IS 10 BUSINESS DAYS PRIOR TO MEETING DATE

STAFF AND CONSULTANT'S SUBMISSION DATE IS 5 BUSINESS DAYS PRIOR TO MEETING DATE.