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

**PLANNING BOARD**

# Town of Somers

WESTCHESTER COUNTY, N.Y.

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

## SOMERS PLANNING BOARD AGENDA
## MAY 13, 2020 7:30PM

**MINUTES:**

**TIME EXTENSION:**

1. **ANIKO BANFI & BRUCE WARD – APPLICTION FOR FINAL SUBDIVISION APPROVAL – TM: 47.08-1-34**

   Request for 90-day Time Extension of filing of subdivision plat with Westchester County Clerk beyond the 62 days of signing of the plat by the Planning Board to occur on or about May 13, 2020 in accordance with Section 276 (11) of New York Town Law. The property is located at 37 Mekeel Street and is in an R-80 Zoning District.

**INFORMAL APPEARANCE:**

2. **SOMERS SANITATION INC: - TM: 28.10-1-7.1, 9 and 11**

   Site Plan Approval for Improvements to existing Solid Waste Transfer and Recycling Facility, Somers NY. To comply with revised 6NYCRR 362 and 364 Regulations, application is for a fully enclosed building for material processing, replacement of existing scale house, and new parking pavilion. The property is located at 241 Route 100 and is in an OLI (Office and Light Industry) Zoning District.

## DISCUSSION:

3. **DRAFT LOCAL LAW RE: AMENDMENT OF ARTICLE IIIA CONSERVATION ZONING OF CHAPTER 170 ZONING OF THE CODE OF THE TOWN OF SOMERS:**

   Referral of April 16, 2020 from the Town Board to the Planning Board regarding the draft Local Law for Amendment of Article IIIA. Conservation Zoning of Chapter 170 Zoning of the Code of the Town of Somers

**The next Planning Board Meeting is scheduled for Wednesday, June 10, 2019 at 7:30pm.**

Z:\PE\Planning Board meetings\PB Agenda 2020\May 2020 Meeting\May 13, 2020 Agenda.docx
5/8/2020 11:50 AM

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

**DATE:** **May 9, 2020**

**TO:** **Planning Board**

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

**RE:** **Banfi Ward Final Subdivision Approval – First Ninety-Day Extension Request**

As indicated in the e-mail of April 22, 2020 from Aniko Banfi, the Planning Board granted Conditional Final Subdivision/Lot Line Change Approval by Resolution #2019-13 on November 13, 2019. In accordance with Section 276 (11) of New York Town Law, the plat needed to be filed with Westchester County within 62 days of signing of the plat by the Planning Board, to occur on or about May 13, 2020.

As stated in the e-mail, the subdivision map was submitted to the County of Westchester at the end of March, but, due to COVID-19 office closures and reduced operating hours, the map has not yet been officially filed nor returned to the Planning Office.

Therefore, the owner is requesting a 90-dy extension for filing of the plat to extend to August 11, 2020

I have no problem granting this extension.

CC: Joe Barbagallo
Jenn Martinez
Roland Baroni
Joe Eriole

Z:\PE\Subdivision files\Banfi Ward Subdivision\Extension\First Extension of Final Subdivision Approval.doc

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



Planning Board Meeting Date of November 13, 2019

**PLANNING BOARD**
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2019-13
*Granting of Conditional Preliminary and Final Subdivision Approval for a Lot Line Change to*

Aniko Banfi and Bruce Ward for the
**Banfi/Ward Subdivision**
Town Tax Number: Section 47.08 Block 1, Lot 34

**WHEREAS,** an application for Preliminary Subdivision Approval for a lot line change was submitted by Aniko Banfi and Rowan Land Surveying, PLLC on behalf of Aniko Banfi and Bruce Ward to the Town of Somers Planning Board on September 27, 2019 and consisted of the following plans and materials;

1. Preliminary Subdivision Application dated September 27, 2019 and associated application and escrow fees;
2. A Short Environmental Assessment Form Part 1 signed by Paul Rowen, LS and dated September 3, 2019.
3. Proof of paid taxes;
4. Certification
5. Affidavit of Ownership for both lots;
6. List of adjoining and directly across street properties and Stamped/Addressed Envelopes
7. A signed map titled "Lot Line Realignment" prepared by Rowan Lan Surveying, PLLC dated September 2, 2018; and

**WHEREAS,** the proposed lot line change is for the transfer of 1.079 acres on the rear of property located at 37 Mekeel Street (Lot 47.08-1-34) owned by Aniko Banfi and Bruce Ward to the rear of the adjacent Lot located at 25 Moseman Avenue (Lot 47.12-1-49);

**WHEREAS**, the Banfi/Ward lot (47.08-1-34) is 6.002 acres and will become 4.9209 acres and the receiving lot at 25 Moseman Avenue (Lot 47.12-1-49) is 2.1570 acres and will become 3.2363 acres; and

**WHEREAS**, both lots are currently developed with houses and accessory uses; and

**WHEREAS,** the subject lands are zoned "R80 Residence District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

**WHEREAS,** the purpose of the lot line change is to make adjustment such that an existing generator located on Lot 47-12-1-49 becomes wholly located on that lot as well as to preserve adjacent natural features; and

**WHEREAS**, the lot line change results in continued compliance of both lots with the requirements of the R80 Residence District; and

**WHEREAS**, in order to process this application as an abbreviated subdivision application it would have to be classified as a Type II action under SEQR as indicated by Section 150-15B of the Code of the Town of Somers; and

**WHEREAS**, although as of January 1, 2019, the Revised List of Type II Actions under the amended SEQR Regulation list includes lot line changes as a Type II Action, Section 617.5(c)16, Chapter 92 of the Code of the Town of Somers still does not list this action as a Type II Action and, therefore, the abbreviated process cannot be applied; and

**WHEREAS**, at its meeting of October 16, 2019, the Planning Board declared itself lead agency under SEQR as part of an uncoordinated review for an unlisted action and set a date for a public hearing on preliminary subdivision for November 13, 2019; and

**WHEREAS**, such public hearing having been duly noticed, a public hearing on preliminary subdivision approval was opened on November13, 2019 and, after all those wishing to be heard were given an opportunity to be heard, the Planning Board voted to close the public hearing; and

**WHEREAS**, the Planning Board discussed the preliminary subdivision application at its meetings held on October 16, 2019 and November 13, 2019; and

**WHEREAS,** the Planning Board granted Preliminary subdivision approval at its meeting of November 13, 2019; and

**WHEREAS**, the Applicant submitted a final subdivision application dated October 30, 2019; and

**WHEREAS**, the Planning Board has reviewed and is familiar with the project and site; and

**WHEREAS**, the Planning Board, based on its review, adopted a Negative Declaration under SEQR with respect to this application on November 13, 2019; and

**WHEREAS**, the Final Subdivision Application was discussed at the Planning Board meeting held on November 13, 2019; and

**WHEREAS**, the Planning Board felt that since the application was for a lot line change the final conditional subdivision approval could be processed at the same meeting as the preliminary conditional subdivision approval; and

**WHEREAS**, as permitted by Section 150-13F(2) of the Code of the Town of Somers, since the Lot Line Realignment Survey prepared by Rowan Land Surveying, PLLC has not changed since its original submission of the survey dated September 2, 2018 and will serve as the basis for the final subdivision approval, the Planning Board waives the requirement for a public hearing; and

**WHEREAS**, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials including those presented at meetings of the Board; and

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

**BE IT FURTHER RESOLVED,** that the application for Preliminary and Final Subdivision Plat Approval for the **ANIKO BANFI AND BRUCE WARD LOT LINE CHANGE** as shown and described by the materials enumerated herein, **IS HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and §150-13J "Planning Board Action" of the *Code of the Town of Somers*, **SUBJECT TO** the following modifications and conditions being fulfilled prior to signing the plat, unless otherwise stated below and that the Chairman of the Planning Board is hereby authorized to endorse such approval upon the plat after said conditions have been complied with by the Applicant:

**Conditions Required Prior to Signing of Plat/Lot Line Realignment**

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

**BE IT FURTHER RESOLVED** that the Planning Board Chairman is authorized to sign the final subdivision plat in accordance with the procedures and requirements specified in §150-14.D of the "Subdivision of Land" regulations of the *Code of the Town of Somers*, and §276 of *Town Law*.

In accordance with §150-13.N of the *Code of the Town of Somers*, this conditional approval of the final subdivision plat shall expire on May 13, 2020, 6 months from the date of the resolution granting conditional approval unless the above requirements have been certified as completed by the Planning Board's professional staff, or unless such time limit is extended by the Planning Board. The request for time extension shall be made by the Applicant **prior to** the expiration of the specific time period.

Once the requirements have been certified as completed by the endorsement of the plat by the Chairman of the Planning Board, the plat shall be filed with the Westchester County Clerk, Division of Land Records, within 62 days after the date of signing by the Planning Board, or approval shall expire. The Applicant shall submit seven (7) copies of the subdivision plat showing all signatures and acknowledgements of filing to the Planning Board Secretary within 30 days after the date of filing with the County. In addition, a copy of the filed plat drawing shall be provided on diskette to the Planning and Engineering Department.

Any change in the subdivision plat which is filed in the office of the Westchester County Clerk constitutes a "resubdivision" which is subject to the same procedure, rules and regulations applying to an original subdivision, as stated in §150-4, "Resubdivision", of the *Code of the Town of Somers*.

**NOW, THEREFORE, BE IT RESOLVED,** that the whereas clauses are incorporated herein by reference and are fully adopted as part of the final subdivision approval, and furthermore, that the application granting the lot line change to **Aniko Banfi and Bruce Ward** as shown and described by the materials enumerated herein, is **HEREBY GRANTED.**

This resolution shall have an effective date of November 13, 2019.

**BY ORDER OF THE PLANNING BOARD**
**OF THE TOWN OF SOMERS**

**John Currie, Chairman**

Dated: 11/18/19

**CERTIFICATION**

I hereby certify that this is a true and correct copy of Resolution #2019-13 adopted by the Town of Somers Planning Board granting **a Lot Line Change**--subject to the modifications stated herein--to Aniko Banfi and Bruce Ward at a regular meeting held on November 13, 2019.

**Synette Dym, AICP**
**Director of Planning**

**Dated:** November 19, 2019

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591
(914) 333-0700
FAX (914) 333-0743

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

WRITER'S E-MAIL ADDRESS

lsnyder@snyderlaw.net

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:
Tarrytown office



April 28, 2020

Honorable Chairman Currie
and Members of the Planning Board
Town of Somers
335 Route 202
Somers, New York 10589

Re: Somers Sanitation, Inc. Site Plan Approval for Improvements to Existing Transfer and Recycling Facility at 241 Route 100, Somers, New York

Dear Honorable Chairman Currie
and Members of the Planning Board:

We are the attorneys for Somers Sanitation, Inc. ("Applicant") in connection with its request for approvals to improve its existing solid waste transfer and recycling ("Facility") at the captioned property ("Property"). The Property is located in the "OLI" Zoning District, where the Facility is a permitted use.

The proposed improvements to the Facility are solely in order to comply with the revised 6 NYCRR 362 and 364 Regulations promulgated by the Department of Environmental Conservation and the new requirements set forth in those Regulations. In order to comply with these Regulations, the Applicant is required to have a fully enclosed building so that all of the material that the Applicant processes at the site will be handled in a fully enclosed building prior to being transported to an appropriate off-site location for final disposal or reuse. In addition to the proposed fully enclosed building, the Applicant is proposing to replace its existing scale house with an updated scale house to weigh the material and a parking pavilion to cover Applicant's vehicles

Kindly note that for more than 30 years, the Applicant has been operating the Facility enabling recycling and providing the community with essential infrastructure as well as sponsoring many community programs including the annual bulk refuse drop off.

In furtherance of the foregoing, enclosed please find the following documents:

1. Planning Board Application for Informal Appearance Before Planning Board;
2. Memorandum in Support of the Application;

3. Full Environmental Assessment Form; and

4. Signed and Sealed Site Plans.

Kindly note the $300.00 application fee has already been sent to the Planning Board secretary. Thank you for your consideration. We look forward to discussing this matter with you at your May 13th meeting. If you have any questions, please do not hesitate to call me at (914) 333-0700.

Respectfully submitted,

Leslie J. Snyder

Enclosures

cc: Syrette Dym, Planner
Somers Sanitation, Inc.
Cornerstone

Z:\SSDATA\WPDATA\SS4\WP\City Carting\Somers Sanitation Facility Upgrade\ljsPBfinaleltterapril28.docx

TOWN OF SOMERS PLANNING BOARD
REQUEST FOR INFORMAL APPEARANCE BEFORE PLANNING BOARD

FEE: $150 WITHOUT CONCEPTUAL PLAN
FEE: $300 WITH SKETCH PLAN REVIEW

FEE PAID: $300
DATE PAID: Received April 28, 2020

I. IDENTIFICATION OF APPLICANT:

A. OWNER: Lawrence Realty LLC, LJB Somers Realty LLC and Brin Realty LLC
ADDRESS: P.O. Box 297
Somers, NY 10589

SUBDIVIDER/Applicant: Somers Sanitation Inc.
ADDRESS: 241 Route 100
Somers, NY 10589

EMAIL: lsnyder@snyderlaw.net
TELE #:
TELE #: 914-333-0700

B. SURVEYOR:
TELE #:

ENGINEER: Cornerstone Engineering, Geology and Land Surveying, P.L.L.C.
TELE #: 845-695-0229
EMAIL: Rich.Gallagher@tetratech.com

II. IDENTIFICATION OF PROPERTY:

A. Project Name: Somers Sanitation Transfer/Recycling Facility Improvements
B. Street abutting property: Route 100
C. Tax Map Design: Sheet: 28.10 Block: 1 Lot: 7.1, 9 and 11
Zoning District: OLI (Office and Light Industry)
E. Project (does) (does not) connect directly into (State) (County) highway.
F. Proposed drainage (does) (does not) connect directly into channel lines established by the County Commission of Public Works.
G. Project site (is) (is not) within 500 feet of Town boundary.
H. Proof that taxes have been paid. Yes

III. BRIEF DESCRIPTION OF PROJECT PROPOSAL:

Improvements to existing facility. See Memorandum in Support submitted herewith.

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, Road Specifications, State Environmental Quality Review Act, Wetland and Steep Slope Ordinances, as applicable.

The comprehensiveness of the material submitted will determine the extent of comments that the Planning Board can make on a sketch plan. No materials received after the submission date of this application will be considered by the Board.

Ten (10) copies of all plans and written reports are requested.

By submission of this application, the property owner agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal.

The undersigned hereby requests an informal appearance before the Planning Board to discuss the proposed project.

Michael Fiorillo /JLS
Applicant on behalf of Somers Sanitation Inc.
Date: 4/27/2020

Joseph Brin
Owner on behalf of Lawrence Realty LLC, LJB Somers LLC and Brin Realty LLC
Date: 4/27/2020

PLANNING BOARD
TOWN OF SOMERS
----------X
In the matter of the Application of

SOMERS SANITATION, INC.

Premises: 241 Route 100
Sheet 28.10, Block 1, Lots 7.1, 9 and 11
----------X

# MEMORANDUM IN SUPPORT OF APPLICATION

## I. Introduction

Somers Sanitation, Inc. ("Applicant") is requesting approvals to improve its existing solid waste transfer and recycling ("Facility") at the captioned property ("Property"). As detailed herein, the improvements will require the Planning Board to grant site plan approval and a special permit due to the Property's location in the Groundwater Protection Overlay District. The Property is located in the "OLI" Zoning District, where the Facility is a permitted use.

The proposed improvements to the Facility are solely in order to comply with the revised 6 NYCRR 362 and 364 Regulations of the New York State Department of Environmental Conservation ("Regulations") including the new requirements set forth in those Regulations. In order to comply with these Regulations, the Applicant is required to have a fully enclosed building so that all of the material that the Applicant processes at the site will be handled in a fully enclosed building prior to being transported to an appropriate off-site location for final disposal or reuse. In addition to the proposed fully enclosed building, the Applicant is proposing to replace its existing scale house with an updated scale house to weigh the material and a parking pavilion to cover Applicant's vehicles.

## II. Background

For more than thirty (30) years, the Applicant has been operating the Facility providing transfer and recycling of non-hazardous waste materials to service the Town of Somers and surrounding areas. The Applicant has been providing necessary infrastructure to the community. Over the years, the Applicant has been designated as the Town of Somers' recycling facility and it annually sponsors a bulk refuse drop off as well as many other community programs. A list of said programs is set forth on Exhibit 1.

The Facility is located on property ("Property") located off Somerstown Road (New York State Route 100) comprising approximately 13.61 acres. The Property is in the Office and Light Industry (OLI) District, wherein recycling facilities like the existing Facility are permitted.

As noted herein, the Applicant is seeking to make improvements to the Facility solely in order to comply with the Regulations. Currently, material accepted at the site is delivered to transfer/processing areas, with solid waste delivered to an area which has a roof but is not fully enclosed. This roofed enclosure processing area was approved by the Town of Somers Zoning Board in 1993 and constructed shortly thereafter. A copy of such approval resolution is attached hereto as Exhibit 2. In order to comply with the Regulations, the Applicant is required to have a fully enclosed building so that all of the material that the Applicant processes at the site will be

handled in a fully enclosed building prior to being transported to an appropriate off-site location for final disposal or reuse. In addition to the proposed fully enclosed building, the Applicant is proposing to replace its existing scale house with an updated scale house to weigh the material and a parking pavilion for the Applicant's vehicles. All of the improvements are shown on the detailed site plans (collectively, the "Site Plan") prepared by Cornerstone Engineering, Geology, Land Surveying PLLC is submitted herewith. Hereinafter, the improvements shown on the Site Plan are collectively referred to as the "Project."

## III. The Project Complies with the Criteria for the Site Plan Approval

The Applicant is not proposing any expansion to the current operations of the Facility. Indeed, the Applicant is not seeking a change in use, or an expansion of its use and the proposal will not affect the characteristics of the Property in terms of traffic, parking, loading, circulation, or hours of operation. All natural features of the Property will remain and there are no steep slopes or wetlands affected by the Project. In reviewing the Project, the following factors are offered for consideration in accordance with Section 144-8 of the Zoning Code:

A) Overall Design of the Project: The Project has been carefully designed so that it will not have any adverse visual impacts. The new fully enclosed building and other improvements have been situated so that it will not be visible to the surrounding neighborhood. The Project will enhance the Facility's existing appearance and protect the character and property values in the surrounding neighborhood.

B) Safety, Traffic, Parking and Access: The current vehicular truck access to the Facility will continue unchanged. Trucks will continue to access the Facility from New York State Route 100 by using the existing access drive shown on the Site Plan. Parking shall remain available for the Applicant's employees' vehicles and containers in the same existing locations. Based on the foregoing, the Project will have no adverse impact on the safety, capacity, and convenience of any vehicular or pedestrian trafficways, parking and loading areas, access drives, nor to the areas related thereto.

C) Protection of Environmental Quality: The Project will have no adverse environmental impact to the area. Adequate storm and surface water drainage facilities have been provided to properly drain the site and detain stormwater. There will be no exterior lighting other than low glare light fixtures and the lighting will not create a nuisance for surrounding properties or the public. The hours of operation of the Facility will not change from the current hours. Due to its location on an approximately 13.6 acre industrial property and the surrounding wooded vegetated area, the Project will be in harmony with adjacent development and no additional buffer areas are necessary to shield it from view from the area.

Based on the foregoing, it is respectfully submitted that the Project meets the standards for site plan approval.

## IV. The Project Complies with the Groundwater Protection Overlay District

The Facility is located on Property that is in the Groundwater Protection Overlay District. It should be noted that in 2003, the portion of the Facility on lot 11 received a special permit for activity within the Groundwater Protection Overlay District. A copy of said resolution is attached hereto as Exhibit 3. The remaining activity on the rest of the Property has been in existence for decades and prior to formation of the Groundwater Protection Overlay District.

The proposed use is not one which is permitted without regulation under Section 170-32.5 of the Zoning Ordinance, nor is the activity prohibited under Section 170-32.7. Thus, it is respectfully submitted that the Project should be granted a special exception use permit pursuant to Section 170-32.6,[1] in so far as the Project complies with all criteria set forth in Article IXA of the Zoning Ordinance.

First, the Project has been designed to minimize impervious surfaces and a SWPPP will be provided to the Town, which will mitigate any possible degradation or contamination of the groundwater. This plan incorporates Best Management Practices during the construction process, including such soil erosion and sediment control measures as staked hay bale lines, storm drain inlet protection, dust control and filter fabric silt fences.

Second, the Project will not result in any degradation or contamination of groundwater protected by Groundwater District.

Third, the proposed use is of such location, size and character so that it will be in harmony with and conform to the appropriate and orderly development of the Town and the OLI Zoning District. The Facility is specifically permitted in the OLI district and provides a valuable community service by offering conveniently located recycling services. Moreover, the Project has been designed to capitalize on the existing topography by keeping operations out of public view and buffering surrounding properties from the impacts to the greatest extent possible. Thus, the character of the OLI district will not be adversely impacted, surrounding property values in the neighborhood will not depreciate, and the Facility will not conflict with surrounding uses.

In conclusion, the Project will not result in any degradation or contamination of groundwater designated for protection in the Groundwater District, nor will any New York State Stormwater Standard be exceeded. Finally, the proposal for which the special exception use permit is requested will enhance the existing operations of the Facility and be in harmony with the character of the surrounding neighborhood.

## Conclusion

By granting the requested approvals for the Project, the Planning Board will permit the Applicant to continue to provide the necessary infrastructure to service the community, and the design of the Project is in accordance with the Zoning Code so it will have no adverse effect on the area.

WHEREFORE, for all of the foregoing reasons, Applicant respectfully prays that this Honorable Board issue a negative declaration pursuant to the New York State Environmental Quality Review Act and grant the requested approval.

Dated: April 28, 2020
Tarrytown, New York

Respectfully submitted,
Leslie J. Snyder, Esq.
SNYDER & SNYDER, LLP
94 White Plains Road
Tarrytown, NY 10591

Z:\SSDATA\WPDATA\SS4\WP\CITY CARTING\SOMERS SANITATION FACILITY UPGRADE\MEMOLJSAPRIL282020FORMAYMEETINGAPFIX.DOCX

EXHIBIT 1

List of Somers Sanitation Community Activities

- Adoption of four mile stretch of Rt 100 (litter control)
- Support Somers Litter Task Force ($$$)
- Support of Somers Police Department ($$$)
- Support of Somers Fire Department ($$$)
- Support of Somers Education Department ($$$ for golf tournament)
- Support of Somers Women's Club (Dumpster and toters)
- Support of Somers Lyons Club (Dumpster)
- Support of Somers Football Team ($$$)
- Support of Somers Baseball Team ($$$)
- Provided dumpster service for the renovation of the Reynolds House
- Provided dumpster service for the renovation of the Angle Fly Preserve
- Sponsor the Somers Fireworks (Dumpster and toters)
- Sponsor the Somers Carnival (Dumpster)
- Sponsor the Somers Relay for Life (Dumpster)
- Sponsor the Somers Senior class event at Somers High School (Dumpster and toters)
- Sponsor the Celebrate Somers Event held by Somers Chamber of Commerce (Dumpsters and toters)
- Sponsor the Somers Appreciation Day (Dumpster and toters)
- Provide REDUCED pricing for Bulk drop off service at Somers Transfer Station
- Somers E-Waste drop off day held twice a year to sponsor Somers Litter Task Force and Somers PTA. Free for all Somers residents and City Carting customers

# EXHIBIT 2
# 1993 APPROVAL RESOLUTION

---

**LAWRENCE BRIA** **BZ 3B/93**

---

**WHEREAS,** an application for less than the minimum required side yard setbacks, more than the allowable roof height and more than the allowable percentage of the lot area coverage for a structure in an R-80 and GB Zone, was submitted to the Zoning Board of Appeals of the Town of Somers, Westchester County, New York by **LAWRENCE BRIA**, and

**WHEREAS,** this appeal is taken from a ruling of the Building Inspector made on February 5, 1993 pursuant to Section 170.7 of the Zoning Ordinance of the Town of Somers, and

**WHEREAS,** a Public Hearing was scheduled and held on Saturday April 17, 1993 at 9:30 A.M. at the Somers Town House for the purpose of this request, and

**WHEREAS,** the property is known and designated on the Town Tax Map as Sheet: 29, Block: 33, Lots: 14G & 14L, and

**WHEREAS,** the following persons were:

**PRESENT:** Chairman Iaropoli, Messrs. Jaffe, Liegey, Quagliano, Weiner and Mrs. Travis

**ABSENT:** Mrs. Nicholson

**ALSO PRESENT:** Mrs. Leslie Snyder, counsel for Mr. Bria, Building Inspector Ronald Carpaneto, Z.B.A. Secretary Lynnette A. Santolla and interested taxpayers

**FINDINGS AND DETERMINATIONS**

**WHEREAS,** the interest of the appellant is that of the owner, and

**WHEREAS,** it was established that all proper notices had been sent out, and

**WHEREAS**, a site plan dated October 1, 1992 prepared by Salvator A. Caradonna, a topographical survey prepared by J. Henry Carpenter dated August 12, 1992, last revised January 26, 1993 ("Survey"), a Memorandum of Law, memorandum of the Town Planner dated February 25, 1993 and letters in support of the application from Somers residents were presented to the Board and made a part of the record, and

**WHEREAS**, Mrs. Snyder explained the reason for the variance request regarding the side yards, roof height, lot coverage, and waiver of site plan approval ("variance request"). She stated that Mr. Bria is requesting to construct a roof over his existing processing area in order to conform with the regulations of the New York State Department of Environmental Conservation. By permitting the variance, the Zoning Board will create a benefit to the applicant, in permitting him to comply with state regulation, but also to the neighborhood, by ameliorating the impacts of the applicant's current outdoor operation. It was also noted that there are no other feasible means, other than a variance, to construct the roof due to the property's configuration.

**WHEREAS**, the property consists of 1.117 acres, most of which is in the GB district, with a small portion in the R-80 district. The proposed placement of the roof is shown on the Survey and provides for a roof height of 30 feet, small side yards, and lot coverage of 8.42%. The applicant is requesting relief from the side yard requirements in both the GB and R-80 districts, the roof height requirement in the GB district, and the lot coverage in the R-80 district.

**WHEREUPON**, after further discussion it was determined that the applicant was not expanding his legal non-conforming use. Mrs. Travis made a motion to declare this application a Type II Action under SEQR. Mr. Jaffe seconded the motion.

**POLL OF THE BOARD**

Mr. Jaffe.....aye
Ms. Travis.....aye
Mr. Weiner.....aye
Mr. Liegey.....aye
Mr. Quagliano.....aye
Mr. Iaropoli.....aye

**THEREFORE**, Mrs. Travis made a motion to grant the variance request. Mr. Liegey seconded the motion.

**POLL OF THE BOARD**

Mr. Iaropoli.....aye
Mr. Quagliano.....aye
Mr. Liegey.....aye
Mr. Weiner.....aye
Ms. Travis.....aye
Mr. Jaffe.....aye

**NOW THEREFORE, BE IT RESOLVED**, that for the foregoing reasons the variance request is hereby granted to **LAWRENCE BRIA**, pursuant to the Zoning Ordinance of the Town of Somers and New York State Town Law.

**BY ORDER OF THE ZONING BOARD OF APPEALS**

**TOWN OF SOMERS, COUNTY OF WESTCHESTER, STATE OF NEW YORK**

JOSEPH IAROPOLI, CHAIRMAN

DATE: 5/10/93

# EXHIBIT 3
# 2003 APPROVAL RESOLUTION

Meeting Date: January 8, 2003

**PLANNING BOARD**
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2003-01
*Granting of Site Plan Amendment Approval,*
*Special Exception Use Permit for Groundwater Protection Overlay District,*
*and Steep Slopes Protection Permit*

**BRIA REALTY - RECYCLING FACILITY**
Town Tax Map: Section 28.10, Block 1, Lot 11
Town file # SP257

**WHEREAS**, an informal application for Site Plan approval was submitted on March 3, 2000, by Bria Realty LLC, Applicant, and James A. Holt and Charles F. Winter, Owner, and consisted of a Short Environmental Assessment Form (EAF) and a plan entitled, "Site Development Concept Plan", dated February 22, 2000, prepared by Bibbo Associates LLP; and

**WHEREAS**, the subject lands, which consist of approximately 8.4 acres, are shown on the Town Tax Maps as Section 28.10, Block 1, Lot 11, and are located on the west side of Route 100; and

**WHEREAS**, the subject lands are zoned "Office and Light Industry OLI District", and are partially located within the "Groundwater Protection Overlay GP District", as indicated in Chapter 170, "Zoning", of the *Code of the Town of Somers, New York*; and

**WHEREAS**, the informal application proposed a recycling facility on 1.7 acres of the 8.4 acre property, and would be used as a transfer facility for newspapers, plastics, glass, metal and cardboard, and for processing natural wood products into wood chips; and

**WHEREAS**, the application was discussed at the Planning Board's Work Session on April 12, 2000, wherein the Board directed the Applicant to submit a formal Site Plan application; and

**WHEREAS**, a formal application for Site Plan approval was submitted on October 16, 2000, by Bria Realty LLC, Applicant, and consisted of a Full EAF and a proposed Operations Manual, and the following reports and plans:

1. "Site Development Concept Plan" (Sheet CP-1), dated February 22, 2000, revised June 13, 2000, prepared by Bibbo Associates, LLP.

2. "Site Plan" (Sheet SP-1), dated July 28, 1999, prepared by Bibbo Associates, LLP.

**WHEREAS**, the 2.7 acre recycling facility with a modular office building, access roadway, two gravel storage container areas, concrete equipment storage pad and gravel parking is proposed to temporarily store recyclable materials including glass, metals, plastics, newspaper, tires, and natural raw wood with a wood grinder proposed to turn the woody material into wood chips. All materials would then be transported off site via trucks; and

**WHEREAS**, the Planning Board classified the proposed development as an Unlisted Action in accordance with the State Environmental Quality Review Act (SEQRA) and §92-6 of the Town Code, declared Lead Agency status on June 14, 2002, and conducted a coordinated review; and

**WHEREAS**, the application, Full EAF and associated plans as revised throughout the review process were circulated to: the New York City Department of Environmental Protection (NYCDEP), the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Westchester County Planning Department, the Town Board, the Conservation Board, the Somers Archaeological Resources Advisory Committee (SARAC), the Advisory Board on Architecture and Community Design (ARAB), the Fire Prevention Bureau, Highway Department, and the Parks and Recreation Department, and their comments were considered by the Planning Board; and

**WHEREAS**, the application was discussed at the Planning Board's Work Sessions and meetings on January 10, 2001, June 12, 2002, October 9, 2002, and November 20, 2002; and

**WHEREAS**, the Planning Board conducted a site visit of the subject lands on November 25, 2000, and again on July 20, 2002, where concerns were initially raised about the site becoming a regional transfer facility, and that no interconnections be made with the existing solid waste facility at the rear of the lot in the wetland area; and

**WHEREAS**, the Planning Board conducted a Public Hearing on the proposal on November 6, 2002, at which time all those wishing to be heard were given the opportunity to be heard, and comments were received on traffic, noise from the wood grinding operations, and dust generation; and

**WHEREAS**, a traffic analysis (narrative) was performed by Bibbo Associates, which stated that access to the recycling facility would be provided at a new curb cut along NYS Route 100 with twenty-four foot access apron, and the maximum worst-case volume into the site would be no more than 50 trucks daily, or 5 trucks per hour, which is not to be exceeded and will be a condition of this site plan approval; and

**WHEREAS**, as part of the site plan, the new curb cut will require approval from the NYS Department of Transportation; and

**WHEREAS**, throughout the review process, the Planning Board expressed significant concerns about the wood processing operation, in particular the use of a wood grinder on site; and

**WHEREAS**, a noise analysis was submitted by the Applicant based on the manufacturer's field testing of the Mobark 3600 wood grinder, and does not appear to be in agreement with guidance from the NYS Department of Environmental Conservation's "Assessing and Mitigating Noise Impacts"; and

**WHEREAS**, the Planning Board has determined that field testing must be performed on-site after construction in order to obtain and accurately assess the noise levels from the proposed wood grinder, and therefore, this conditional approval does not include the use of the proposed wood grinding operation until after further testing is satisfactorily completed; and

**WHEREAS**, the Applicant will be required to submit a protocol for the on-site field testing for review and approval by Staff after construction of the facility, including but not limited to the times and the locations of noise readings, verification of the calibration of the Jerome meter(s), etc.; and

**WHEREAS**, the results of the noise testing will be presented to the Planning Board for review, and at that time, the Planning Board may determine to either approve, approve with mitigation conditions, or disapprove the wood grinding operation, based upon the actual field results' compliance with guidance from the NYS Department of Environmental Conservation's "Assessing and Mitigating Noise Impacts"; and

**WHEREAS**, concerns were also raised about the facility becoming a regional transfer facility, and to limit the size, no more than forty-seven (47) containers in use may be stored on site in the two delineated storage pad locations, and on average, no more than twenty-five (25) containers typically kept on site, and furthermore, the amount of material store on site is not to exceed 2,000 cubic yards of material and that no stacking of containers in use will be allowed as a condition of site plan approval; and

**WHEREAS**, no more than 1,000 tires will be brought to, held, or stored on the site, and all tires must be stored in closed metal containers; and

**WHEREAS**, the proposal was originally for an office trailer on-site, and during the review process, it was determined that Town Code does not permit trailer use, therefore, as a condition of this approval, the Planning Board will require that a modular office be constructed on a concrete foundation, and that the floor plans and architectural details of the office be submitted for review and satisfaction to the Architectural Review Advisory Board (ARAB); and

**WHEREAS,** the consideration of wetlands protection was made by the Planning Board in accordance with the "Wetland and Watercourse Protection" regulations, Chapter 167 of the Town Code, and it was determined that the site contains wetlands and associated 100-ft. regulated wetland buffer areas; however, these areas will not be disturbed as a result of the proposed facility and therefore, an application for Wetlands and Watercourse Protection was not required; and

**WHEREAS,** the consideration of groundwater protection was made by the Planning Board in accordance with the "Groundwater Protection Overlay GP District" regulations, Article IXA of the Town Code, and it was determined that the site was almost entirely located within the GP District, and subsequently, an application for a Special Exception Use Permit and fee was submitted as a condition of Site Plan approval; and

**WHEREAS,** the Planning Board reviewed the subsurface investigation and hydrogeological assessment submitted by the Applicant in accordance with §170-32.8 of the Town Code, and concurred with the conclusion contained therein that the proposal, and proposed facility would not result in an "adverse impact on the GP District"; and

**WHEREAS,** the consideration of flood damage protection was made by the Planning Board, and it was determined by reference to the Flood Insurance Rate Maps (FIRM) that a floodway or floodplain was not located on the site, and therefore, further consideration of the "Flood Damage Prevention" regulations, Chapter 102 of the Town Code was not applicable; and

**WHEREAS,** the consideration of steep slopes protection was made by the Planning Board in accordance with the "Steep Slopes Protection" regulations, Chapter 148 of the Town Code, and it was determined that the site contains steep slopes which are proposed to be disturbed as a result of grading and road construction, and therefore, an application for Steep Slope Protection and fees was submitted by the Applicant; and

**WHEREAS,** the Planning Board, in accordance with Section 170-41, "Waiver of Parking and Loading Space Improvement", of the Town Code, has considered the required number of parking spaces, and has determined that the construction of all of the proposed parking spaces would be excessive based on the nature of the proposed use and actual car counts provided by the Applicant. Therefore, the Board will allow five (5) spaces behind the proposed office to be reserved on-site as "future parking spaces" to be provided at such a time as the Planning Board deems necessary, and further, will require this as a condition of Site Plan approval; and

**WHEREAS,** in accordance with §144-7.(B)(7) and (8) of the Town Code pertaining to archaeologically and historically sensitive lands, a Phase IA Archaeological Investigation prepared by Eugene Boesch was submitted, and stated that this site was formerly used in a mining operation, and therefore, that no further investigations were required, and the Board found this conclusion acceptable; and

**WHEREAS**, the NYS Department of Environmental Conservation's letter dated May 12, 2000 that stated that "there are no record of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site"; and

**WHEREAS**, the Conservation Board has submitted several comment letters, which were considered by the Planning Board throughout the review of this application; and

**WHEREAS**, as a result of review of the plans by the Planning Board and Staff throughout this process, the following revised plans as prepared by Bibbo Associates LLC--as will be further revised in accordance with the conditions noted below--are the subject of this approval decision:

1. "Site Plan" (Sheet SP-1), revised to October 18, 2002.

2. "Erosion Control Plan" (Sheet EC-1), revised to October 18, 2002.

3. "Miscellaneous Details: (Sheet D-1), revised to October 18, 2002.

4. Preliminary Stormwater Pollution Prevention Plan, dated April 5, 2002.

5. Operations and Maintenance Manual, dated October 22, 2002.

**WHEREAS**, the Planning Board, acting as Lead Agency, reviewed the Full EAF and determined that the proposed Unlisted Action will not have significant environmental impacts pursuant to SEQRA, and therefore, a Negative Declaration is hereby issued.

**NOW, THEREFORE, BE IT RESOLVED that the application for Site Plan Approval by BRIA REALTY – RECYCLING FACILITY as shown and described by the materials enumerated herein, IS HEREBY GRANTED in accordance with §170-114.C.(12), "Planning Board Action", of the Code of the Town of Somers, New York, SUBJECT TO the following conditions set forth below:**

***Conditions Required Prior to Signing of Site Plan***

1. That the Applicant obtain all necessary permits and approvals from the following agencies:

    a. NYCDEP, including a permit for a Stormwater Pollution Prevention Plan (SPPP).

    b. Westchester County Department of Health.

    c. NYS Department of Transportation.

2. The site plan shall be revised as follows:

   a. A note is to be added to the plans that states that all utility poles and wood stockpiled on-site are to removed from the site and properly disposed of during site construction. All stockpiled areas must be replanted with native vegetation, and require field review and approval by the Town Engineer.

   b. The hydrogeological report prepared by Freudenthal & Elkowitz Consulting Group is to be attached to the Operations Manual.

   c. That the guiderail along back of site be extended by the proposed expansion area of the septic area.

   d. The details and layout for the modular office building must be submitted.

   e. The proposed septic tank and pump chamber must be provided with access manhole covers at grade and installed in a protective environment such as a landscaped island or relocated to the east side of the proposed modular building.

   f. The pump chamber is to be provided with a duplex system.

   g. The catch basin grates shall be the "open mouth" style.

   h. Provide a detail of the concrete pads.

   i. All parking areas in the gravel yard shall be delineated by installing timber guiderail, with the parking space marked on the rail.

   j. Provide a detail of the fire protection water storage tank and the pipe connections.

   k. Provide a sediment trap at the driveway pipe discharge into the basin.

   l. That a note be added that all storage containers will be covered overnight or during storm events with tarps and metal braces to create concave surfaces.

   m. Procedures during machinery hydraulic fluid line breaks must be included in the Operations Manual, including that any spills must be immediately cleaned up and properly disposed of.

n. Provide a privacy fence and landscaping along entrance roadway/ property line.

3. No more than 1,000 tires will be brought to, held, or stored on the site, and all tires must be stored in approximately closed metal containers.

4. The Applicant will be required to submit a protocol and subsequent results for the on-site noise field testing for the proposed wood grinding operations for review and approval by Staff after construction of the facility, including but not limited to the times and the locations of noise readings, verification of the calibration of the Jerome meter(s), etc.

5. That the Applicant submit for review and approval the details on the modular office building and the site lighting plans, and entrance sign to the satisfaction of the Architectural Review Advisory Board (ARAB).

6. That the Applicant provide an estimate of the construction costs for the proposed site work to the satisfaction of the Town Engineer.

7. That a performance bond/security be posted to cover the cost of soil erosion and sedimentation control measures on the site during the course of construction; said security shall be in an amount recommended by the Town Engineer and shall be in form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.

8. That an engineering inspection fee for the Site Plan shall be paid by certified check to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board; the amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements, as identified by the Town Engineer, and upon recommendation of the Town Engineer.

9. The Applicant shall reimburse the Town for any outstanding review fees, consistent with Chapter 133, "Professional Fees", of the Town Code as well as State and Local Environmental Quality Review laws.

***On-going Conditions Required After Signing of Site Plan***

1. Any maintenance of equipment must occur on concrete equipment pad.

2. At the request of the Planning Board in writing, the Applicant shall provide the five (5) "future parking spaces" on-site in location shown on the plans to the rear of the office building.

3. The Applicant will be responsible in perpetuity for the filling, refilling, and maintenance of the proposed 10,000 gallon water tank on site.

That all improvements shown on the plans be installed in accordance with the construction standards and specifications of the Town.

4. That all work associated with this Site Plan application shall be subject to the satisfaction of the Town Engineer.

5. That the Applicant implement best management design practices and erosion and sediment control measures during construction. Said measures are outlined in NYSDEC's booklets entitled, "Stormwater Management Design Manual" dated October 2001, are required to be followed to ensure that all disturbed areas are stabilized and revegetated.

6. That construction activity shall be limited from 7:00 a.m. to 6:00 p.m., and that no construction activity shall occur on Sundays or legal New York State holidays.

**BE IT FURTHER RESOLVED,** that the Steep Slopes Permit be approved and be valid for a period of one (1) year from the date of issuance of the permit, after the engineering inspection fee and bond have been paid and accepted.

**BE IT ALSO RESOLVED,** that the application for Special Exception Use Permit for Groundwater Overlay District be approved.

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

In accordance with §170-114.H, "Time for Signature of Site Plan", and §170-114.K, "Extension", of the Town Code, failure to comply with the above shall result in the expiration of Site Plan approval on **January 7, 2004**, unless an extension of this time period is requested prior to the expiration date and approved by the Planning Board.

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

Before the completion of the improvements shall be approved and the Certificate of Occupancy issued, the Applicant shall submit an as-built plan to the satisfaction of the Town Engineer.

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

This Resolution shall have an effective date of **January 8, 2003.**

**BY ORDER OF THE PLANNING BOARD**
**OF THE TOWN OF SOMERS**

**Dennis Shaw, Chairman**

Dated: 1-15-03

CERTIFICATION

I hereby certify that this is a true and correct copy of Resolution #2003-01 adopted by the Town of Somers Planning Board granting **Site Plan Approval, Special Exception Use Permit for Groundwater Overlay District, and Steep Slopes Approval**--subject to the modifications and conditions stated herein--to Bria Realty Recycling Facility at a regular meeting held on January 8, 2003.

Barbara Barosa

**Barbara Barosa**
**Town Planner**

Dated: January 10, 2003

Z:\PE\Site plan files\Bria\FSPBria.DOC

*Full Environmental Assessment Form*
*Part 1 - Project and Setting*

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

| | | |
|---|---|---|
| Name of Action or Project:<br>Somers Sanitation Solid Waste Transfer and Recycling Facility | | |
| Project Location (describe, and attach a general location map):<br>241 Route 100, Somers, NY 10589 | | |
| Brief Description of Proposed Action (include purpose or need):<br>Proposed improvements to the existing transfer/recycling facility in order to comply with the revised 6 NYCRR 362 and 364 Regulations and new requirements set forth in those Regulations. | | |
| Name of Applicant/Sponsor:<br>Somers Sanitation, Inc. | Telephone: (914) 232-1039<br>E-Mail: | |
| Address: 241 Route 100 | | |
| City/PO: Somers | State: NY | Zip Code: 10589 |
| Project Contact (if not same as sponsor; give name and title/role):<br>Michael Fiorillo | Telephone: (914) 232-1039<br>E-Mail: MFiorillo@citycart.net | |
| Address:<br>241 Route 100 | | |
| City/PO:<br>Somers | State:<br>NY | Zip Code:<br>10589 |
| Property Owner (if not same as sponsor):<br>Lawrence Realty, LLC; LJB Somers Realty, LLC; & Bria Realty, LLC | Telephone:<br>E-Mail: | |
| Address:<br>PO Box 297 | | |
| City/PO: Somers | State: NY | Zip Code: 10589 |

**B. Government Approvals**

| B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|---|---|---|
| **Government Entity** | **If Yes: Identify Agency and Approval(s) Required** | **Application Date (Actual or projected)** |
| a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No | | |
| b. City, Town or Village Planning Board or Commission ☑Yes ☐No | Town of Somers Planning Board: Site Plan Approval; Special Permit/ GPOD; ARB | |
| c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No | Town of Somers ZBA: Area Variances | |
| d. Other local agencies ☑Yes ☐No | Town of Somers Building Dept.: Building Permit | |
| e. County agencies ☑Yes ☐No | Westchester Co. DOH: Storage Tank Relocation | |
| f. Regional agencies ☑Yes ☐No | NYCDEP | |
| g. State agencies ☑Yes ☐No | NYSDEC: SWMF Permit | |
| h. Federal agencies ☐Yes ☑No | | |

i. Coastal Resources.

*i.* Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

*ii.* Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

*iii.* Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYC Watershed Boundary

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Office and Light Industrial District (OLI) with a Groundwater Protection Overlay District

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
*i.* What is the proposed new zoning for the site? _____

**C.4. Existing community services.**

a. In what school district is the project site located? Somers Central School District

b. What police or other public protection forces serve the project site?
Town of Somers Police Department

c. Which fire protection and emergency medical services serve the project site?
Somers Volunteer Fire Department

d. What parks serve the project site?
Reis Park and Van Tassel Memorial Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial/Essential Service

b. a. Total acreage of the site of the proposed action? +/- 13.614 acres
b. Total acreage to be physically disturbed? +/- 3.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/- 13.614 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
*i.* If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
*i.* Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

*ii.* Is a cluster/conservation layout proposed? ☐ Yes ☑ No
*iii.* Number of lots proposed? _____
*iv.* Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☑ Yes ☐ No
*i.* If No, anticipated period of construction: _____ months
*ii.* If Yes:
- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) 2 month 2021 year
- Anticipated completion date of final phase 12 month 2021 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: Phase 1 will include the construction of a fully enclosed processing and transfer building, new scale house, and roofed parking pavilion. Phase 2 will include the demolition of the existing roofed material processing structure and the construction of the residential drop off and recyclables area

f. Does the project include new residential uses? ☐Yes ☑No

If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---|---|---|---|---|
| Initial Phase | | | | |
| At completion of all phases | | | | |

g. Does the proposed action include new non-residential construction (including expansions)? ☑Yes ☐No

If Yes,

*i.* Total number of structures 3

*ii.* Dimensions (in feet) of largest proposed structure: 34 height; 100 width; and 175 length

*iii.* Approximate extent of building space to be heated or cooled: 450 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No

If Yes,

*i.* Purpose of the impoundment:

*ii.* If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

*iii.* If other than water, identify the type of impounded/contained liquids and their source.

*iv.* Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

*v.* Dimensions of the proposed dam or impounding structure: _____ height; _____ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☑Yes ☐No

If Yes:

*i.* What is the purpose of the excavation or dredging? Excavation for building foundation and grading.

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): None
- Over what duration of time?

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

Site overburden soils to be used onsite for regrading.

*iv.* Will there be onsite dewatering or processing of excavated materials? ☐Yes ☑No

If yes, describe.

*v.* What is the total area to be dredged or excavated? 0.5 acres

*vi.* What is the maximum area to be worked at any one time? 2 acres

*vii.* What would be the maximum depth of excavation or dredging? 10 feet

*viii.* Will the excavation require blasting? ☐Yes ☑No

*ix.* Summarize site reclamation goals and plan:

The plans call for the re-use of excavated soils on site.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No

If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No
If Yes, describe: _____

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

*v.* Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No
If Yes:

*i.* Total anticipated water usage/demand per day: _____ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

*iii.* Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: _____

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes ☐No
If Yes:

*i.* Total anticipated liquid waste generation per day: 150 gallons/day (No change from current use)

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Wastes will include sanitary wastewater from employees and leachate from transfer operations. Wastewater generated will be the same as that currently generated. Leachate generation is expected to be less than current, as containers will be stored under cover resulting in less precipitation being collected as wastewater.

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☑Yes ☐No
If Yes:

- Name of wastewater treatment plant to be used: Hawthorne Manhole (Yonkers Joint WWTP) (No change from current use)
- Name of district: Westchester County
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No

- Do existing sewer lines serve the project site? ☐Yes ☑No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☑No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

*iv.* Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

*v.* If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
Not Applicable

*vi.* Describe any plans or designs to capture, recycle or reuse liquid waste:
None. All wastewater will be shipped off site for treatment.

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

*i.* How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 3.28 acres (impervious surface)

_____ Square feet or 13.61 acres (parcel size)

*ii.* Describe types of new point sources. None. Upgraded facility will occupy same portion of the property as the existing facility.

*iii.* Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
On-site stormwater management facility / Infiltration basin.

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

*iv.* Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

*i.* Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
Heavy equipment, delivery vehicles bringing solid waste and recyclable materials to and from the facility.

*ii.* Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
None.

*iii.* Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
None.

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

*i.* Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

*ii.* In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide ($CO_2$)
- _____Tons/year (short tons) of Nitrous Oxide ($N_2O$)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride ($SF_6$)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

*i.* Estimate methane generation in tons/year (metric): _____

*ii.* Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

*i.* When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

*ii.* For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

*iii.* Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

*iv.* Does the proposed action include any shared use parking? ☐Yes ☐No

*v.* If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

*vi.* Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

*vii* Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

*viii.* Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

*i.* Estimate annual electricity demand during operation of the proposed action: 4,000 kWh

*ii.* Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

Via grid/local utility.

*iii.* Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

*i.* During Construction:

- Monday - Friday: *7:00 am - 4:00 pm
- Saturday: *7:00 am - 12:00 pm
- Sunday: _____
- Holidays: _____

*ii.* During Operations:

- Monday - Friday: 7:00 am - 4:00 pm
- Saturday: 7:00 am - 12:00 pm
- Sunday: _____
- Holidays: _____

* Facility operations will continue during construction. Construction activities will be limited to 7:00 am to 6:00 pm Monday through Saturday.

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

*i.* Provide details including sources, time of day and duration:

Some elevated sound levels may be anticipated during construction between 7am and 6pm. Sound levels associated with facility operations will be reduced upon completion as all material handling operations will be in the enclosed new building.

*ii.* Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

*i.* Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Fixed lighting provided for use when needed during operation. The maximum height of free-standing fixtures will be 30 feet and will be low glare fixtures directed toward the ground. Nearest occupied structures (commercial) are approx. 100 feet away. Most lighting will not be on when facility is not operating.

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: While municipal solid waste has the potential to generate odors, operations will be indoors and the facility will be equipped with an odor control misting system. The existing facility does not have a history of odor problems. Waste will be transfered and removed from the facility in a timely manner further eliminating odor generation potential.

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

*i.* Product(s) to be stored _____

*ii.* Volume(s) _____ per unit time _____ (e.g., month, year)

*iii.* Generally, describe the proposed storage facilities: The existing 2,800 diesel aboveground fuel tank will be relocated. All existing tanks are aboveground tanks which shall remain and are registered with the Westchester County Department of Health.

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☑ Yes ☐ No

If Yes:

*i.* Describe proposed treatment(s):

The facility currently has Orkin under retention for pest control.

*ii.* Will the proposed action use Integrated Pest Management Practices? ☑ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

*i.* Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: Estimated 1 tons per week (unit of time)
- Operation : 0.2 tons per week (unit of time)

*ii.* Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: To the extent practicable, any incidental waste material generated during construction will be recycled.
- Operation: The facility recycles office waste and other waste generated on site. The facility removes steel and other large recognizable recyclables from waste brought to the facility. Source separated recyclables are shipped offsite for processing.

*iii.* Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Solid waste will be trucked to permitted landfill facilities.
- Operation: Solid waste is trucked to permitted landfill facilities.

s. Does the proposed action include construction or modification of a solid waste management facility? ☑ Yes ☐ No

If Yes:

*i.* Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): The existing solid waste recycling transfer station facility will be upgraded to meet new regulation requirements.

*ii.* Anticipated rate of disposal/processing:

- 2,600 Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

*iii.* If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

*i.* Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

*ii.* Generally describe processes or activities involving hazardous wastes or constituents: _____

*iii.* Specify amount to be handled or generated _____ tons/month

*iv.* Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

*v.* Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

## E. Site and Setting of Proposed Action

### E.1. Land uses on and surrounding the project site

a. Existing land uses.

*i.* Check all uses that occur on, adjoining and near the project site.

☐ Urban ☑ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☑ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

*ii.* If mix of uses, generally describe:

Properties to the north and east are a mix of commercial and industrial uses. Properties to the north, west and south are forested, with residential uses located beyond the undeveloped wooded areas.

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|---|---|---|---|
| • Roads, buildings, and other paved or impervious surfaces | 0.9 | 4.18 | + 3.28 |
| • Forested | 6.95 | 6.95 | 0 |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 0.61 | 0.33 | - 0.28 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0 | 0 | 0 |
| • Surface water features (lakes, ponds, streams, rivers, etc.) (SW basin) | 0.21 | 0.21 | 0 |
| • Wetlands (freshwater or tidal) | 0.23 | 0.23 | 0 |
| • Non-vegetated (bare rock, earth or fill) | 4.71 | 1.71 | - 3.0 |
| • Other Describe: _____ | | | |

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

*i.* If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

*i.* Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

*i.* Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

*ii.* Dam's existing hazard classification: _____

*iii.* Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☑Yes ☐No

If Yes:

*i.* Has the facility been formally closed? ☐Yes ☑ No

- If yes, cite sources/documentation: _____

*ii.* Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

*iii.* Describe any development constraints due to the prior solid waste activities: _____

Location of the proposed upgraded facility is within the current solid waste management facility boundary.

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

*i.* Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

*i.* Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

*ii.* If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

*iii.* Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

*iv.* If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

*v.* Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? 20 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

| | |
|---|---|
| Charlton-Chatfield complex | 94.2 % |
| Pits, gravel | 5.8 % |
| | % |

d. What is the average depth to the water table on the project site? Average: 20 feet

e. Drainage status of project site soils:
- ☑ Well Drained: 100 % of site
- ☐ Moderately Well Drained: ____ % of site
- ☐ Poorly Drained ____ % of site

f. Approximate proportion of proposed action site with slopes:
- ☑ 0-10%: 99 % of site
- ☑ 10-15%: 1 % of site
- ☐ 15% or greater: ____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

*i.* Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

*ii.* Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

*iii.* Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

*iv.* For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size 0.11 and 0.12 acres
- Wetland No. (if regulated by DEC) _____

*v.* Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑ Yes ☐ No
If Yes:

*i.* Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:

Deer | Various bird species | Squirrels
Rabbit | Raccoon
Bats

n. Does the project site contain a designated significant natural community? ☐Yes ☑No

If Yes:

*i.* Describe the habitat/community (composition, function, and basis for designation): _____

*ii.* Source(s) of description or evaluation: _____

*iii.* Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑Yes ☐No

If Yes:

*i.* Species and listing (endangered or threatened): _____

Northern Long-eared Bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No

If Yes:

*i.* Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No

If yes, give a brief description of how the proposed action may affect that use: _____

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No

*i.* If Yes: acreage(s) on project site? _____

*ii.* Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No

If Yes:

*i.* Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

*ii.* Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No

If Yes:

*i.* CEA name: _____

*ii.* Basis for designation: _____

*iii.* Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

*i.* Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

*ii.* Name: _____

*iii.* Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? * ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

*i.* Describe possible resource(s): _____

*ii.* Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

*i.* Identify resource: _____

*ii.* Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

*iii.* Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

*i.* Identify the name of the river and its designation: _____

*ii.* Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

* Project area is in a previously disturbed/developed area.

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

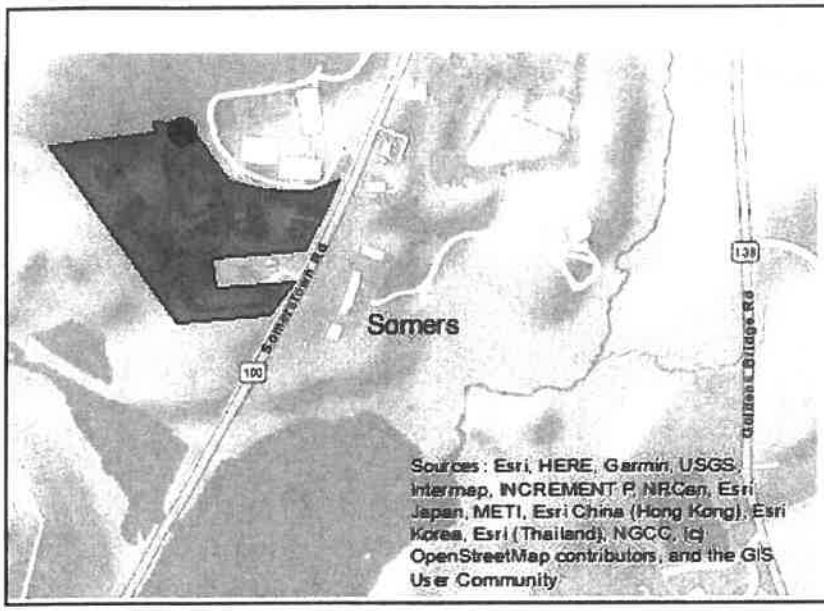
Applicant/Sponsor Name Somers Sanitation, Inc. Date 4/29/2020

Signature _____ Title General Manager

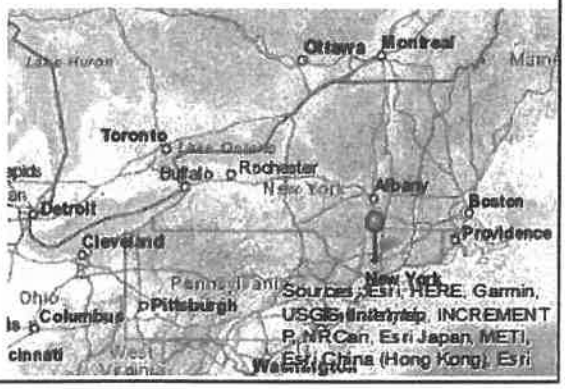
PRINT FORM

# EAF Mapper Summary Report

Monday, April 27, 2020 1:14 PM

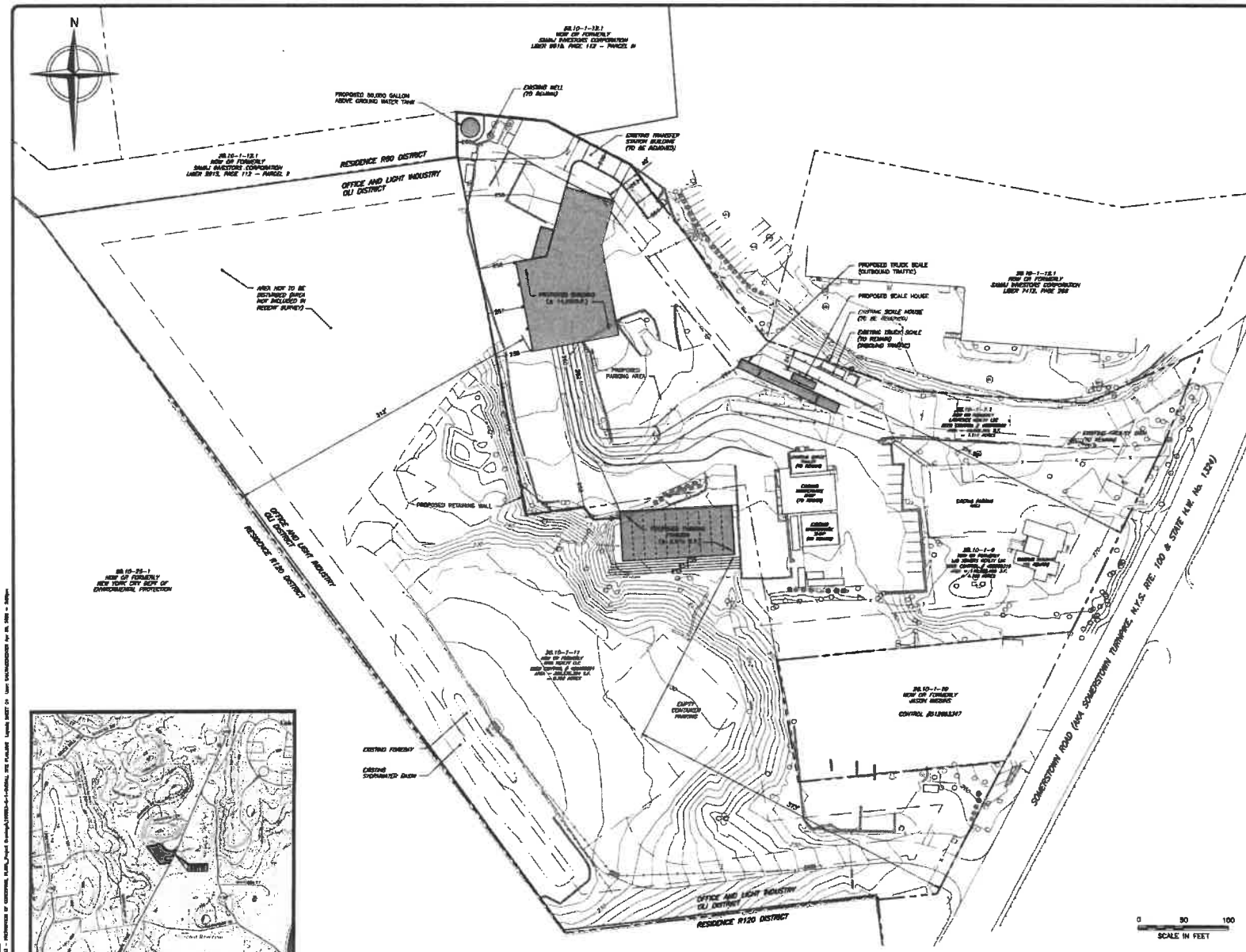



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.




| | |
|---|---|
| B.i.i [Coastal or Waterfront Area] | No |
| B.i.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook. |
| C.2.b. [Special Planning District - Name] | NYC Watershed Boundary |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.iii [Within 2,000' of DEC Remediation Site] | No |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | Yes |
| E.2.h.ii [Surface Water Features] | Yes |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| E.2.h.iv [Surface Water Features - Wetlands Name] | Federal Waters |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | No |
| E.2.k. [500 Year Floodplain] | No |
| E.2.l. [Aquifers] | Yes |
| E.2.l. [Aquifer Names] | Principal Aquifer |

| | |
|---|---|
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | Yes |
| E.2.o. [Endangered or Threatened Species - Name] | Northern Long-eared Bat |
| E.2.p. [Rare Plants or Animals] | No |
| E.3.a. [Agricultural District] | No |
| E.3.c. [National Natural Landmark] | No |
| E.3.d [Critical Environmental Area] | No |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites] | Yes |
| E.3.i. [Designated River Corridor] | No |



**LEGEND:**

EXISTING SITE PROPERTY BOUNDARY
EXISTING LOT LINE
ZONING DISTRICT BOUNDARY
40' SETBACK
EXISTING MAJOR CONTOUR
EXISTING MINOR CONTOUR
EXISTING FENCE
EXISTING EDGE OF ROAD
EXISTING BUILDING
EXISTING TREE
EXISTING MANHOLE
252 PROPOSED MAJOR CONTOUR
PROPOSED MINOR CONTOUR
PROPOSED RETAINING WALL
PROPOSED BUILDING

**NOTES:**

1. SITE TOPOGRAPHY, UTILITIES, AND FEATURES WERE OBTAINED FROM ELECTRONIC FILES OF A DRAWING TITLED "TOPOGRAPHY PREPARED FOR CITY CARTING & RECYCLING, SITUATED IN THE TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK," PREPARED BY TC MERRITTS LAND SURVEYORS OF PLEASANTVILLE, NEW YORK, DATED JANUARY 7, 2020. CORNERSTONE ENGINEERING, GEOLOGY AND LAND SURVEYING, PLLC HAS NOT RESURVEYED TO VERIFY ACCURACY AND ASSUMES NO RESPONSIBILITY FOR THE SAME.
2. ZONING INFORMATION OBTAINED FROM THE TOWN OF SOMERS ZONING MAP, DATED 1959 AND LAST REVISED JULY 9, 2015 AND REPRESENTED ELECTRONICALLY AS DOWNLOADED FROM THE WESTCHESTER COUNTY GEOGRAPHIC INFORMATION SYSTEMS DATABASE FOR ALL 43 MUNICIPALITIES IN WESTCHESTER COUNTY AS DIGITIZED BETWEEN 2011 AND 2019 (WESTCHESTER GIS).

**ZONING CONFORMANCE TABLE**

| OFFICE LIGHT INDUSTRIAL ZONE | REQUIRED | PROVIDED |
|---|---|---|
| MINIMUM LOT AREA | 80,000 S.F. | 593,023 S.F. |
| MINIMUM LOT WIDTH | 200 FT. | 486 FT. |
| MAXIMUM BUILDING COVERAGE | 15% | 5.0% |
| MAXIMUM FLOOR AREA COVERAGE | 0.30 | .06 |
| MAXIMUM SITE COVERAGE (BUILDING/ACCESS ROADS/PARKING) | 60% | 30.0% |
| MAXIMUM BUILDING HEIGHT | TWO STORIES AND 30 FT. | 34 FT. |
| VEGETATED BUFFER ALONG ADJACENT PROPERTY MINIMUM WIDTH 30 FT. | 30 FT. | 0 FT. |
| MINIMUM FRONT YARD | 40 FT. | 373 FT. |
| MINIMUM SIDE YARD | 40 FT. | 24 FT. |
| MINIMUM REAR YARD | 40 FT. | 312 FT. |

**PROJECT INFORMATION:**

1. TOTAL AREA OF PROPERTY = 13.614 ACRES
2. ZONING DISTRICTS: OFFICE LIGHT INDUSTRIAL

APPLICANT: SOMERS SANITATION, INC.
OWNER: LAWRENCE REALTY, LLC
L&S SOMERS REALTY, LLC
ERIA REALTY, LLC

3. TAX I.D. #: SHEET 38.10, BLOCK 1, LOT 7.1
SHEET 38.10, BLOCK 1, LOT 9
SHEET 38.10, BLOCK 1, LOT 11

0 50 100
SCALE IN FEET

**PLANNING LEVEL**

PRENTISS P.E.
N.Y.P.E. LIC. No. 094445
04/30/2020 Date

| REV | DATE | DESCRIPTION | DWN BY | DES BY | CHK BY | APP BY |
|---|---|---|---|---|---|---|
| | | | | | | |

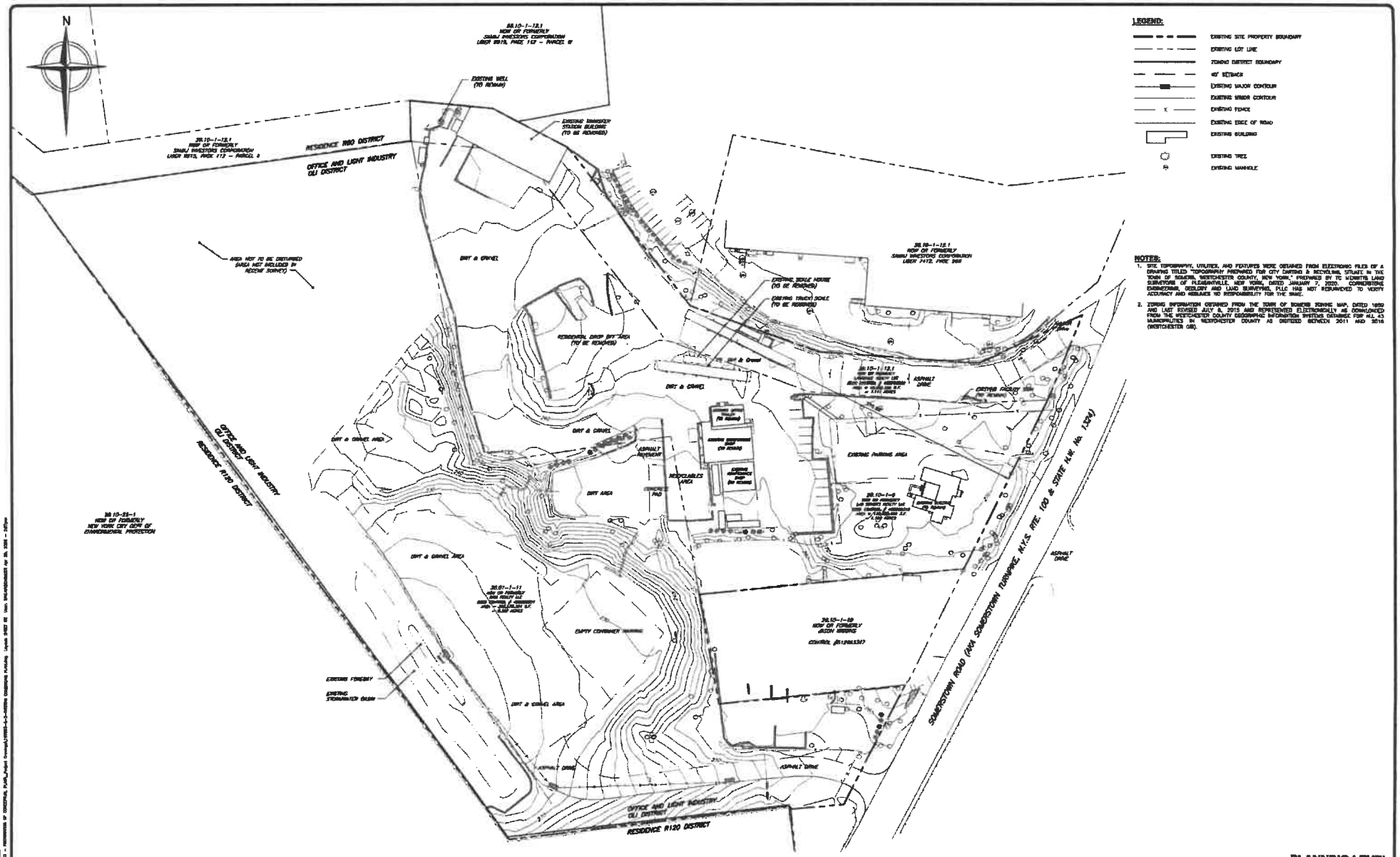
DATE OF ISSUE 04/2020
DRAWN BY ________
DESIGNED BY ________
CHECKED BY ________
APPROVED BY ________

cornerstone PLLC
PREPARED BY:
CORNERSTONE ENGINEERING, GEOLOGY AND LAND SURVEYING, PLLC

SOMERS SANITATION
TRANSFER/RECYCLING FACILITY
TOWN OF SOMERS, WESTCHESTER COUNTY, NY

**CONCEPTUAL SITE PLAN**

SHEET NO.
1
PROJECT NO.
190583




PRENTISS L. DYER, P.E.
N.Y.P.E. License No. 074945
Date

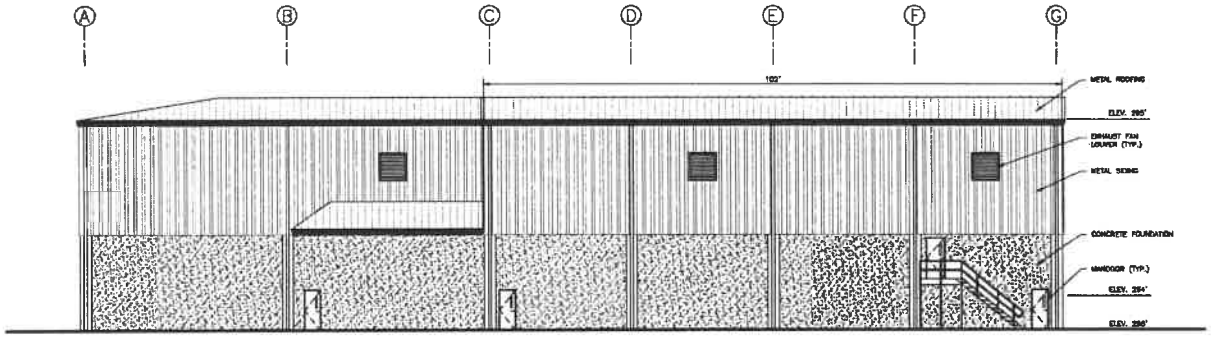
| REV. | DATE | DESCRIPTION | DRN BY | DES BY | CHK BY | APP BY |
|---|---|---|---|---|---|---|
| | DATE OF ISSUE 04/2020 | DRAWN BY ____ DESIGNED BY ____ | CHECKED BY ____ APPROVED BY ____ | | | |

cornerstone PLLC
PREPARED BY: CORNERSTONE ENGINEERING, GEOLOGY AND LAND SURVEYING, PLLC

SOMERS SANITATION
TRANSFER/RECYCLING FACILITY
TOWN OF SOMERS, WESTCHESTER COUNTY, NY

EXISTING CONDITIONS PLAN

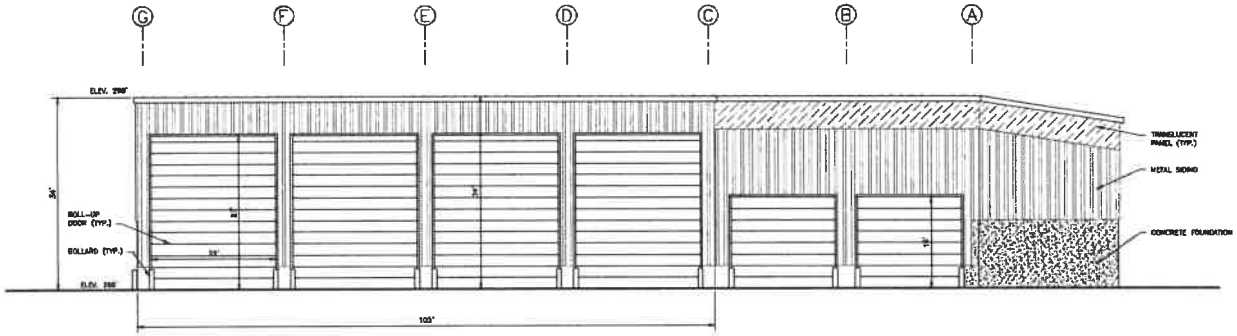
SHEET NO. 2
PROJECT NO. 190583




WEST ELEVATION

**DETAIL** 1/2

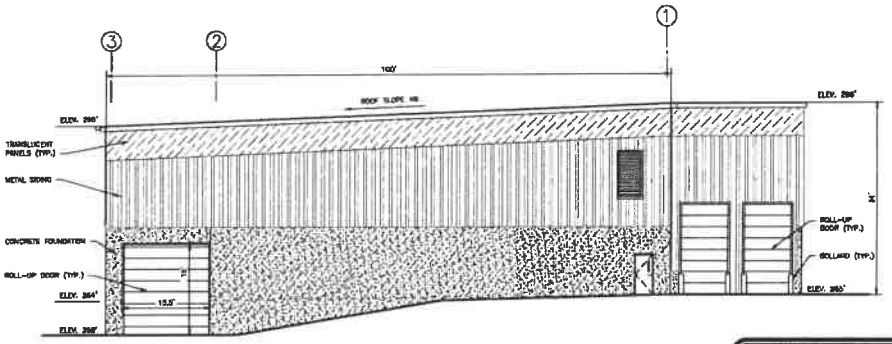
SCALE: 1" = 10'




EAST ELEVATION

**DETAIL** 2/2

SCALE: 1" = 10'




SOUTH ELEVATION

**DETAIL** 3/2

SCALE: 1" = 10'

0 10 20

SCALE IN FEET

PLANNING LEVEL

PRENTISS [illegible] P.E.

N.Y.P.E. No. 074845

04/24/2020

Date

| REV | DATE | DESCRIPTION | CHK BY | ECL BY | CHK BY | APP BY |
|---|---|---|---|---|---|---|
| | DATE OF ISSUE 04/2020 | DRAWN BY / DESIGNED BY | CHECKED BY / APPROVED BY | | | |

cornerstone PLLC

PREPARED BY:
CORNERSTONE ENGINEERING, GEOLOGY AND LAND SURVEYING, PLLC

SOMERS SANITATION
TRANSFER/RECYCLING FACILITY
TOWN OF SOMERS, WESTCHESTER COUNTY, NY

CONCEPTUAL BUILDING ELEVATIONS

SHEET NO. 3

PROJECT NO. 180083

**TOWN OF SOMERS-2020**
**Town: 555200 TOWN OF SOMERS**

**DO NOT PAY - This is a receipt.**

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

| | |
|---|---|
| **BILL NO.** | 004821 |
| **NYS TAX FN.CD.** | |
| **STATE AID** | 0 |
| **TAX YEAR** | 2020 |
| **BANK** | |
| **PER ASSESSMENT ROLL** | 05/01/2020 |
| **SCHOOL CODE** | 555201 |

LJB SOMERS REALTY LLC
C/O LARRY BRIA
P.O. BOX 297
SOMERS, NY 10589

**TAX MAP NO.:** 28-10-1-9
**LOCATION:** 239 RTE 100
**DIMENSIONS:** Acreage = 3.88
**PROPERTY CLASS:** 210 - 1 Family Res
**ROLL SECTION:** 1
**WARRANT DATE:** 3/18/2020 **FISCAL YEAR** 01/01/2020 - 12/31/2020

**PROPERTY TAXPAYER'S BILL OF RIGHTS**

Assessor estimates the FULL MARKET VALUE of property as of 05/01/2020: $482,873
The ASSESSED VALUE of this property as of 05/01/2020 was: $57,800
The UNIFORM PERCENT OF VALUE used to establish assessment was: 11.97%

If you feel your assessment is too high, you have the right to seek a reduction in the future. A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov. Please note that the period for filing complaints on the above assessment has passed.

**EXEMPTION INFORMATION**

| Exemption | Value | TaxPurpose | Full Value Estimate | Exemption | Value | TaxPurpose | Full Value Estimate |
|---|---|---|---|---|---|---|---|

**PROPERTY TAXES**

| Taxing Purpose | Total Tax Levy | % Change From Prior Year | Taxable Value | Tax Rate Per $1000 | Tax Amount |
|---|---|---|---|---|---|
| WESTCHESTER COUNTY | $12,822,741 | 0.00 | $57,800 | 25.712603 | $1,486.19 |
| TOWN OF SOMERS | $7,553,408 | 1.60 | $57,800 | 15.139732 | $875.08 |
| SOMERS FIRE | $3,118,222 | 9.00 | 57,800 | 6.135673 | $354.64 |

$2,715.91 PAID: 4/29/2020 (Base Amt: 2715.91 Pen Amt : 0.00 Misc : 0.00 )

**TOWN OF SOMERS-2020**
**Town: 555200 TOWN OF SOMERS**

**DO NOT PAY - This is a receipt.**

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

| | |
|---|---|
| **BILL NO.** | 004822 |
| **NYS TAX FN.CD.** | |
| **STATE AID** | 0 |
| **TAX YEAR** | 2020 |
| **BANK** | |
| **PER ASSESSMENT ROLL** | 05/01/2020 |
| **SCHOOL CODE** | 555201 |

BRIA REALTY LLC
P.O. BOX 297
SOMERS, NY 10589

**TAX MAP NO.:** 28-10-1-11
**LOCATION:** 235 RTE 100
**DIMENSIONS:** Acreage = 8.39
**PROPERTY CLASS:** 330 - Vacant Land in commercial area
**ROLL SECTION:** 1
**WARRANT DATE:** 3/18/2020 **FISCAL YEAR** 01/01/2020 - 12/31/2020

**PROPERTY TAXPAYER'S BILL OF RIGHTS**

Assessor estimates the FULL MARKET VALUE of property as of 05/01/2020: $836,257
The ASSESSED VALUE of this property as of 05/01/2020 was: $100,100
The UNIFORM PERCENT OF VALUE used to establish assessment was: 11.97%

If you feel your assessment is too high, you have the right to seek a reduction in the future. A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov. Please note that the period for filing complaints on the above assessment has passed.

**EXEMPTION INFORMATION**

| Exemption | Value | TaxPurpose | Full Value Estimate | Exemption | Value | TaxPurpose | Full Value Estimate |
|---|---|---|---|---|---|---|---|

**PROPERTY TAXES**

| Taxing Purpose | Total Tax Levy | % Change From Prior Year | Taxable Value | Tax Rate Per $1000 | Tax Amount |
|---|---|---|---|---|---|
| WESTCHESTER COUNTY | $12,822,741 | 0.00 | $100,100 | 25.712603 | $2,573.83 |
| TOWN OF SOMERS | $7,553,408 | 1.60 | $100,100 | 15.139732 | $1,515.49 |
| SOMERS FIRE | $3,118,222 | 9.00 | 100,100 | 6.135673 | $614.18 |

$4,703.50 PAID: 4/29/2020 (Base Amt: 4703.50 Pen Amt : 0.00 Misc : 0.00 )

**TOWN OF SOMERS-2020**
**Town: 555200 TOWN OF SOMERS**

**DO NOT PAY - This is a receipt.**

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

| | |
|---|---|
| **BILL NO.** | 004820 |
| **NYS TAX FN.CD.** | |
| **STATE AID** | 0 |
| **TAX YEAR** | 2020 |
| **BANK** | |
| **PER ASSESSMENT ROLL** | 05/01/2020 |
| **SCHOOL CODE** | 555201 |

LAWRENCE REALTY LLC
P.O. BOX 297
SOMERS, NY 10589

**TAX MAP NO.:** 28-10-1-7-1
**LOCATION:** 241 RTE 100
**DIMENSIONS:** Acreage = 1.34
**PROPERTY CLASS:** 850 - Waste Disposal
**ROLL SECTION:** 1
**WARRANT DATE:** 3/18/2020 **FISCAL YEAR** 01/01/2020 - 12/31/2020

**PROPERTY TAXPAYER'S BILL OF RIGHTS**

Assessor estimates the FULL MARKET VALUE of property as of 05/01/2020: $475,355
The ASSESSED VALUE of this property as of 05/01/2020 was: $56,900
The UNIFORM PERCENT OF VALUE used to establish assessment was: 11.97%

If you feel your assessment is too high, you have the right to seek a reduction in the future. A publication entitled "Contesting your assessment" is available at the assessor's office and online at www.tax.ny.gov. Please note that the period for filing complaints on the above assessment has passed.

**EXEMPTION INFORMATION**

| Exemption | Value | TaxPurpose | Full Value Estimate | Exemption | Value | TaxPurpose | Full Value Estimate |
|---|---|---|---|---|---|---|---|

**PROPERTY TAXES**

| Taxing Purpose | Total Tax Levy | % Change From Prior Year | Taxable Value | Tax Rate Per $1000 | Tax Amount |
|---|---|---|---|---|---|
| WESTCHESTER COUNTY | $12,822,741 | 0.00 | $56,900 | 25.712603 | $1,463.05 |
| TOWN OF SOMERS | $7,553,408 | 1.60 | $56,900 | 15.139732 | $861.45 |
| SOMERS FIRE | $3,118,222 | 9.00 | 56,900 | 6.135673 | $349.12 |

$2,673.62 PAID: 4/29/2020 (Base Amt: 2673.62 Pen Amt : 0.00 Misc : 0.00 )

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 the proposed Local Law to amend Chapter 170 entitled Zoning, Article IIIA entitled Conservation Zoning, § 170-13.3-E(1) Standards and Requirements of the Code of the Town of Somers to the Town of Somers Planning Board and Westchester County Planning Board.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Regular Meeting held on April 16, 2020.

Dated: April 20, 2020

Town Clerk

Ec: Supervisor
Director of Finance
Cc: Town of Somers Planning Board
Westchester County Planning Board.

C
BTH C-12
1/17/20 bp
n. gronda 4/21/20 bp

Westchester gov.com

# Westchester County Planning Board Referral Review

**Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code**

**George Latimer**
**County Executive**

April 17, 2020

APR 17 2020

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

**County Planning Board Referral File SOM 20-003 – Conservation Zoning Zoning Text Amendment**

Dear Ms. Dym:

The Westchester County Planning Board has received a proposed local law to amend the text of the Somers Zoning Ordinance with respect to the ownership of required open space areas within conservation subdivisions. The amendment would add a provision to allow open spaces areas to be divided between the owners of building lots, in addition to forming conservation organizations or dedicating conservation land to the Town. Covenants, deed restrictions, or easements would still be compelled to protect the required open space.

We have no objection to the Somers Town Board assuming Lead Agency status for this review.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find this to be a matter for local determination in accordance with your community's planning and zoning policies.

Please inform us of the Town's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: Norma V Drummond

Norma V. Drummond
Commissioner

NVD/MV

432 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-4400

Website: westchestergov.com

**NOTICE OF SEQR ACTIONS – Local Law Amendment to Article IIIA. Conservation Zoning in Chapter 170 Zoning in the Code of the Town of Somers**
**Notice to Act as Lead Agency**

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

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

The Town Board of the Town of Somers, Westchester County, declares it will act as lead agency as part of an uncoordinated review to amend Article IIIA. Conservation Zoning in Chapter 170 Zoning in the Code of the Town of Somers to permit ownership of open space areas within conservation subdivisions to be divided among all owners of building lots having such open space areas on their respective lots

The Somers Town Board at its meeting of April 2, 2020 declared itself Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code as part of an uncoordinated review.

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

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

***TITLE OF ACTION:*** Amend Article IIIA. Conservation Zoning of Chapter 170Zoning of the Code of the Town of Somers

***DESCRIPTION OF ACTION:*** A local law amending regulations governing ownership of open space areas in Conservation Subdivisions such that open space areas may also be divided among all owners of building lots having such open space areas on their respective lots in addition to allowing portions of such lands to be deeded to conservation organizations or offered for dedication to the Town of Somers.

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

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

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

Telephone: 914-277-5366

Date of this Notice: April 2, 2020

**SEQR DISTRIBUTION LIST –** Local Law to Amend Code of the Town of Somers Chapter 170 Article IIIA. Conservation Zoning.

**Involved Agency:**

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

**Interested Agencies -**

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

Town of Somers Building Inspector
Somers Town House
335 Route 202
*Somers*, New York 10589
Attn: Tom Tooma, Building Inspector

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

Town of Somers Open Space Committee
Somers Town House
335 Route 202
Somers, New York 10589
Attn: Denise Schirmer

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

**Others – Lead Agency Representatives–**

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

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

**Applicant's Representative**

Bibbo Associates
293 Route 100 Suite 203
Somers, NY 10589
Attn: Matt Gironda

# *Short Environmental Assessment Form*
## *Part 1 - Project Information*

**Instructions for Completing**

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

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

**Part 1 – Project and Sponsor Information**

Name of Action or Project:
A local law to amend Article IIIA. Conservation Zoning in Chapter 170 Zoning of the Code of the Town of Somers

Project Location (describe, and attach a location map):
Town of Somers

Brief Description of Proposed Action:
A local law to amend Article !!!A Conservation Zoning to permit ownership of open space areas to be divided among all owners of building lots having such open space areas on their respective lots

| Name of Applicant or Sponsor: | Telephone: 914-277-3637 |
|---|---|
| Town of Somers | E-Mail: supervisor@somersny.com |

Address:
335 Route 202

| City/PO: | State: | Zip Code: |
|---|---|---|
| Somers | NY | 10589 |

| | NO | YES |
|---|---|---|
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | ☐ | ☑ |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | ☐ | ☐ |

3. a. Total acreage of the site of the proposed action? _____ acres
   b. Total acreage to be physically disturbed? _____ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

| | NO | YES | N/A |
|---|---|---|---|
| 5. Is the proposed action, | | | |
| a. A permitted use under the zoning regulations? | ☐ | ☐ | ☐ |
| b. Consistent with the adopted comprehensive plan? | ☐ | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | ☐ | ☐ |
| b. Are public transportation services available at or near the site of the proposed action? | ☐ | ☐ |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | ☐ | ☐ |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | ☐ | ☐ |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? | ☐ | ☐ |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | | |

| | NO | YES |
|---|---|---|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br>☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional<br>☐ Wetland ☐ Urban ☐ Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | ☐ | ☐ |
| 16. Is the project site located in the 100-year flood plan? | ☐ | ☐ |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? | ☐ | ☐ |
| If Yes, | | |
| a. Will storm water discharges flow to adjacent properties? | ☐ | ☐ |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? | ☐ | ☐ |
| If Yes, briefly describe: _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?<br>If Yes, explain the purpose and size of the impoundment: _____ | ☐ | ☐ |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____ | ☐ | ☐ |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____ | ☐ | ☐ |

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Rick Morrissey Date: April 2, 2020

Signature: Rick Morrissey Title: Supervisor

PRINT FORM

TOWN OF SOMERS

Local Law No. _____ For the Year 2020

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

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

Article IIIA. Conservation Zoning is amended as follows:

**§ 170-13.1 Purposes**

The Town Board hereby finds that it is to the benefit of both property owners and the Town to promote the conservation of Somers' remaining open space lands, to preserve the Town's environmentally sensitive areas in their natural state, to encourage subdivisions that are compatible with the natural topography and any on-site cultural features that may exist and to protect Somers' existing aesthetic qualities. It is therefore the purpose of this article to enable and encourage flexibility of design and development of land in such a manner as to accomplish the above, wherever practicable, including facilitating the adequate and economical provision of streets and utilities, protecting areas of meaningful ecological, architectural, archaeological, scenic and historic value (including roadside vistas), preserving proposed open space areas as shown on the Town Plan Map in the Planning Board's Comprehensive Master Plan and reserving suitable lands for park and recreation purposes.

**§ 170-13.2 Authorization.**

[Amended 5-10-2007 by L.L. No. 5-2007]

The Planning Board of the Town of Somers is hereby authorized, simultaneously with the approval of a subdivision plat(s), to modify applicable provisions of this chapter, subject to the limitations, procedures, conditions and requirements as set forth in this Article IIIA as well as the applicable requirements of the Town's Regulations for the Subdivision of Land (Chapter **150** of the Town Code) and § 278 of the Town Law, so as to create conservation subdivisions.

**A.**
This procedure may be followed at the discretion of the Planning Board if, in said Board's judgment, its application would benefit the Town by satisfying one or more of the purposes as set forth in § **170-13.1**. In the event that the Planning Board makes a determination that a conservation subdivision plan is appropriate, but the property owner does not present such a plan to the Board, the Planning Board is hereby authorized to require said owner to submit such a plan as a condition for the further consideration of the owner's subdivision application.

**B.**
This authorization shall be applicable only to land in the Town's Residence R120, R80 and R40 Districts.

**C.**
This authorization shall be applicable only to parcels of land greater than or equal to 12 acres in size.

**D.**
Notwithstanding Subsection C above, this authorization shall be applicable to the parcel of land comprising 7.1 acres located west of Tomahawk Street, Route 118, and identified on the Tax Map of the Town of Somers as Sheet 16.09, Block 1, Lot 9.
[Added 11-18-2010 by L.L. No. 6-2010]

## § 170-13.3 Standards and requirements.

**A.**
The number of building lots or dwelling units permitted within a conservation subdivision shall in no case exceed the number that would be acceptable, in the judgment of the Planning Board, if the land were subdivided into lots conforming to all normally applicable requirements of this chapter and all other chapters of the Town Code, the Westchester County Department of Health Regulations and all other applicable governmental requirements. Where a proposed conservation subdivision is located within two or more contiguous zoning districts, the Planning Board may approve a plat representing the cumulative density as derived from the summing of all building lots or dwelling units allowed in all such districts, and may authorize actual construction to take place in all or any portion of one or more of such districts. In all cases, the basis for the Planning Board's density determination shall be a conventional

preliminary subdivision plat found acceptable by said Board, plus such other information as may be required by them.

**B.**

The type of residential dwelling units permitted within a conservation subdivision shall be limited to one-family detached dwellings, unless otherwise specifically authorized on a case-by-case basis by the Town Board. Other permitted principal and accessory uses shall be the same as those otherwise permitted in the zoning district(s) in which the property is located.

**C.**

Each conservation subdivision plat shall indicate areas within which structures and/or lots may be located; all minimum or maximum dimensional requirements, as appropriate; the proposed height and spacing of buildings; the locations of proposed open spaces; and, where appropriate, landscaping, streets, driveways and off-street open or enclosed parking spaces; plus any other such features as may be required by the Planning Board.

**D.**

Within the framework of the limitations as set forth in this Article IIIA, in the Land Subdivision Regulations (Chapter **150**) and in § 278 of the Town Law, the Planning Board shall establish, on a case-by-case basis, the appropriate modifications of lot and building dimension requirements which said Board determines are necessary or appropriate to properly accomplish the purposes as set forth in § **170-13.1** and which are consistent with the protection of private property values and the preservation of the character of land and buildings on neighboring sites.

**(1)**

Notwithstanding the foregoing flexibility afforded to the Planning Board in connection with the review and approval of conservation subdivision plats, the following minimum dimensional standards shall apply, unless otherwise specifically authorized on a case-by-case basis by the Town Board:

| Zoning District | Minimum Lot Area (square feet)[1,2] | Minimum Width at Front Lot Line (feet)[3] | Minimum Size of Yards in Feet from Principal Building to Lot Lines | | | |
|---|---|---|---|---|---|---|
| | | | Front Yard | One Side Yard | Two Side Yards | Rear Yard |
| Residence R120 | 60,000 | 150 | 40 | 30 | 55 | 50 |
| Residence R80 | 40,000 | 125 | 35 | 30 | 50 | 50 |
| Residence R40 | 25,000 | 100 | 30 | 25 | 40 | 40 |

NOTES:

[1]The requirements of § 170-58.3 of this chapter with respect to environmentally sensitive lands shall apply within conservation subdivisions.

[2]The requirements of § 170-58.4A of this chapter with respect to minimum buildable areas for single-family lots shall apply within conservation subdivisions.

[3]In approving a conservation subdivision plat, the Planning Board is also authorized to reduce the minimum required width at the front lot line to not less than 15 feet so as to permit the use of common driveways, shared by three or less homes, where said Board determines that such reduction would be important in order to achieve one or more of the purposes as set forth in § 170-13.1 of this chapter, and further provided that the minimum lot width beyond the driveway access area shall be no less than that required in the table above. In so doing, the Planning Board may establish special setback standards for both principal and accessory buildings on such lots, which setbacks shall be shown on the subdivision plat.

(2)

Notwithstanding the maximum building coverage and floor area ratio permitted in the zoning district in which the lot is located, a one-family detached dwelling in a conservation subdivision shall not be required to occupy less than 3,600 square feet in the R120 District, 3,200 square feet in the R80 District and 2,400 square feet in the R40 District, and the maximum permitted floor area shall not be required to be less than 6,000 square feet in the R-120 District, 4,800 square feet in the R80 District and 3,600 square feet in the R40 District.

(3)

All other dimensional standards and requirements of the district in which the property is located shall apply, other than as modified above.

E.

Conservation subdivisions shall result in the preservation of open space or conserved land areas having meaningful scenic, ecological, environmental, recreational and/or buffer value, which open spaces shall have such access, and be of such shape, size and location as determined appropriate by the Planning Board to satisfy the intended purpose. The permanent preservation of all open space shall be legally assured to the

satisfaction of the Planning Board by the filing of appropriate covenants, deed restrictions, easements or other such legal agreements, in such form as may be found acceptable by the Town Attorney. All open space shall also be subject to the following specific conditions:

**(1)**

The ownership of all open space areas within the conservation subdivision -shall be divided ~~equally~~ among all owners of building lots having such open space areas on their respective lots, ~~within the conservation subdivision,~~ except where all or an appropriate portion of such lands is deeded to a recognized conservation organization dedicated to the preservation of open space and such dedication is acceptable to both the conservation organization and the Town Planning Board; or unless such lands are offered for dedication to the Town of Somers and the Town Board has voted to accept such offer.

**(2)**

Except in those cases where the ownership of the open space is to be vested in the Town of Somers or an approved conservation organization, the subdivider shall execute and file with the Planning Board such documents as, in the opinion of the Town Attorney, will be sufficient to create a property owners' association responsible for the continued ownership, use and maintenance of all such areas in accordance with the following requirements:

**(a)**

Membership in the association must be mandatory for each property owner within the subdivision and for any successive property owners.

**(b)**

All restrictions on the ownership, use and maintenance of open space must be permanent.

**(c)**

The association must be responsible for liability insurance, local taxes and the permanent maintenance of the open space, including any active recreation areas and related facilities incorporated therein.

**(d)**

Each lot owner within the subdivision shall be made responsible for paying a proportionate share of the association's costs, and the assessment levied by the association shall become a lien on the lot owner's property if not paid.

**(e)**
The association shall have the power to adjust assessments to meet changing needs.

**(f)**
In the event that the maintenance, preservation and/or use of any of the open space areas ceases to be in compliance with any of the above requirements or any other requirements specified by the Planning Board when approving the subdivision plat, the Town of Somers shall be granted the right to take all necessary action to assure such compliance and to assess against the association and/or each individual property owner within the subdivision all costs incurred by the Town for such purpose.

**(g)**
The establishment of such an association shall be required prior to the approval of the final plat.

**(3)**
Except where otherwise approved by the Planning Board, all open space areas shall be preserved in their natural state, and the use of such areas shall be limited to appropriate conservation, open space and recreation purposes, as determined by the Planning Board.

**F.**

The requirements for the reservation of land for park or playground purposes, and/or the payment of a fee in lieu thereof, shall be the same in conservation subdivisions as set forth in § **150-24** of the Town's Regulations for the Subdivision of Land (Chapter **150** of the Town Code). If the reservation of land is deemed necessary by the Planning Board, said reserved land area must be depicted on both the conventional and conservation subdivision layouts.

**G.**
Noncontiguous parcels.
[Added 1-16-2003 by L.L. No. 3-2003; amended 5-8-2003 by L.L. No. 5-2003]
**(1)**
The Planning Board may, on a case-by-case basis, utilize the authorization granted by § **170-13.2** of this Article IIIA to treat as a single

conservation subdivision the subdivision of two or more parcels of real property which are not contiguous, provided that:

**(a)**

If the proposed parcels, or any portion thereof, are located within different school districts, no development shall be permitted to be transferred from one school district to another.

**(b)**

Such parcels are located no more than 500 feet apart, measured at their nearest points of proximity.

**(c)**

The application of Article IIIA to such parcels will, in the judgment of the Planning Board, serve the purposes of Article IIIA and of this chapter.

**(2)**

When an application is made to the Planning Board to apply the provisions of Article IIIA to noncontiguous parcels, the

proposed plan shall be referred to the Town Board to afford the Town Board an opportunity to make a recommendation or comment on the application. In any case in which the Planning Board determines to apply the provisions of Article IIIA to noncontiguous parcels as permitted pursuant to this subsection, the number of acceptable conventional building lots resulting when all such parcels are taken in the aggregate, as determined by the Planning Board pursuant to § **170-13.3A**, may be approved for construction on any one or more of such parcels.

**H.**

Section **150-20E** of the Code of the Town of Somers sets forth low-impact development design features and best-management practices which are to be incorporated in conservation subdivisions

[Added 5-8-2003 by L.L. No. 5-2003]

## § 170-13.4 Procedure.

**A.**

Each proposed conservation subdivision application shall be accompanied by a written statement specifically describing how it is intended to accomplish the purposes as set forth in § **170-13.1** of this chapter and a conventional preliminary subdivision plat prepared to a

sufficient level of detail as determined necessary by the Planning Board in order to allow them to make the necessary density determination.

**B.**

Conservation subdivision applications shall be subject to review and public hearing by the Planning Board in accordance with the same procedures otherwise applicable to conventional subdivision plats.

**C.**

Upon the filing of a conservation subdivision plat in the office of the Westchester County Clerk, a copy shall also be filed with the Town Clerk, who shall make appropriate notations and references thereto on the official copy of the Town Zoning Map.