

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**  
**JUNE 10, 2020 7:30PM**

**PROJECT REVIEW:**

**1. COBBLING ROCK - TM: 37.19-1-1**

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

**2. HANFORD WETLAND AND WATERCOURSE PROTECTION PERMIT – TM: 17.09-3-3**

Application for Wetland and Watercourse Protection Permit for the construction of an inground pool and patio at 4 Boniello Drive on the east side of Boniello Drive, 200 feet from the intersection of Londonderry Lane. The project is located in an R-40 District.

**The next Planning Board Meeting is scheduled for  
Wednesday, July 8, 2020 at 7:30pm.**

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

*Consulting Engineers*

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

May 28, 2020

Somers Planning & Engineering Dept.  
335 Route 202  
Somers, NY 10589-3226

Attn: Ms. Syrette Dym AICP, Director of Planning

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

Dear Ms. Dym:

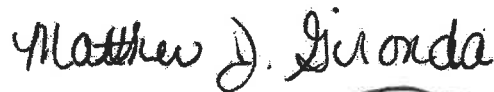
In response to your request please find enclosed copies of Turning Maneuver Plans created by our office dated April 29, 2020, for the proposed cul-de-sacs for the above noted project.

Please note the Town Road extensions and cul-de-sacs proposed for the Cobbling Rock Estates subdivision have been designed in accordance with all specified dimensional requirements listed in the Town Code. The cul-de-sacs shown on the project plans have a diameter of 90' per §A174-31 of the Town Code, which is consistent with past precedent on recently approved projects in the Town of Somers.

We are aware that NYS Fire Code specifies a minimum diameter of 96' for cul-de-sacs, however as noted above, on past projects the dimensional requirements listed in the Town Code are what was adhered to for road design standards. It should also be noted that the Town Bureau of Fire Prevention accepted the 90' diameter cul-de-sacs at their April 15, 2020 meeting.

As always should you have any questions please feel free to contact our office.

Sincerely,



Matthew J. Gironda, P.E.  
Partner



MJG/rh

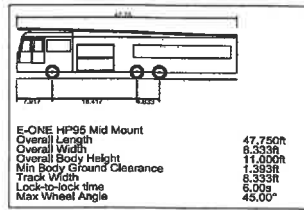
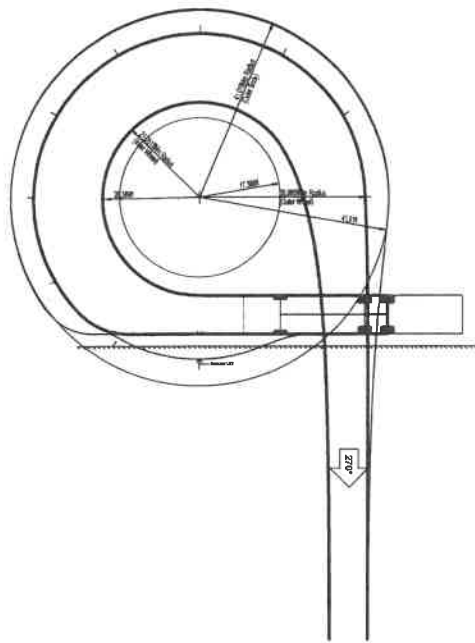
Enclosures

cc: J.Barbagallo, P.E. (via email)  
V. Andriano (via email)  
File

*Site Design • Environmental*

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Mill Pond Offices • 293 Route 100, Suite 203 • Somers, NY 10589  
Phone: 914-277-5805 • Fax: 914-277-8210 • E-Mail: bibbo@bibboassociates.com



**LEGEND:**



DESIGN VEHICLE OUTLINE & DIRECTION OF TRAVEL

CENTER OF VEHICLE

FORWARD MOVEMENT WHEEL PATH

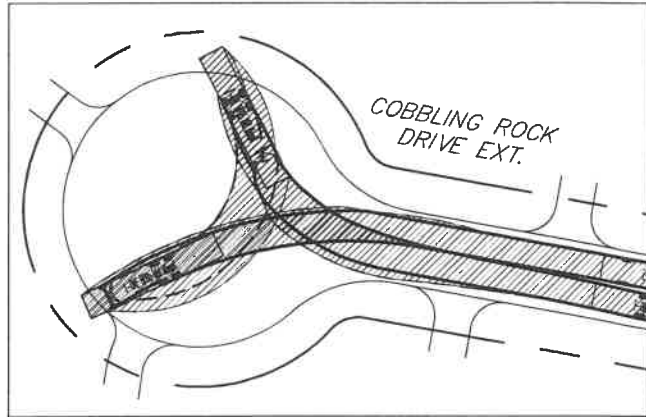
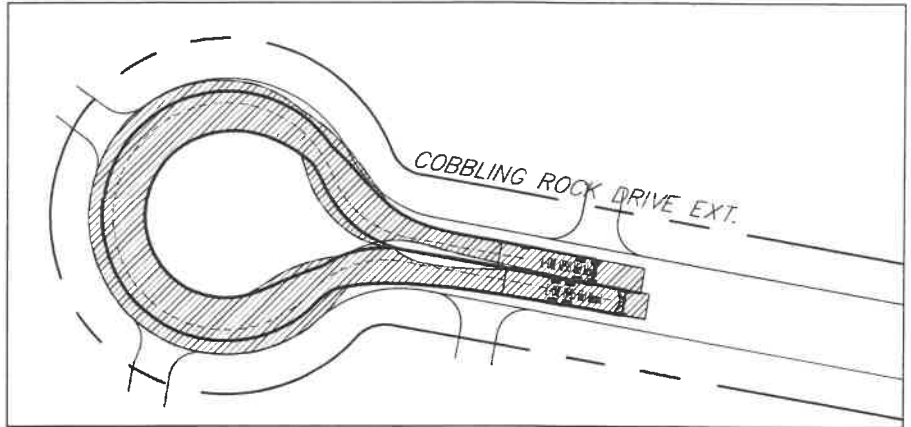
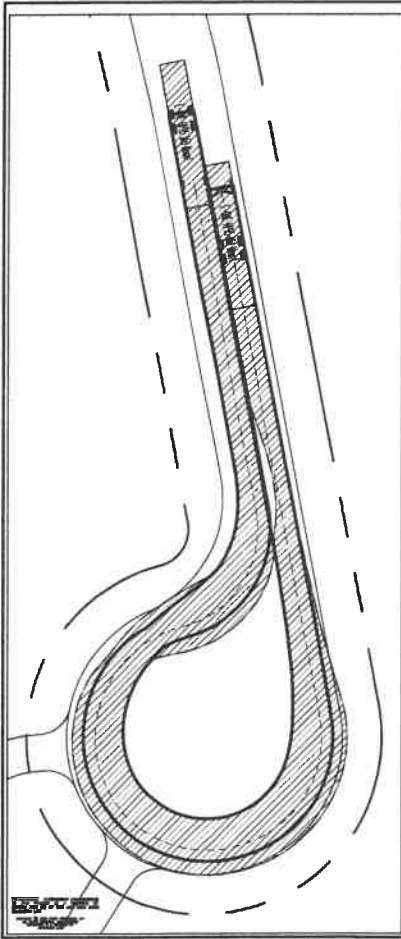
REVERSE MOVEMENT WHEEL PATH



VEHICLE BODY ENVELOPE

| DATE | DESCRIPTION                                      | BY | DATE           | DESCRIPTION | BY |
|------|--|----|----------------|-------------|----|
|      | <b>TURNING MANEUVERS</b>                         |    | APRIL 23, 2020 |             |    |
|      | COBIILING ROCK ESTATES                           |    | FILED          | TM-1        |    |
|      | 33 DR. TONY'S ROAD                               |    |                |             |    |
|      | TOWNSHIP OF ANDRANO, WASHINGTON COUNTY, NY 12848 |    |                |             |    |
|      | <b>BERO ASSOCIATES, LLP</b>                      |    |                |             |    |
|      | 200 BROADWAY, 18TH FLOOR                         |    |                |             |    |
|      | NEW YORK, NY 10038                               |    |                |             |    |
|      | TEL: 212 512 5000                                |    |                |             |    |





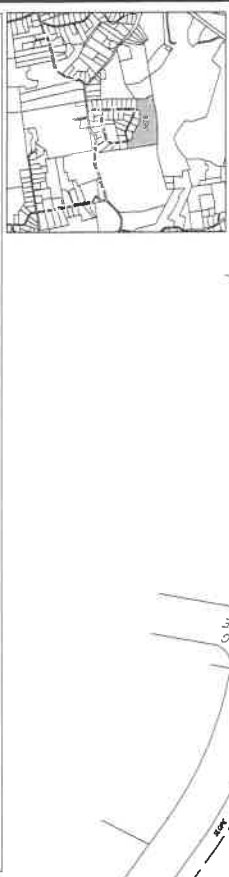
**LEGEND:**

- E-ONE IPSS NO MOUNT
- DESIGN VEHICLE OUTLINE & DIRECTION OF TRAVEL
- CENTER OF VEHICLE
- FORWARD MOVEMENT WHEEL PATH
- REVERSE MOVEMENT WHEEL PATH
- VEHICLE BODY ENVELOPE

| DATE  | DESCRIPTION | DATE  | DESCRIPTION                    | BY |
|---|-------------|---|--------------------------------|----|
|   |             |   |                                |    |
| <b>TURNING MANEUVERS</b><br>COBBLING ROCK ESTATES<br>31 DR. TOWN'S ROAD<br>TOWN OF SOMERS, WESTCHESTER COUNTY, NY 12586 |             | DATE: APRIL 28, 2020<br>SCALE: 1"=32'<br>PLOT: 000<br>DWTG: 000<br>DWG: 000 | SHEET: 1 OF 2<br>PROJECT: TM-2 |    |
| <b>STEREO ASSOCIATES, L.P.</b><br>235 ROCKY HILL ROAD<br>SUITE 200<br>WESTCHESTER, NY 12586<br>TEL: 518-277-1600        |             |   |                                |    |

CONSERVATION ZONING COMPLIANCE TABLE (R-10)

| LOT # | LOT AREA (AC) | LOT AREA (SQ FT) | WETLANDS (SQ FT) | COEXISTING WETLANDS (SQ FT) | NET LOT AREA (AC) | NET LOT AREA (SQ FT) | PERCENTAGE OF WETLANDS (AS A % OF NET LOT AREA) | PERCENTAGE OF WETLANDS (AS A % OF NET LOT AREA) | PERCENTAGE OF WETLANDS (AS A % OF NET LOT AREA) |
|-------|---------------|------------------|------------------|-----------------------------|-------------------|----------------------|---|---|---|
| 1     | 2.00          | 138,688          | 27,136           | 27,136                      | 2.00              | 138,688              | 100%  | 100%  | 100%  |
| 2     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 3     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 4     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 5     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 6     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 7     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 8     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 9     | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |
| 10    | 1.50          | 104,016          | 20,803           | 20,803                      | 1.50              | 104,016              | 100%  | 100%  | 100%  |



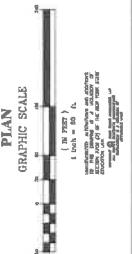
**NOTES:**

1. ALL LOTS SHALL BE CONVEYED TO THE CITY OF NEW YORK BY DEED.
2. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY UTILITIES AND SERVICES.
3. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY INFRASTRUCTURE.
4. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC SERVICES.
5. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC UTILITIES.
6. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC SERVICES.
7. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC UTILITIES.
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11. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC UTILITIES.
12. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC SERVICES.
13. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC UTILITIES.
14. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC SERVICES.
15. THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NECESSARY PUBLIC UTILITIES.



**LEGEND:**

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT LINE
- NET LAND SETBACK LINE
- EXISTING STONE WALL
- EXISTING 2' CONTOUR
- EXISTING 5' CONTOUR
- PROPOSED 2' CONTOUR
- PROPOSED 5' CONTOUR
- PROPOSED ROOF BEAMS
- PROPOSED UTILITIES



**PRELIMINARY SUBDIVISION PLAN**

**GOBBING ROCK ESTATES**

22 DE WITTMANN DRIVE  
CITY OF NEW YORK, WESTCHESTER COUNTY, NY 10598

DATE: 08/14/2024  
SCALE: 1" = 50'

**PREPARED BY:** RIBBIO ASSOCIATES, LLP  
381 ROUTE 100 SUITE 200  
WESTCHESTER, NY 10598  
TEL: 914.272.1555

**DATE:** 08/14/2024  
**SCALE:** 1" = 50'

**PROJECT:** PS-1





| ENVIRONMENTAL DATA           |     |
|------------------------------|-----|
| STEP 1: AREA TO BE EXAMINED  | 770 |
| STEP 2: AREA TO BE EXAMINED  | 770 |
| STEP 3: AREA TO BE EXAMINED  | 770 |
| STEP 4: AREA TO BE EXAMINED  | 770 |
| STEP 5: AREA TO BE EXAMINED  | 770 |
| STEP 6: AREA TO BE EXAMINED  | 770 |
| STEP 7: AREA TO BE EXAMINED  | 770 |
| STEP 8: AREA TO BE EXAMINED  | 770 |
| STEP 9: AREA TO BE EXAMINED  | 770 |
| STEP 10: AREA TO BE EXAMINED | 770 |

- CONSTRAINTS LEGEND**
- STEEP SLOPES > 15% & 5% SLOPES
  - STEEP SLOPES > 5% & 10% SLOPES
  - WETLANDS
  - WETLANDS BUFFER
  - STEEP SLOPES AND WETLANDS BUFFER
  - STEEP SLOPES AND WETLANDS



**CONSTRAINTS MAP**  
**CORBLING ROCK ESTATES**  
 2000 CORBLING ROAD  
 WASHINGTON COUNTY, MD 21788

**RIBBO ASSOCIATES, LLP**  
 200 SOUTH 100 EAST 200  
 SUITE 200  
 SALT LAKE CITY, UT 84111  
 TEL: 801.277.5500

**DATE:** 10/20/10  
**SCALE:** 1"=50'  
**FILE:** 10/20/10  
**DRAWN BY:** TBA  
**CHECKED BY:** TBA  
**DATE:** 10/20/10  
**SCALE:** 1"=50'

**C-1**

THIS MAP WAS PREPARED BY THE ENGINEER AND ARCHITECT FOR THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF RIBBO ASSOCIATES, LLP.



|  |          |
|--|----------|
| <b>SOIL MAP</b><br><b>COBBLING ROCK ESTATES</b><br>TOWN OF BOONA, WESTCHESTER COUNTY, NY 12019 |          |
| DATE:  | 1/15/97  |
| SCALE:   | 1" = 50' |
| DRAWN BY:  | THA      |
| DATE:  | 1/15/97  |
| REVISED:   | 1/15/97  |
| BY:  | THA      |
| DATE:  | 1/15/97  |
| <b>BIRBO ASSOCIATES, LLP</b><br>30 ROUTE 100 SUITE 120<br>BOONA, NY 12019<br>TEL. 518/757-2600 |          |

**PLAN GRAPHIC SCALE**

1" = 50'

**SOILS GROUP LEGEND**

|  |                         |
|--|-------------------------|
|  | HYDROLOGIC SOIL GROUP S |
|  | HYDROLOGIC SOIL GROUP C |

**PERCENT SOIL COVERAGE**

|                         |     |
|-------------------------|-----|
| HYDROLOGIC SOIL GROUP S | 83% |
| HYDROLOGIC SOIL GROUP C | 17% |



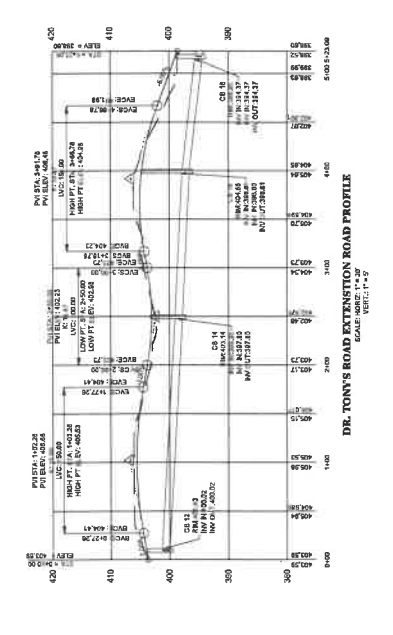
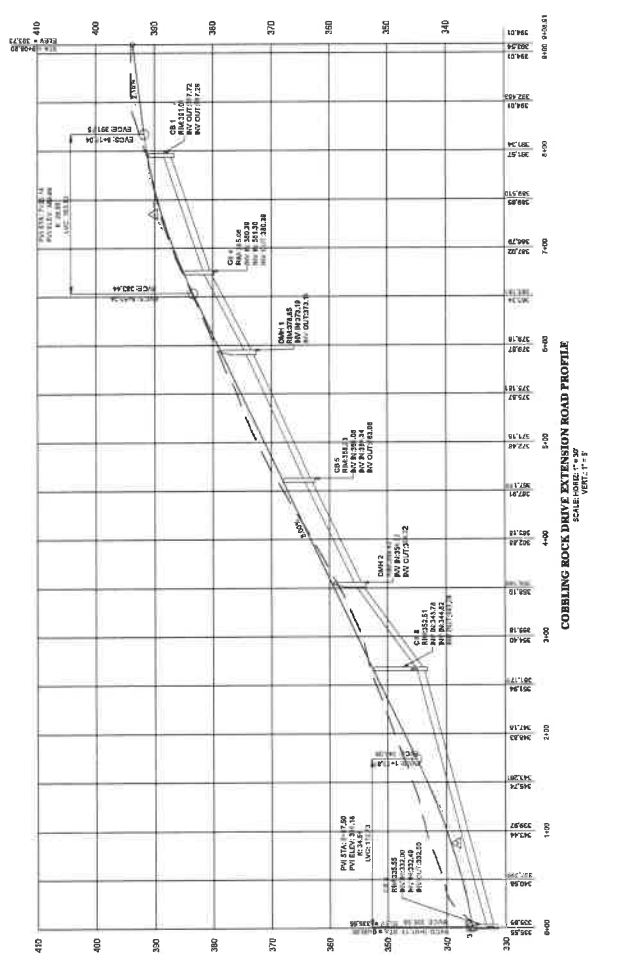
|               |   |
|---------------|---|
| DATE:         | 10-29-20  |
| SCALE:        | 1"=20'  |
| DRAWN BY:     | TEA   |
| CHECKED BY:   | TEA   |
| PROJECT:      | COBBLING ROCK EXTENSION<br>TOWN OF SOMERS, WESTCHESTER COUNTY, NY 10589 |
| CAD FILE:     | COBBLING ROCK EXTENSION.dwg   |
| DATE PLOTTED: | 11/19/20  |
| SCALE:        | 1"=20'  |
| PLotted:      | 11/19/20  |
| FILE:         | COBBLING ROCK EXTENSION.dwg   |
| PLotted:      | 11/19/20  |
| CAD FILE:     | COBBLING ROCK EXTENSION.dwg   |

|  |  |
|--|--|
| <b>ROAD PROFILES</b>                         |  |
| COBBLING ROCK EXTENSION                      |  |
| TOWN OF SOMERS, WESTCHESTER COUNTY, NY 10589 |  |
| DATE PLOTTED: 11/19/20                       |  |
| SCALE: 1"=20'                                |  |
| FILE: COBBLING ROCK EXTENSION.dwg            |  |
| PLotted: 11/19/20                            |  |
| DATE PLOTTED: 11/19/20                       |  |
| SCALE: 1"=20'                                |  |
| FILE: COBBLING ROCK EXTENSION.dwg            |  |

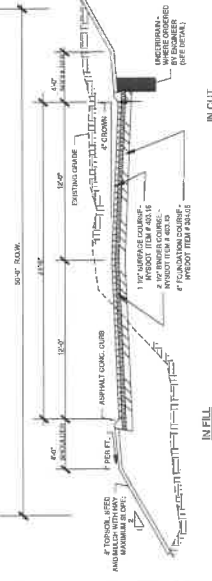
  

|   |  |
|---|--|
|    |  |
| <b>ROBERT P. HIBBO, P.E.</b><br>PROFESSIONAL ENGINEER<br>CIVIL ENGINEERING<br>110 WEST 33RD STREET, 8TH FLOOR<br>NEW YORK, NY 10018<br>TEL: 212-675-9695<br>FAX: 212-675-9697<br>WWW: WWW.HIBBO.COM |  |



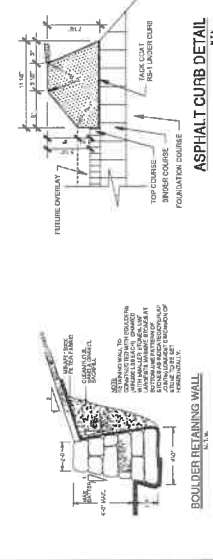
TEA

| SECTION               | 1     | 2     | 3     | 4     | 5     | 6     | 7     | 8     | 9     | 10    | 11    | 12    | 13    | 14    | 15    | 16    | 17    | 18    |
|-----------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| MARKED CHAIN LINE     | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF ASPHALT COURSE | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF CONCRETE CURB  | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF GRAVEL         | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF SAND           | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF GRAVEL         | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF SAND           | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF GRAVEL         | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF SAND           | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF GRAVEL         | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |
| TOP OF SAND           | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 | 61.92 |

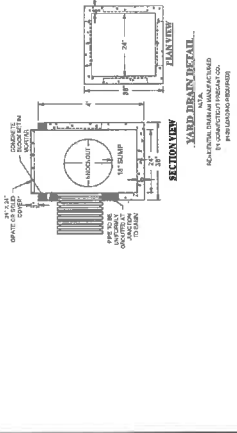


**TOWN ROAD PAVEMENT SECTION**  
 IN CUT  
 IN FILL

NOTE:  
 1. ALL UTILITY WARE CONFORM TO M.C.D. C.E.T.



**ASPHALT CURB DETAIL**

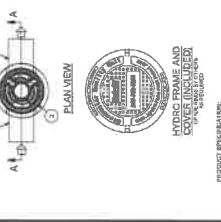


**BOULDER RETAINING WALL**

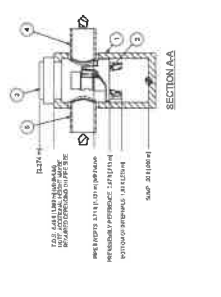
**WARD BEAM DETAIL**

| CONCRETE | DRAINAGE |        | DRAINAGE |        | DRAINAGE |        |
|----------|----------|--------|----------|--------|----------|--------|
|          | INVERT   | OUTLET | INVERT   | OUTLET | INVERT   | OUTLET |
| 108      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 109      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 110      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 111      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 112      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 113      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 114      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 115      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 116      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 117      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 118      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 119      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |
| 120      | 61.92    | 61.92  | 61.92    | 61.92  | 61.92    | 61.92  |

**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**



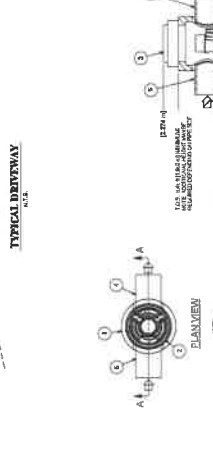
**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**



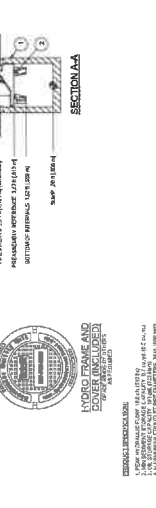
**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**

| DESCRIPTION                                      | QTY | UNIT | PRICE  | TOTAL  |
|--|-----|------|--------|--------|
| HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC | 1   | EA   | 125.00 | 125.00 |
| CONCRETE CURB (8'x8'x12")                        | 1   | EA   | 25.00  | 25.00  |
| ASPHALT (12'x12')                                | 1   | EA   | 100.00 | 100.00 |
| SAND (12'x12')                                   | 1   | EA   | 50.00  | 50.00  |
| GRAVEL (12'x12')                                 | 1   | EA   | 50.00  | 50.00  |

**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**



**TYPICAL DRIVEWAY**



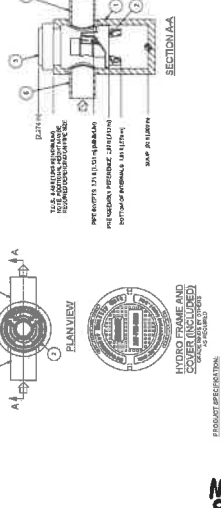
**SECTION A-A**

| DESCRIPTION                                      | QTY | UNIT | PRICE  | TOTAL  |
|--|-----|------|--------|--------|
| HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC | 1   | EA   | 125.00 | 125.00 |
| CONCRETE CURB (8'x8'x12")                        | 1   | EA   | 25.00  | 25.00  |
| ASPHALT (12'x12')                                | 1   | EA   | 100.00 | 100.00 |
| SAND (12'x12')                                   | 1   | EA   | 50.00  | 50.00  |
| GRAVEL (12'x12')                                 | 1   | EA   | 50.00  | 50.00  |

**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**



**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**



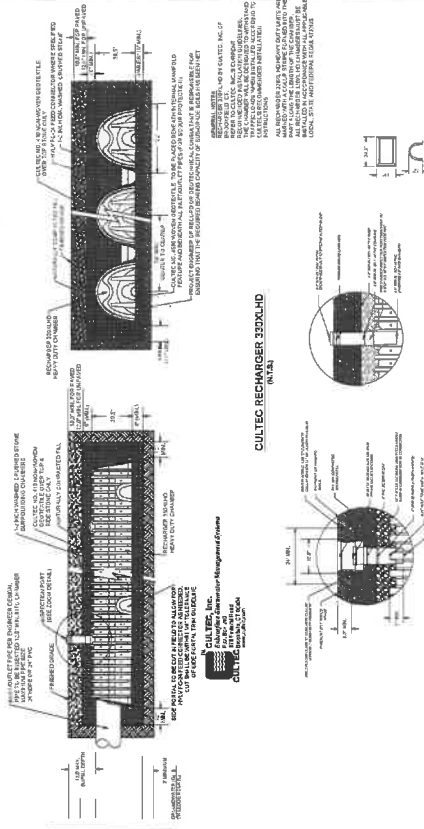
**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**

| DESCRIPTION                                      | QTY | UNIT | PRICE  | TOTAL  |
|--|-----|------|--------|--------|
| HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC | 1   | EA   | 125.00 | 125.00 |
| CONCRETE CURB (8'x8'x12")                        | 1   | EA   | 25.00  | 25.00  |
| ASPHALT (12'x12')                                | 1   | EA   | 100.00 | 100.00 |
| SAND (12'x12')                                   | 1   | EA   | 50.00  | 50.00  |
| GRAVEL (12'x12')                                 | 1   | EA   | 50.00  | 50.00  |

**HYDRO INTERNATIONAL - FIRST DEFENSE MODEL FD-4BC**

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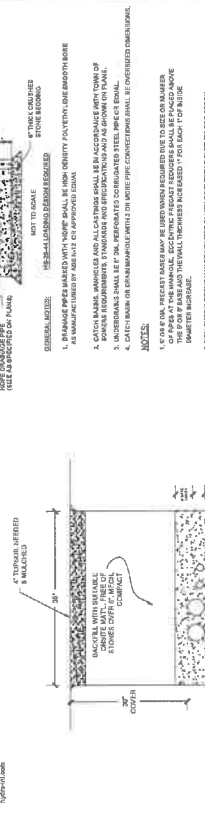


**CULTEC RECHARGER 330X60**  
 (N.S.)

**INSPECTION PORT**  
 (N.S.)



**CULTEC HWLY FC-24**  
 (N.S.)



**NAT. GASELECTEL UTILITIES TRENCH**  
 (N.S.)



**PRECAST CONCRETE DRAINAGE MANHOLE**  
 (N.S.)

**DETAILS**

**COBBLING ROCK ESTATES**

25.00 TORREY BLVD  
 221 SOUTH 100 EAST CDT  
 SUITE 1001  
 SALT LAKE CITY, UT 84103  
 TEL: 313 272 8268

DATE: 10/18/97  
 SCALE: 3/8"  
 DRAWN BY: JTB  
 CHECKED BY: JTB  
 DESIGNED BY: JTB

HIBBO ASSOCIATES, L.P.C.  
 1000 S. 1600 E.  
 SUITE 200  
 SALT LAKE CITY, UT 84119

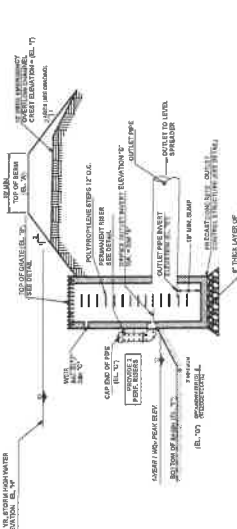
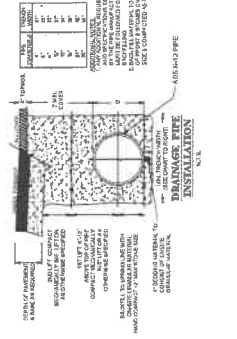
**Hydro-Z**

8400 South 4th  
 Suite 200  
 Salt Lake City, UT 84120  
 Phone: 313 272 8268  
 Fax: 313 272 8269  
 Email: hydro@hydro-z.com

**CALL BEFORE YOU DIG - ASSESSMENT**

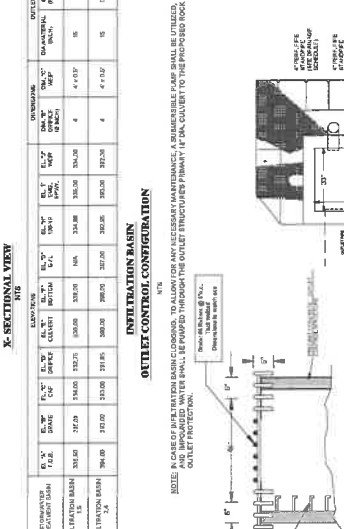
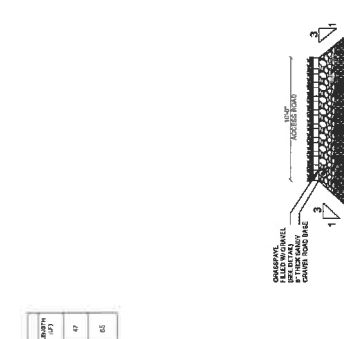
Hydro-Z provides assessment services for all types of underground utilities. Our services include:

- Precise location of all underground utilities
- Identification of utility materials and depths
- Installation of high precision, non-invasive, non-destructive utility detection equipment
- Professional reports and maps



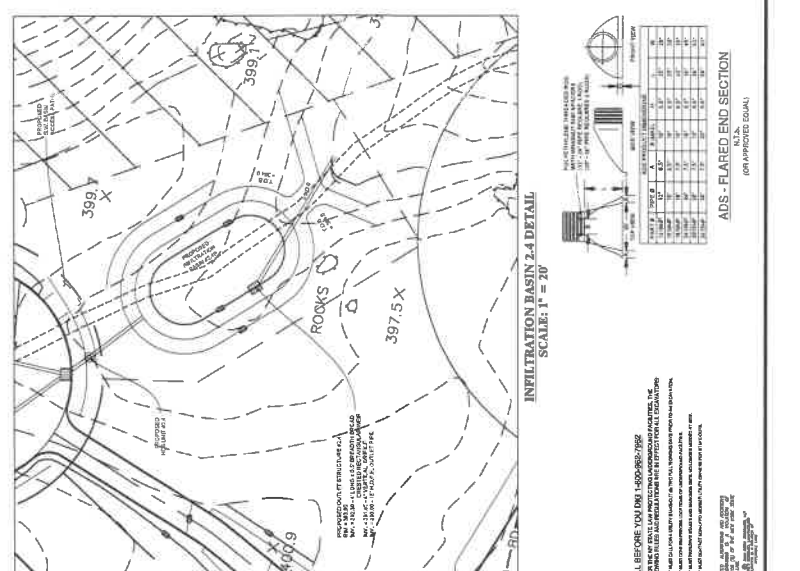
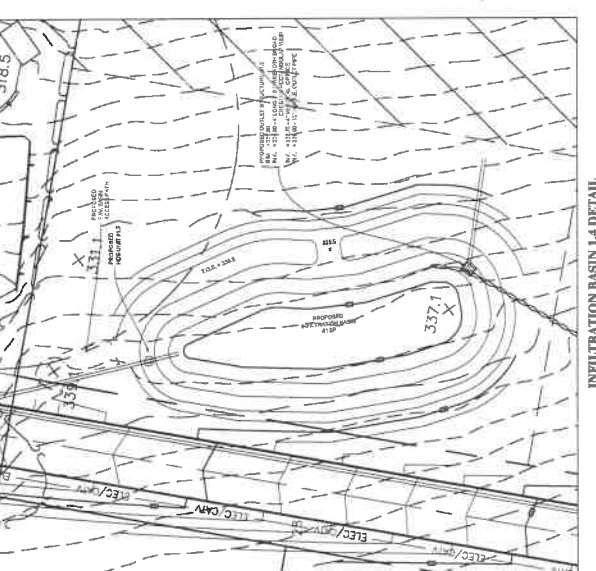
**STORMWATER BASIN BERM DETAIL**

NOTE: 1. CONCRETE BERM CAP SHALL BE CAST IN PLACE AND FINISHED TO MATCH SURROUNDING CONCRETE. 2. THE BERM CAP SHALL BE CONCRETE (MIN. 3" THICK) WITH A MINIMUM OF 2" REINFORCING BARS PER FOOT. 3. THE BERM CAP SHALL BE CAST IN PLACE AND FINISHED TO MATCH SURROUNDING CONCRETE. 4. THE BERM CAP SHALL BE CONCRETE (MIN. 3" THICK) WITH A MINIMUM OF 2" REINFORCING BARS PER FOOT. 5. THE BERM CAP SHALL BE CAST IN PLACE AND FINISHED TO MATCH SURROUNDING CONCRETE.

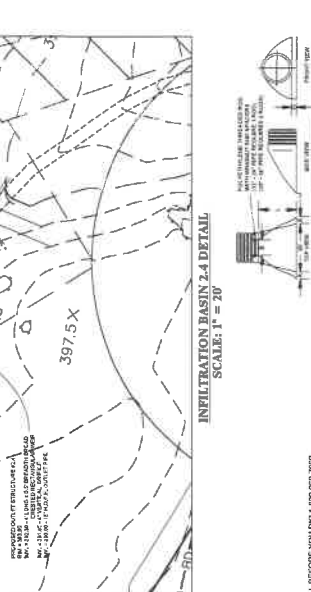
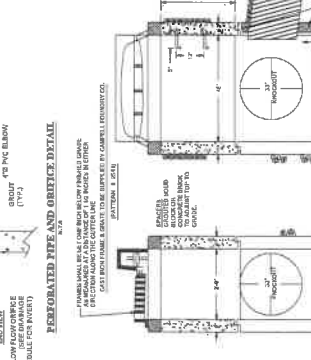
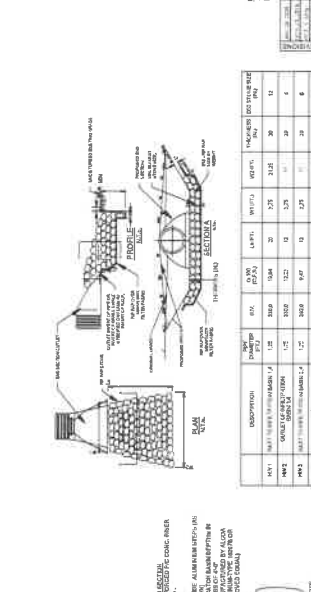


**INLET INFILTRATION BASIN**

NOTE: 1. THE BASIN SHALL BE CAST IN PLACE CONCRETE WITH A MINIMUM OF 4" REINFORCING BARS PER FOOT. 2. THE BASIN SHALL BE CAST IN PLACE CONCRETE WITH A MINIMUM OF 4" REINFORCING BARS PER FOOT. 3. THE BASIN SHALL BE CAST IN PLACE CONCRETE WITH A MINIMUM OF 4" REINFORCING BARS PER FOOT.



| STRUCTURE NO. | INLET DIA. (IN) | OUTLET DIA. (IN) | INLET TYPE | OUTLET TYPE | CONCRETE       |         | TOTAL |
|---------------|-----------------|------------------|------------|-------------|----------------|---------|-------|
|               |                 |                  |            |             | AREA (SQ. FT.) | PERCENT |       |
| 1             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |
| 2             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |
| 3             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |



| STRUCTURE NO. | INLET DIA. (IN) | OUTLET DIA. (IN) | INLET TYPE | OUTLET TYPE | CONCRETE       |         | TOTAL |
|---------------|-----------------|------------------|------------|-------------|----------------|---------|-------|
|               |                 |                  |            |             | AREA (SQ. FT.) | PERCENT |       |
| 4             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |
| 5             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |
| 6             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |



| STRUCTURE NO. | INLET DIA. (IN) | OUTLET DIA. (IN) | INLET TYPE | OUTLET TYPE | CONCRETE       |         | TOTAL |
|---------------|-----------------|------------------|------------|-------------|----------------|---------|-------|
|               |                 |                  |            |             | AREA (SQ. FT.) | PERCENT |       |
| 7             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |
| 8             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |
| 9             | 12              | 12               | 12         | 12          | 12             | 12      | 12    |

CALL BEFORE YOU DIG 1-800-485-7886

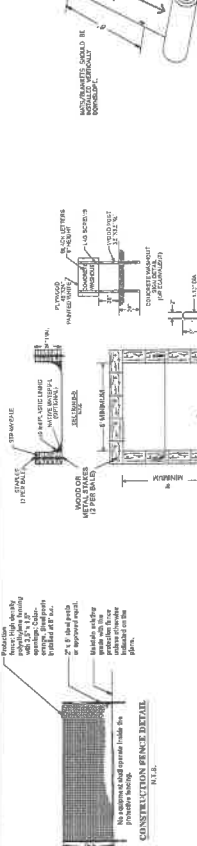
UNLESS SHOWN OTHERWISE, ALL UTILITIES ARE TO BE DEPTHS AS SHOWN ON THE "UTILITY LOCATIONS" SHEET.

THESE DRAWINGS ARE THE PROPERTY OF RIBBO ASSOCIATES, LLP. ANY REPRODUCTION OR TRANSMISSION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF RIBBO ASSOCIATES, LLP IS STRICTLY PROHIBITED.

RIBBO ASSOCIATES, LLP  
200 SOUTH WASHINGTON AVENUE  
ANN ARBOR, MI 48106-1500  
TEL: 734.767.6600

### SEDIMENTATION & EROSION CONTROL NOTES

- 1. All construction activities involving the removal or exposure of soils to be protected with an erosion control plan shall be subject to these notes and specifications.
- 2. Construction activities shall be completed within the time frame specified in the Erosion Control Plan.
- 3. Construction activities shall be completed within the time frame specified in the Erosion Control Plan.



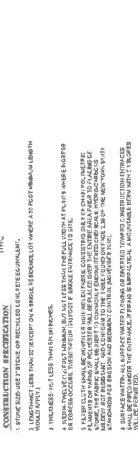
### ANCHORING DETAIL



### CONSTRUCTION OF ANCHORING BOLT WITH STRAP



### CONSTRUCTION OF ANCHORING BOLT



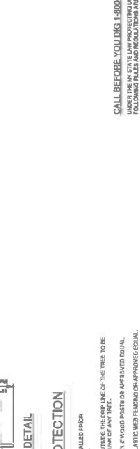
### SOIL STABILIZATION DETAIL



### SOIL STABILIZATION DETAIL



### SOIL STABILIZATION DETAIL



### SOIL STABILIZATION DETAIL



### CONSTRUCTION OF ANCHORING BOLT WITH STRAP



### CONSTRUCTION OF ANCHORING BOLT



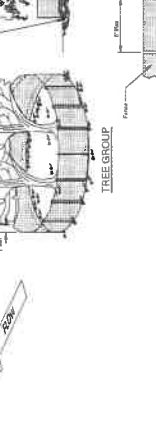
### SOIL STABILIZATION DETAIL



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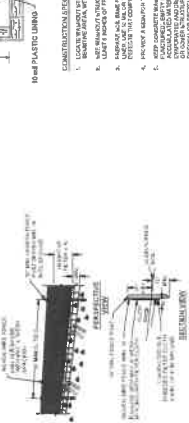


### SOIL STABILIZATION DETAIL



### SEDIMENTATION & EROSION CONTROL NOTES

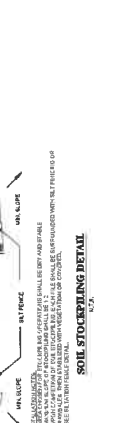
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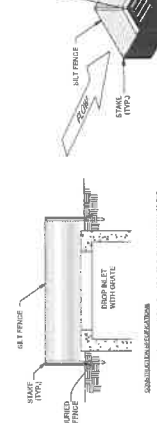
### ANCHORING DETAIL



### CONSTRUCTION OF ANCHORING BOLT WITH STRAP



### CONSTRUCTION OF ANCHORING BOLT



### SOIL STABILIZATION DETAIL



### SOIL STABILIZATION DETAIL



### SOIL STABILIZATION DETAIL



#### CRITICAL AREA SEEDING SPECIFICATION

| Plant Species         | Seeding Rate (lb/1000 sq ft) |
|-----------------------|------------------------------|
| 1. Kentucky Bluegrass | 10                           |
| 2. Tall Fescue        | 10                           |
| 3. Perennial Ryegrass | 10                           |
| 4. Annual Ryegrass    | 10                           |
| 5. Orchardgrass       | 10                           |

CRITICAL AREA SEEDING SPECIFICATION

The critical area is defined as the area within 50 feet of any excavation, cut, or embankment, or any area where erosion control measures are required.

SEEDING REQUIREMENTS:

- 1. All critical areas shall be seeded within 14 days of final grading.
- 2. Seeding shall be done in a broadcast fashion.
- 3. The seed shall be of the highest quality available.
- 4. The seed shall be applied at a rate of 10 lbs per 1000 sq ft.
- 5. The seed shall be covered with a 1/2 inch layer of topsoil or mulch.
- 6. The seed shall be watered daily until established.



### CONSTRUCTION OF ANCHORING BOLT WITH STRAP



### CONSTRUCTION OF ANCHORING BOLT



### SOIL STABILIZATION DETAIL



### SOIL STABILIZATION DETAIL



### SOIL STABILIZATION DETAIL



CONSTRUCTION OF ANCHORING BOLT WITH STRAP

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**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**June 10, 2020**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Somers Planning Board, as Lead Agency as part of a coordinated review has determined that the Proposed Action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:      Cobbling Rock Estates Preliminary Conservation Subdivision for Creation of Nine-Lot Subdivision and Development of Nine single Family Houses**

**SEQR Status:**              Unlisted Action

**Conditioned Negative Declaration:**                   Yes  
           **X** No

**Description of Action:**    Wittman Family Trust, the owner of 39.4 acres of R120 zoned land proposes a 9-Lot Conservation subdivision to contain nine single family homes served by individual sanitary sewer treatment systems and wells. The site is bisected by a local wetland and characterized by steep slopes at its eastern, western and central portions. The nine lots will range in size from 2.30 acres to 3.22 acres, all lots being as large or larger than lots in the adjacent development that predated whose lots were at a minimum lot size to comply with the R80 zoning district. Two of the Lots, Lot 1 at 7.08 acres and Lot 5 at 13.22 acres will contain deed restricted conservation areas. Lot 1 will contain 3.9 acres of conservation lands containing steep slopes as part of its conservation area and Lot 5 will contain 6.23 acres containing steep slopes, wetlands and wetland buffers as part of each of their deed restricted conservation areas. The project will include construction of approximately 1,423 linear feet of new Town road in two separate roadways ending in cul-de-sacs, one as an extension of Dr. Tony's Road for 523 linear feet and the other as an extension of Cobbling Rock Drive for 900 linear feet. Lots 5, 6 and 7 will be accessed off of Dr. Tony's Road and Lots 1, 2, 3, 4, 8 and 9 will be accessed off of Cobbling Rock Drive. The site is located within Westchester County Agricultural District #1 and is south of two other Wittman Family Trust parcels to the north previously subdivided for single family homes when those parcels were zoned R80.



**Location:** Dr. Tony's Road and Cobbling Rock Drive, Somers NY, Westchester County (Tax Lots 37.19-1-1)

**Reasons Supporting This Determination:**

**Based upon a review of the SEQRA Parts 1, 2 and 3 of the Long Form EAF and all other application materials that were submitted in support of the Proposed Action, the Planning Board makes the following findings:**

Part 2 – Impact Assessment.

See Attached

**Part 3 - Determination of Significance**

**1. Impact on Land**

**Proposed action may involve construction on or physical alteration of the land surface of the proposed site.**

The proposed action will result in a change in intensity of use of the land. The latest plans for the proposed Cobbling Rock Conservation Subdivision involve disturbance to approximately 0.71 acres of steep slopes including disturbance to 30,910 square feet of slopes 15-25%, but none over 25%. The latest plans also involve a total area of disturbance of ±9.49 acres for which a Stormwater Management Erosion Control Permit is required. Removal of trees will be limited to construction of the two roads and common infrastructure. The number of trees to be removed will be made a condition of preliminary subdivision approval and the actual number of trees to be removed determined as part of the final subdivision approval process. Trees to be removed as part of individual lot development will be addressed through individual tree permits at the time of lot development. The approval of a conservation subdivision will result in development of 2.36 acres (102,889 square feet) of impervious surfaces, which is approximately 13,504 square feet less than would be constructed with a conventional subdivision due to decreased road length. In addition, the creation of a conservation subdivision will deed preserve and restrict development and disturbance of 441,263 square feet or 10.13 acres out of a total site acreage of 39.4 acres in perpetuity. These changes in the site are not anticipated to have a significant adverse impact on the environment, and instead, the Planning Board finds and determines they are anticipated to have a positive impact.

**3. Impacts on Surface Water**

**The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes)**

As a result of disturbance to steep slopes and the creation of new impervious surfaces there is the possibility that the proposed action could cause soil erosion or create a

source of stormwater discharge that could affect on-site and adjacent receiving wetlands. To mitigate against this possibility, an enhanced stormwater pollution prevention plan (SWPPP) with permanent post construction stormwater controls has been prepared for the subdivision development. An erosion and sediment control plan has been formulated and is included as part of the SWPPP that provides temporary construction measures and controls to limit the exposure of disturbed soils and provide containment within the controlled construction limits. Long term stability and maintenance of the site and the proposed stormwater management controls will be implemented through a common Stormwater Easement and Maintenance Agreement to be approved by the Town and binding on each fee simple subdivided lot. Measures and techniques that have been incorporated in the project SWPPP and during the course of review to mitigate impacts to the greatest extent practicable include the following:

- The project stormwater pollution prevention plan includes an erosion and sediment control plan that has been developed in accordance with the NYSDEC New York Standards and Specifications for Erosion and Sediment Control and NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity.
- Temporary construction impacts will be mitigated through the installation of silt fence, stabilized construction entrances, soil stockpile areas, drain inlet protection, temporary seeding, sediment traps and erosion control blankets.
- Special requirements for the disturbance of steep slopes have been implemented including prohibition of construction disturbance within steep slope areas within the winter freeze thaw season.
- The project construction sequence has been coordinated to minimize the potential for downstream impacts
- Enhanced stabilization will be provided on disturbed steep slopes through the placement of proprietary erosion control blankets in addition to permanent seeding.
- Weekly inspections by a Qualified Inspector in accordance with the NYSDEC SPDES permit will be conducted throughout the duration of construction.
- The Erosion Control Plan includes specification for soil restoration at the completion of construction in accordance with the NYSDEC Stormwater Management Design Manual
- An erosion control bond will be posted by the Applicant to ensure all site areas are stabilized at the completion of construction.
- Long term inspection and maintenance of the permanent stormwater management system will be implemented through legal instruments that will maintain system performance and correct conditions that could result in erosion

With incorporation of the above techniques, the Planning Board finds and determines there will be no significant adverse impact on surface water.

**4. Impact on groundwater**

**The proposed action may result in new or additional use of groundwater, or may have the potential to introduce contaminants to groundwater on or an aquifer.**

Nine new wells will be established for the nine new residential lots. The establishment of these wells will not significantly impact the quality of groundwater.

Therefore, the Planning Board finds and determines there will be no adverse environmental impact due to development of the nine-lot subdivision

**8. Impact on Agricultural Resources**

**The proposed action may impact agricultural resources**

The Applicant prepared an Agricultural Data Statement (ADS) in accordance with Section 305-b of Agriculture and Markets Law, which requires that an ADS be prepared for certain land use proposals within 500 feet of a parcel of land within an agricultural district. The ADS includes the following statement: "FARM NOTE: Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened." This note will be included on the subdivision plat which should also show the Agricultural district parcel.

The 39.4-acre property proposed as a conservation subdivision is located within 500 feet of a farm operation within a Westchester County designated Agricultural District. That land is Lasdon Park & Arboretum, owned and operated by Westchester County, and located at 2610 Amawalk Road, Katonah, with its eastern boundary coterminous with the western boundary of the subject site. Lasdon Park and Arboretum does not have a commercial agricultural farm operation pursuant to Agriculture and Markets Law but is included in the agricultural district. The purpose of the form and required notification is to ensure that municipalities in which agricultural districts are located take into account the potential impacts of the land use proposal upon agricultural operations and to form as notice to project potential property owners of the existence of the agricultural operation and the potential conditions of an agricultural operation.

Agriculture and Markets Law requires the local municipality to "consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district" and to "mail written notice of such application to owners of land as identified by the applicant in the agricultural data statement." Written notice of the application was sent to the Westchester County Parks Department, the owner and operator of Lasdon Park & Arboretum by letter dated April 28, 2020. Notice to prospective owners of lots in the proposed conservation subdivision will be notified of the proximity of the Lasdon Park

and Arboretum operations by inclusion of the note identified above on the final plat with designation of the affected farm parcel.

The Westchester County Agriculture and Farmland Protection Board are an advisory board to the County Board of Legislators, created under Section 302 of NYS Agriculture and Markets Law. They do not take any action on the Agricultural Data Assessment Forms, and no action is required on their part.

Given that the agricultural operations are not commercial in nature and the fact that the property is a Westchester County Park, the Planning Board finds and determines that there will be no significant adverse impact on farm operations due to development of the nine-lot subdivision.

**10. Impact on Historic and Archeological Resources**  
**The proposed action may occur in or adjacent to a historic or archeological resource**

The Environmental Mapper identified the site or part of it as located on or adjacent to an area designated sensitive for archeological sites on the NYS Historic Preservation Office Archeological site inventory.

In response to a follow-up letter from the applicant, a letter of August 29, 2019 from the NYS Office of Parks Recreation and Historic Preservation was received by the applicant and to the Town. That letter stated that, based upon review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

Therefore, the Planning Board finds and determines there is no adverse impact on Historic and Archeological Resources due to development of the nine-lot subdivision.

**12. Impact on Critical Environmental Areas**  
**The proposed action may be located within or adjacent to a Critical Environmental Area**

This was identified as a potential impact because the site is located adjacent to County & State Lands of Exceptional or Unique Character, lands that were designated as a Critical Environmental Area on January 31, 1990, namely Lasdon Park and Arboretum. Therefore, the Planning Board finds and determines it is not anticipated that the project will have any significant adverse environmental impact on the park.

## **Conclusion**

The Somers Planning Board has conducted an independent review and an analysis of the entire record and the potential environmental effects of the proposed conservation subdivision creating two additional lots.

The Planning Board has completed a careful and thorough review of the identified areas of the Long Form EAF. Based upon all of the information generated for the proposed project and its own careful and thorough independent review, the Planning Board has determined that the potential small impacts identified in the eaf and tis Negative Declaration, will not result in significant adverse environmental impacts, either individually or cumulatively, cannot feasibly be avoided, and have been mitigated to the maximum extent practicable and that the Planning Board determines there is no significant adverse impact on the environment.

As a result of its review of the proposed project, the Planning Board has determined that a negative declaration be issued on the potential impacts for the proposed action which have been deemed to have been mitigated to the maximum extent practicable and will not have a significant adverse impact on the environment.

**Lead Agency:** Somers Planning Board  
Town of Somers  
335 Route 202  
Somers, NY 10589

### **For Further Information:**

**Contact Person:** Syrette Dym, AICP  
Director of Planning  
**Address:** Town of Somers, 335 Route 202, Somers, NY 10589  
**Telephone Number:** (914) 277-5366

**For Unlisted Actions, a copy of this notice has been filed with involved and interested agencies and parties on the attached distribution list.**



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 June 10, 2020 – Draft #1

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

Resolution No. 2020-03  
*Granting of Conditional Preliminary Conservation Subdivision Approval and  
Stormwater Management and Erosion and Sediment Control, Steep Slopes  
Permit to  
Vito Andriano  
for the  
Cobbling Rock Conservation Subdivision  
Town Tax Number: Section 37.19 Block 1, Lot 1*

**WHEREAS**, an application by Vito Andriano (“Applicant”) for Preliminary Subdivision Approval dated July 8, 2019 for the Cobbling Rock Conservation Subdivision together with a Long Form EAF and associated materials and subdivision fee were received by the Planning and Engineering Department on July 17, 2019, and included the following plans and materials:

1. Cover letter from Bibbo Associates, L.L.P dated July 15, 2019
2. Plan Sets dated 07-13-19
3. Application for Preliminary Subdivision dated 07-08-19
4. Environmental Steep Slopes Application dated 07-08-19
5. Full Environmental Assessment Form dated 07-15-19
6. Affidavit of Ownership 04-07-19
7. Application Processing Restrictive Law Form 07-08-19
8. Applicant Acknowledgement 07-08-18
9. Letter of Authorization from Property Owner
10. Proof of taxes paid

Page 1 of 14

Z:\PE\Subdivision files\Cobbling Rock Estates\Resolution\Preliminary  
Subdivision Resolution\Draft# Preliminary Conservation Subdivsiion Resolution  
6-4-20.docx

11. Description of property prepared by H. Stanley Johnson and Company Surveyor PC
12. Application fee for Stormwater Management and Erosion and Sediment Control Permit and Steep Slopes Permit, although Stormwater Permit Application not submitted
13. Adjoining Property Owners
14. Preliminary Subdivision Permit Fee

**WHEREAS**, the subject lands consist of a total area of 39.4 acres and are shown on the Town Tax Maps as Section 37.19, Block 1, Lot 1 at 22 Dr. Tony's Road; and

**WHEREAS**, the subject lands are zoned "Residence R-120 District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

**WHEREAS**, the Applicant initially proposed a nine lot Conventional Subdivision with lots to be served by individual drilled wells and septic systems and, as part of verifying an approvable conventional nine lot subdivision, initially proposed two Town roads ending in cul-de-sacs totaling 1,675 linear feet to provide new roads for the purpose of providing frontage and access to the proposed nine lots where one road was an extension of Dr. Tony's Road providing access to 3 lots and the other from Cobbling Rock Drive providing access to 6 lots; and

**WHEREAS**, in response to comments from the Town Director of Planning and Consulting Town Engineer, corrected submissions were made including a revised Long Form EAF dated July 17, 2019; and

**WHEREAS**, the Stormwater Management and Erosion and Sediment Control Permit still has to be submitted as will a Tree Removal Permit, and

**WHEREAS**, the project was scheduled for review at the Planning Board meeting of August 14, 2019 at which time the Planning Board declared its intent to be lead agency and distributed the Lead agency notice dated August 14, 2019 indicating the project as an Unlisted Action as per Article 8 State Environmental Quality Review Act (SEQRA) and Chapter 92 (Environmental Quality Review) of the Code of the Town of Somers to all interested and involved agencies, such involved agencies being the Westchester County Department of Health, New York City Department of Environmental Protection and New York State Department of Environmental Conservation; and

**WHEREAS**, a site walk was scheduled for August 24, 2019 and such walk was undertaken by the Board; and

**WHEREAS**, as a result of the site walk, although there had been discussion regarding whether the proposed conventional subdivision should be revised to be a conservation subdivision, the Planning Board felt that large lots of a conventional subdivision would be more in keeping with the adjacent prior developed large lot

subdivision even though those lots were developed at an R80 density, the zoning at the time, rather than the R120 density of this parcel; and

**WHEREAS**, during the course of the Planning Board's review of the Applicant's proposed preliminary nine lot conventional subdivision application, the Planning Board received and considered correspondence from the public as well as from Town staff, Town advisory boards and other involved and interested agencies, as follows:

1. Memoranda from the Town Director of Planning dated 8/7/19, 10/4/19, 12/9/19, 2/4/20, and 3/5/20
2. Memoranda from the Consulting Town Engineer dated 8/9/19, 10/11/19, 12/6/19, 2/7/20, and 3/6/20
3. Memoranda from the Open Space Committee dated 7/23/19, 9/24/19, 11/22/19, 11/26/19, 1/17/20, 2/26/20, 3/9/20, 4/2/20 and 4/17/20
4. Memoranda from the Energy and Environmental Committee dated 9/11/19, 10/8/19, and 12/10/19
5. Memoranda from New York State Department of Environmental Conservation dated 9/13/19
6. Memoranda from New York City Department of Environmental Protection dated 9/9/19
7. Memoranda from the Bureau of Fire Prevention dated 7/14/19, 7/26/19, 11/21/19, 12/19/19, 2/19/20, 2/25/20, 2/26/20, 3/18/20, 3/18/20, and 4/15/20
8. Memorandum from the Architectural Review Board dated 7/25/19
9. Memorandum from the New York State Office of Parks, Recreation and Historic Preservation dated 8/28/19
10. E-Mails from David. S. Kvinge, Director of Environmental Planning of Westchester County Department of Planning

**WHEREAS**, by letter of October 1, 2019, from Bibbo Associates, L.L.P., revised plans and materials addressing comments from the Consulting Town Engineer of 08/09/19 and Director of Planning of 08/07/19 were submitted to the Planning Board, including:

- Plan Sets revised 10/1/19
- Revised Full EAF dated 10/1/19
- Stormwater Erosion and Sediment Control Application dated 9/30/19
- Stormwater Pollution Prevention Plan (SWPPP) dated 09/28/19

**WHEREAS**, the above submitted plan set for a convention subdivision for lot count purposes was reviewed at the Planning Board meeting of October 16, 2019 at which time the Applicant indicated they wanted to pursue a conservation subdivision and the Board asked the Applicant to prepare a conservation plan for the Board's consideration; and

**WHEREAS**, at the Planning Board meeting of October 16, 2019, the requisite 30 days having passed, the Planning Board accepted its role as lead agency; and

**WHEREAS**, by letter of November 25, 2019, Bibbo Associates, L.L.P. and the Applicant formally indicated that they preferred to pursue a conservation subdivision and submitted the following in response to comments and requested confirmation of a conventional subdivision lot count in order to proceed to consideration of a conservation subdivision:

- Plan Sets last revised 11/25/19
- Letter from SHPO dated 08-28-19
- Stormwater Pollution Prevention Plan (SWPPP) revised 11-25-19
- Preliminary Conservation Subdivision Plan dated 11-25-19

**WHEREAS**, the Applicant explained that the conservation plan it would create would provide deed restricted conservation areas on individual lots to be owned by those lot owners rather than providing a homeowners' association and conservation areas to be deeded to a land trust or to the Town of Somers, reduce impervious surface and preserve critical environmental features; and

**WHEREAS**, the Open Space Committee considered the project at several of its meetings, but at its meeting of October 17, 2019 it issued a memorandum of October 24, 2019 in which it endorsed a conservation subdivision treatment of the site along with recommendations that included a biodiversity study, and archeological study and use of cape cod curbs as well as requesting a separate site walk of the project; and

**WHEREAS**, the Bureau of Fire Prevention in comments in its many memorandums to the Planning Board as noted above, indicated its concern regarding whether a tower ladder fire truck could be accommodated in the proposed 90' cul-de-sacs and indicated that a 96 inch diameter cul de sac should be provided in compliance with the 2015 International Fire Code Appendix D standard; and

**WHEREAS**, Bibbo Associates, by letter dated January 29, 2020, submitted the following and requested consideration of conventional lot count approval:

- Conventional Subdivision Plan Set revised 01/29/20
- Stormwater Pollution Prevention Plan revised January 29, 2020
- Letter from SHPO dated 12-06-19
- Wetland Report from Tim Miller Associates, Inc. dated January 16, 2020
- Location of Agricultural District Figure

**WHEREAS**, the Wetland Report from Tim Miller Associates, Inc. dated January 16, 2020 stated that the onsite wetlands are an intermittent watercourse flowing north to south towards the New York City Department of Environmental Protection property to the south, ultimately meeting the Muscoot River and is a local not a DEC or federal wetland; and

**WHEREAS**, by letter dated February 26, 2020, Bibbo Associates submitted the following in response to comments from the Director of Planning and Consulting Town Engineer again requesting consideration of conventional lot count approval:

- Stormwater Pollution Prevention Plan revised February 26, 2020
- Conventional Site Development Plans revised 02-16-17

**WHEREAS**, at its meeting of February 15, 2020, it was determined that the tree survey would be limited to areas of common infrastructure, road and drainage and that the survey and Tree Removal Permit would not be required until final subdivision; and

**WHEREAS**, at its meeting of 12/11/19, based on revisions to the conventional subdivision layout, the Planning Board approved a nine-lot conventional lot count as the basis for a conservation subdivision plan and directed the applicant to provide such a plan; and

**WHEREAS**, at the meeting of February 15, 2020, the Planning Board set March 11, 2020 for opening the public hearing on the Conservation Subdivision; and

**WHEREAS**, at the request of the Open Space Committee, a second site walk was held with members of the Open Space Committee and members of the Planning Board on March 8, 2020; and

**WHEREAS**, as a result of that site walk, the Open Space Committee submitted a letter to the Planning Board of March 8, 2020 outlining its concerns related to the proposed conservation subdivision plans for consideration by the Planning Board; and

**WHEREAS**, the duly noticed public hearing was not opened at the meeting of March 11, 2020 but was adjourned until the meeting of April 15, 2020; and

**WHEREAS**, the Planning Board discussed the preliminary conventional and conservation subdivision applications at their meetings held August 14, 2019, October 16, 2019, December 11, 2019, April 15, 2020 and June 10, 2020; and

**WHEREAS**, in response to comments from the Planning Board, Consulting Town Engineer and Director of Planning, Bibbo Associates submitted a letter dated 5/27/2020 with a plan set dated revised 5/27/2020; and

**WHEREAS**, drawing PS-1 Preliminary Subdivision Plan dated February 26, 2020 for the conservation subdivision proposed the following Lot configurations

- Lot 1 – 7.08 acres with a Deed Restricted Conservation Area of 3.90 acres along the eastern property line consisting of steep slopes
- Lot 2 – 2.30 acres
- Lot 3 – 2.34 acres
- Lot 4 – 2.47 acres



- Lot 5 – 13.22 acres with a Deed Restricted Conservation Area of 6.23 acres consisting of wetlands, wetland buffers and steep slopes
- Lot 6- 2.71 acres
- Lot 7 - 2.42 acres
- Lot 8 - 2.33 acres
- Lot 9 -2.67 acres

**WHEREAS**, the preliminary conservation subdivision public hearing was held on April 15, 2020, at which time all those wishing to be heard were given the opportunity to be heard and the hearing was voted to be closed but the comment period remained open for 10 days; and

**WHEREAS**, by letter dated May 28, 2020, Bibbo Associates submitted a Truck Maneuver plan showing that the 90' cul de sac can accommodate a 48' ladder truck and complies with the 90' diameter requirement of Section A174-31 of the Town Code; and

**WHEREAS**, having received correspondence from the Bureau of Fire Prevention as indicated in minutes of its meeting of April 15, 2020 that the 90' diameter is sufficient; and

**WHEREAS**, the Planning Board at its meeting of June 10, 2020, deliberated whether the proposed conservation subdivision met one or more of the purposes of Section 170-13.1 and Section 170-13.3 of the Code of the Town of Somers, and

**WHEREAS**, after careful consideration at its meeting of June 10, 2020, the Planning Board determined and voted that the proposed conservation nine-lot subdivision met at least one of the findings required by Section 170-13.1 of the Code of the Town of Somers in that it accomplished the following:

- Reduced the length of new Town roads between the conventional and conservation subdivision by approximately 245 linear feet from 1,672 linear feet to 1,427 linear feet
- Reduction of impervious surface areas between conventional and conservation subdivision including 12,200 sf less impervious surfaces from 2.64 acres to 2.36 acres
- Creation of a 3.90 acre deed restricted area to be located within Lot 1 consisting of steep slopes that form a buffer to adjacent lands of the City of New York to the east
- Creation of a 13.22 acre deed restricted area to be located within Lot 5 consisting of wetlands, wetland buffers and steep slopes that are environmentally sensitive areas that will be preserved in their natural state and are adjacent to environmentally sensitive areas that continue on lands owned by New York City Department of Environmental Conservation to the south

- Creation of lots whose sizes are consistent with lot sizes of those in the adjacent subdivision to the north, thereby protecting Somers' existing aesthetic qualities
- A total of 10.3 acres of deed restricted land out of a total of 39.4 acres; and

**WHEREAS**, the Conservation Subdivision plans dated February 26, 2020 showed width at front lot line for Lot 4 as 91 feet and for Lot 8 as 99 feet when required width at front lot line is 150 feet in the R120 District; and

**WHEREAS**, the Zoning Schedule permits the Planning Board to reduce the frontage required to not less than one-third the width for lots on a permanent turnaround if the minimum required width is met at the front yard setback line; and

**WHEREAS**, the width at front yard setback for Lot 4 is 91 feet and for Lot 8 is 99 feet, thereby meeting this requirement, the Planning Board voted to approve the reduced width for these lots at its meeting of June 10, 2020; and

**WHEREAS**, an Agricultural Data Statement, map and conservation subdivision plan were e-mailed to the Westchester County Farmland Protection Board by the Director of the Environmental Facilities of Westchester County Planning Department on April 27, 2020; and

**WHEREAS**, the same Agricultural Data Statement dated April 27, 2020 was prepared and sent by cover letter dated April 28, 2020 to the Westchester County Commissioner of the Parks Department and it has been determined that there would be no impact to Lasdon Park which was identified as a Westchester County Agricultural District, although recognized as not a commercial farm operation; and

**WHEREAS**, as a result of the information provided in the Long Form EAF and after review of the EAF Part 2, the Planning Board considered the potential impacts of the proposed nine lot conservation subdivision and determined that the proposed subdivision will not result in any significant adverse environmental impacts and issued a Negative Declaration of June 10, 2020; and

**WHEREAS**, during this process, the Director of Planning determined that treatment of conservation areas as deed restricted areas on individual lots was not envisioned by Section 170.13.3E(1) of the Zoning Ordinance which stated that such lands were required to be divided equally among all owners of building lots within a conservation subdivision, essentially requiring a Homeowner's Association, and that all or most of such lands were to be deeded to a recognized conservation organization dedicated to the preservation of open space or offered and accepted for dedication to the Town of Somers; and

**WHEREAS**, it had been determined in the past that neither the Town of Somers nor such conservation organizations were interested in obtaining relatively small conservation parcels and that Homeowner's Associations were also not the best vehicles for preserving such lands in perpetuity; and

**WHEREAS**, it was determined that a minor amendment to Section 170-13.3 regarding conservation lands such that ownership of all open space areas within the conservation subdivision could be divided among all owners of building lots having such open space areas in their respective lots; and

**WHEREAS**, simultaneous with consideration of the conservation subdivision by the Planning Board, it was determined by the Town Board that amendment to Article IIIA Conservation Zoning of the Zoning Ordinance with regard to Conservation Subdivisions was required to permit placement of conservation areas within individual lots and deed restricted such conservation areas, and whereas, the Town Board considered this amendment at its meeting of April 2, 2020 and referred it to the Planning Board and Westchester County Planning Board for comment; and

**WHEREAS**, the Planning Board considered this zoning amendment at its meeting of May 13, 2020 and sent a letter to the Town Board dated May 14, 2020 indicating their approval of such amendment with a modification allowing conservation areas on individual lots as a way to create conservation subdivisions in addition to the methods already stated in the zoning ordinance rather than as a replacement for them; and

**WHEREAS**, at its meeting of May 14, 2020, the Town Board opened and adjourned the public hearing on the Conservation Zoning Amendment to modify the proposed legislation based on the recommendations of the Planning Board; and

**WHEREAS**, at its meeting of June 4, 2020, the Towh Board continued a public hearing on the further modified Conservation Zoning amendment Section 170-13.3, closed the public hearing after hearing all those wishing to be heard and approved the zoning amendment thereby allowing the Planning Board to consider the applicant's proposed Preliminary Conservation Subdivision layout as proposed in its plans dated May 27, 2020 whereby conservation areas were located within individual Lots 1 and 5; and

**WHEREAS**, each lot owner shall be responsible for ensuring the integrity of the deed restricted area within his/her particular lot; and

**WHEREAS**, each lot owner shall be responsible for ensuring the integrity of the stormwater management practices within his/her particular lot, in accordance with the stormwater management agreements; and

**WHEREAS**, deeds containing restrictive covenants governing action within the conservation areas, and a drainage easement agreement will be submitted by the applicant for review by the Town Attorney and Consulting Town Engineer; and

**WHEREAS**, the Planning Board, assured that such deed restrictions would suffice to secure the conservation areas, and that such maintenance agreement would suffice to ensure protection and preservation of the stormwater management practices, voted in favor of preliminary conservation subdivision at its meeting of June 10, 2020 in light of approval of amended legislation for Section 170.13-3 of the Zoning Ordinance as approved by the Town Board; and

**WHEREAS**, the proposed subdivision will require the disturbance of greater than 1-acre of land and in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity, also known as Permit No. GP-0-20-001 the Applicant is required to develop a Stormwater Pollution Prevention Plan (SWPPP) which considers erosion and sediment controls during construction as well as post construction stormwater management practices in accordance with the provisions of Permit No. GP-0-20-001 and the *New York State Standards and Specifications for Erosion and Sediment Control* (the Blue Book); and

**WHEREAS**, the proposed subdivision will require the disturbance of greater than 1-acre of land and involves construction of a single family residential subdivision and in accordance with Chapter 93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*, the Applicant will be required to obtain a Stormwater Management and Erosion and Sediment Control permit and address all necessary erosion and sediment control contents and postconstruction stormwater runoff controls as for an acceptable project SWPPP that is prepared in accordance the supplementary criteria prescribed by Town Code Chapter 93; and

**WHEREAS**, the required project erosion and sediment controls, stormwater management practices, notes and construction details are illustrated on the drawing titled "Preliminary Subdivision Plan", and "Erosion Control Plan", and "Details" last revised 5/27/2020; and

**WHEREAS**, the provided drawings indicate that stormwater runoff from newly constructed impervious areas will be conveyed to a combination of privately owned stormwater management practices on each parcel and 2 common stormwater management areas located within designated easement areas; and

**WHEREAS**, the Applicant will be required to address remaining comments of the Consulting Town Engineer relating to an acceptable SWPPP as conditions of Subdivision Plat approval; and

**WHEREAS**, the Town Consulting Engineer by letter of 3/6/2020 indicated that all outstanding concerns could be addressed as conditions of a Planning Board resolution for preliminary subdivision approvals; and

**WHEREAS**, the Planning Board has reviewed and is familiar with and has inspected the site and its surroundings; and

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

**WHEREAS**, in accordance with §277(4) of the New York State Town Law and §150-24.A of the *Code of the Town of Somers*, the Planning Board has considered the relationship between the proposed conservation subdivision and the potential recreational needs resulting therefrom; and

**WHEREAS**, the Planning Board finds that, given the nine lot subdivision resulting in the creation of nine new lots and deminimus anticipated growth in the town population, the Planning Board does not find that a proper case exists for requiring that a park or parks be suitably located for playgrounds and other recreational facilities within the Town, however, does find that, due to use of townwide facilities by occupants of the proposed lots, the nine new building lots created by the nine lot subdivision will be subject to a Town of Somers Recreation Fee as established by Chapter 55 of the Code of the Town of Somers Section; 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, including the SEQR Negative Declaration referenced therein; and

**BE IT FURTHER RESOLVED**, that the application for preliminary subdivision plat approval for the Cobbling Rock Estates **PRELIMINARY CONDITIONAL CONSERVATION SUBDIVISION, STEEP SLOPES, AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL**, as shown and described by the materials enumerated herein, **ARE HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and §150-12M "Planning Board Action" of the *Code of the Town of Somers*, **SUBJECT TO** the following modifications and conditions being fulfilled at the time of application for final subdivision plat approval, unless otherwise stated below:

1. Prepare and submit a final conservation subdivision plat containing all required elements of §150-13 and 150-30 of the Code of the Town of Somers and Articles IV and V of the Code of the Town of Somers, and reflecting the conditions as stated herein and including:
2.
  - a. That three points be posted on the plat with northing and easting coordinates consistent with the NAD83 State Plane coordinate system.
  - b. That all references and descriptions to common driveway and drainage easements are coordinated with the final legal instruments accepted by the Town Attorney and Consulting Town Engineer.



- c. The Final Plat shall bear all other notations, legends and signature blocks as required by Town Code §150-30.
3. The Final Plat drawing shall be submitted to the Planning and Engineering Office for review prior to submission to the Westchester County Health Department for signature.
4. The Applicant shall address all remaining engineering concerns enumerated in memorandum from the Consulting Town Engineer, dated March 6, 2020, including the following:
  - a. The Applicant provided updated testing for the current design, but will need to provide final testing results in accordance with Appendix D of the NYSDEC SMDM (witnessed by the NYCDEP) once the final design is developed.
  - b. The Applicant shall provide the Final SWPPP for review that includes pipe diameter, pipe material, and pipe inverts for all proposed drainage pipes.
  - c. The Applicant shall provide a landscaping plan for initial construction activities within the right-of-way.
  - d. Prior to issuance of a building permit for an individual lot, the Applicant shall meet with the Town of Somers Engineering Department to develop a site-specific landscaping and tree removal plan. The plan shall address screening or maintenance and replacement procedures for any landscaping.
  - e. The Applicant shall provide a tree survey within the limits of the common infrastructure to support the issuance of a tree removal permit. Additional review and tree removal permits will be required as part of securing a building permit for an individual lot (see Condition #3.d.).
  - f. Prior to issuance of a building permit for an individual lot, the Applicant shall provide lighting plans and specifications for review.
  - g. The Applicant shall provide a copy of the NYCDEP SWPPP Approval once obtained.
  - h. The Applicant shall provide documentation of having received necessary approvals from the NYCDEP for the proposed on-site subsurface sewage treatment systems.
  - i. The Applicant shall provide a copy of the WCDOH approval of the new septic systems.

- j. The Applicant shall provide a copy of the WCDOH approval of the new wells.
  - k. The Applicant shall provide the draft stormwater maintenance agreements for review by the Consulting Town Engineer and Town Attorney (for the treatment systems on each lot and the common drainage systems that treat the proposed road extensions).
  - l. The Applicant's current design calls for two deed-restricted areas for conservation purposes. The Applicant shall provide all necessary deed restriction documents to the Town Attorney for review and enforceability.
5. Provide a cost estimate for all construction activity associated with the installation of common infrastructure, including, but not limited to: the road extensions, utilities, stormwater management systems, and other associated site features. The final accepted cost estimate amount shall serve as the basis for establishment of the performance bond amount.
6. The Applicant shall post a performance bond/security based upon the cost of soil erosion and sedimentation control measures on the site during the course of construction. The above stated security shall be in an amount based upon a cost estimate prepared by the Applicant and determined to be acceptable by the Town Consulting Engineer and Principal Engineering Technician. The security shall be in form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.
7. The Applicant shall post an engineering inspection fee for the Subdivision paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board. The amount of such fee shall be set after submission by the Applicant of estimated costs for required improvement and determined to be acceptable by the Town Consulting Engineer and Principal Engineering Technician.
8. 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.
9. The Applicant shall place the following note on the final subdivision plat: "FARM NOTE: Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened." This note will be included on the subdivision plat which should also show the Agricultural district parcel.

10. Provide updated copies of the Notice of Intent (N.O.I) and MS4 Acceptance Form to obtain construction coverage under NYSDEC SPDES General Permit (GP-0-20-001) based upon the final SWPPP for review and acceptance by the Consulting Town Engineer.
11. The Applicant shall obtain Realty Subdivision Approval of the proposed subdivision from the Westchester County Department of Health (WCDOH) and the Final Plat drawing shall bear such approval from the WCDOH, as required prior to signing of the Final Subdivision Plat by the Planning Board Chairman.
12. The Applicant shall submit a tree permit and pay the required fee.
13. Submission of payment fee for a Stormwater and Erosion and Sediment Control Permit in accordance with Chapter 93 Stormwater Management and Erosion and Sediment Control of the *Code of the Town of Somers*
14. That a final Restrictive Covenant relating to deed restrictions to environmentally sensitive lands, easement and maintenance agreements for the common infrastructure and easement and maintenance agreements for the stormwater structures, be prepared and reviewed and approved by the Town Attorney and Consulting Town Engineer.
15. That the easement and maintenance documents be filed at the same time as the final plat.

**BE IT FURTHER RESOLVED**, that the conditional granting of preliminary conservation subdivision plat approval is also subject to compliance with the following conditions:

1. All references to "the Applicant" shall include the Applicant's successors and assigns.
2. Disturbance to Town regulated steep slope areas, as may be approved by this action, shall not exceed that which is depicted on the proposed plans that were used as the basis for the granting of preliminary conservation subdivision plat approval, unless otherwise determined through the permitting process

**BE IT FURTHER RESOLVED** that this conditional approval of the preliminary subdivision application shall expire on December 10, 2020, if no application for final subdivision approval is submitted, unless an extension of this time period is requested by the Applicant prior to the expiration date of the conditional approval,

and approved by the Planning Board in accordance with §150-12.N of the *Code of the Town of Somers*.

This resolution shall have an effective date of June 10, 2020.

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

\_\_\_\_\_  
**John Currie, Chairman**

\_\_\_\_\_  
**Date**

**CERTIFICATION**

I hereby certify that this is a true and correct copy of Resolution #2020-03 *adopted by the Town of Somers Planning Board granting Conditional Preliminary Subdivision Approval, Steep Slopes Protection Permit and Stormwater Management and Erosion and Sediment Control Permit*, subject to the modifications stated herein, to Vito Andriano for the Cobbling Rock Conservation Subdivision at a regular meeting held June 10, 2020.

\_\_\_\_\_  
**Syrette Dym, AICP  
Director of Planning**

\_\_\_\_\_  
**Date**

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

|           |                       |
|-----------|-----------------------|
| Project : | Cobbling Rock Estates |
| Date :    | June 10, 2020         |

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

| <b>1. Impact on Land</b>  | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES |
|---|-----------------------------|---|
| Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)                          |                             |   |
| <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>   |                             |   |
|   | Relevant Part I Question(s) | No, or small impact may occur           |
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet.   | E2d                         | <input checked="" type="checkbox"/>     |
| b. The proposed action may involve construction on slopes of 15% or greater.  | E2f                         | <input checked="" type="checkbox"/>     |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.                  | E2a                         | <input checked="" type="checkbox"/>     |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.  | D2a                         | <input checked="" type="checkbox"/>     |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases.  | D1e                         | <input checked="" type="checkbox"/>     |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q                    | <input checked="" type="checkbox"/>     |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area.   | B1i                         | <input checked="" type="checkbox"/>     |
| h. Other impacts: _____   |                             | <input type="checkbox"/>                |

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Identify the specific land form(s) attached: _____<br>_____  | E2g                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.<br>Specific feature: _____ | E3c                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. Other impacts: _____<br>_____  |                             | <input type="checkbox"/>      | <input type="checkbox"/>           |

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

|  | Relevant Part I Question(s) | No, or small impact may occur       | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------------|------------------------------------|
| a. The proposed action may create a new water body.  | D2b, D1h                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.                 | D2b                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.  | D2a                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.                             | E2h                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.  | D2a, D2h                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.   | D2c                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).   | D2d                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. | D2e                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.   | E2h                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| j. The proposed action may involve the application of pesticides or herbicides in or around any water body.  | D2q, E2h                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.   | D1a, D2d                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |

|                                  |  |                          |                          |
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| I. Other impacts: _____<br>_____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
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| <b>4. Impact on groundwater</b><br>The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)<br><i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i> |                                    |                                      |   |
|  |                                    | <input type="checkbox"/> NO          | <input checked="" type="checkbox"/> YES   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.   | D2c                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.<br>Cite Source: _____   | D2c                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services.  | D1a, D2c                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| d. The proposed action may include or require wastewater discharged to groundwater.  | D2d, E2l                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.  | D2c, E1f, E1g, E1h                 | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.   | D2p, E2l                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.   | E2h, D2q, E2l, D2c                 | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| h. Other impacts: _____<br>_____   |                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |

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| <b>5. Impact on Flooding</b><br>The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)<br><i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i> |                                    |  |   |
|  |                                    | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES              |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b>   | <b>Moderate to large impact may occur</b> |
| a. The proposed action may result in development in a designated floodway.   | E2i                                | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| b. The proposed action may result in development within a 100 year floodplain.   | E2j                                | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| c. The proposed action may result in development within a 500 year floodplain.   | E2k                                | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| d. The proposed action may result in, or require, modification of existing drainage patterns.  | D2b, D2e                           | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| e. The proposed action may change flood water flows that contribute to flooding.   | D2b, E2i, E2j, E2k                 | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?   | E1e                                | <input type="checkbox"/>               | <input type="checkbox"/>                  |



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| g. Other impacts: _____<br>_____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
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| <b>6. Impacts on Air</b><br>The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES<br>(See Part 1. D.2.f., D.2.h, D.2.g)<br><i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i> |                                    |                                      |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:   |                                    |                                      |   |
| i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )  | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)   | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)   | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )  | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions   | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| vi. 43 tons/year or more of methane   | D2h                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.  | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.   | D2f, D2g                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.  | D2g                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.   | D2s                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| f. Other impacts: _____<br>_____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>7. Impact on Plants and Animals</b><br>The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES<br><i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i> |                                    |                                      |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.                                   | E2o                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.   | E2o                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.                  | E2p                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.   | E2p                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.                               | E3c | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.<br>Source: _____                                  | E2n | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.              | E2m | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.<br>Habitat type & information source: _____ | E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.  | D2q | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other impacts: _____   |     | <input type="checkbox"/> | <input type="checkbox"/> |

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| <b>8. Impact on Agricultural Resources</b>   |                                    |                                      |   |
| The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)   |                                    | <input type="checkbox"/> NO          | <input checked="" type="checkbox"/> YES   |
| <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>  |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.   | E2c, E3b                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).  | E1a, E1b                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.   | E3b                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a                           | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system.  | E1 a, E1b                          | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.   | C2c, C3, D2c, D2d                  | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.   | C2c                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| h. Other impacts: _____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>9. Impact on Aesthetic Resources</b><br>The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)<br><i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> |                                    |  |  |
|  |                                    | <input checked="" type="checkbox"/> NO               | <input type="checkbox"/> YES                         |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b>                 | <b>Moderate to large impact may occur</b>            |
| a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.  | E3h                                | <input type="checkbox"/>                             | <input type="checkbox"/>                             |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.  | E3h, C2b                           | <input type="checkbox"/>                             | <input type="checkbox"/>                             |
| c. The proposed action may be visible from publicly accessible vantage points:<br>i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)<br>ii. Year round   | E3h                                | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/> |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is:<br>i. Routine travel by residents, including travel to and from work<br>ii. Recreational or tourism based activities   | E3h<br>E2q,<br>E1c                 | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/> |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.   | E3h                                | <input type="checkbox"/>                             | <input type="checkbox"/>                             |
| f. There are similar projects visible within the following distance of the proposed project:<br>0-1/2 mile<br>1/2 -3 mile<br>3-5 mile<br>5+ mile   | D1a, E1a,<br>D1f, D1g              | <input type="checkbox"/>                             | <input type="checkbox"/>                             |
| g. Other impacts: _____<br>_____   |                                    | <input type="checkbox"/>                             | <input type="checkbox"/>                             |

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| <b>10. Impact on Historic and Archeological Resources</b><br>The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f, and g.)<br><i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>  |                                    |                                      |   |
|  |                                    | <input type="checkbox"/> NO          | <input checked="" type="checkbox"/> YES   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. | E3e                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.   | E3f                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.<br>Source: _____  | E3g                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |

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| d. Other impacts: _____  |                            | <input type="checkbox"/> | <input type="checkbox"/> |
| e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3: |                            |                          |                          |
| i. The proposed action may result in the destruction or alteration of all or part of the site or property.   | E3e, E3g, E3f              | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. The proposed action may result in the alteration of the property's setting or integrity.   | E3e, E3f, E3g, E1a, E1b    | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.   | E3e, E3f, E3g, E3h, C2, C3 | <input type="checkbox"/> | <input type="checkbox"/> |

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| <b>11. Impact on Open Space and Recreation</b><br>The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span><br>(See Part 1. C.2.c, E.1.c., E.2.q.)<br><i>If "Yes", answer questions a - e. If "No", go to Section 12.</i> |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.  | D2e, E1b E2h, E2m, E2o, E2n, E2p   | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| b. The proposed action may result in the loss of a current or future recreational resource.  | C2a, E1c, C2c, E2q                 | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources.   | C2a, C2c E1c, E2q                  | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource.   | C2c, E1c                           | <input type="checkbox"/>             | <input type="checkbox"/>                  |
| e. Other impacts: _____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

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| <b>12. Impact on Critical Environmental Areas</b><br>The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <span style="float: right;"><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</span><br><i>If "Yes", answer questions a - c. If "No", go to Section 13.</i> |                                    |                                      |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.   | E3d                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.  | E3d                                | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                  |
| c. Other impacts: _____  |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Projected traffic increase may exceed capacity of existing road network.                           | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action will degrade existing transit access.  | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations.                    | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action may alter the present pattern of movement of people or goods.                  | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| f. Other impacts: _____<br>_____  |                             | <input type="checkbox"/>      | <input type="checkbox"/>           |

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

|  | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
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| a. The proposed action will require a new, or an upgrade to an existing, substation.   | D2k                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. | D1f, D1q, D2k               | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.  | D2k                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.  | D1g                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. Other Impacts: _____<br>_____   |                             |                               |                                    |

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

|  | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may produce sound above noise levels established by local regulation.   | D2m                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. | D2m, E1d                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may result in routine odors for more than one hour per day.   | D2o                         | <input type="checkbox"/>      | <input type="checkbox"/>           |

|   |          |                          |                          |
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| d. The proposed action may result in light shining onto adjoining properties.                           | D2n      | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____   |          | <input type="checkbox"/> | <input type="checkbox"/> |

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  NO  YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.   | E1d                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The site of the proposed action is currently undergoing remediation.   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.                               | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. | D2t                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| g. The proposed action involves construction or modification of a solid waste management facility.  | D2q, E1f                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| h. The proposed action may result in the unearthing of solid or hazardous waste.  | D2q, E1f                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.  | D2r, D2s                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.  | E1f, E1g<br>E1h             | <input type="checkbox"/>      | <input type="checkbox"/>           |
| k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.   | E1f, E1g                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| l. The proposed action may result in the release of contaminated leachate from the project site.  | D2s, E1f,<br>D2r            | <input type="checkbox"/>      | <input type="checkbox"/>           |
| m. Other impacts: _____   |                             |                               |                                    |

|  |                                    |                                      |   |  |                              |
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| <b>17. Consistency with Community Plans</b><br>The proposed action is not consistent with adopted land use plans.<br>(See Part 1. C.1, C.2. and C.3.)<br><i>If "Yes", answer questions a - h. If "No", go to Section 18.</i> |                                    |                                      |   | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |  |                              |
| a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).  | C2, C3, D1a<br>E1a, E1b            | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.   | C2                                 | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| c. The proposed action is inconsistent with local land use plans or zoning regulations.  | C2, C2, C3                         | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| d. The proposed action is inconsistent with any County plans, or other regional land use plans.  | C2, C2                             | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.   | C3, D1c,<br>D1d, D1f,<br>D1d, E1b  | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.   | C4, D2c, D2d<br>D2j                | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)  | C2a                                | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| h. Other: _____<br>_____   |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |

|  |                                    |                                      |   |  |                              |
|--|------------------------------------|--------------------------------------|---|--|------------------------------|
| <b>18. Consistency with Community Character</b><br>The proposed project is inconsistent with the existing community character.<br>(See Part 1. C.2, C.3, D.2, E.3)<br><i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i> |                                    |                                      |   | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |  |                              |
| a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.   | E3e, E3f, E3g                      | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)   | C4                                 | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.   | C2, C3, D1f<br>D1g, E1a            | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.  | C2, E3                             | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| e. The proposed action is inconsistent with the predominant architectural scale and character.   | C2, C3                             | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| f. Proposed action is inconsistent with the character of the existing natural landscape.   | C2, C3<br>E1a, E1b<br>E2g, E2h     | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |
| g. Other impacts: _____<br>_____   |                                    | <input type="checkbox"/>             | <input type="checkbox"/>                  |  |                              |



***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attached Negative Declaration

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Somers Planning Board \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Cobbling Rock Estaes Conservaiton Subdivision

Name of Lead Agency: Town of Somers Planning Board

Name of Responsible Officer in Lead Agency: John R. Currie

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Preparer (if different from Responsible Officer) \_\_\_\_\_ Date: \_\_\_\_\_

**For Further Information:**

Contact Person: Syrette Dym, Director of Planning

Address: 335 Route 202 Townhouse Soemrs NY 10589

Telephone Number: 914-277-5366

E-mail: sdym@somersny.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PLANNING AND ENGINEERING DEPARTMENTS

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

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

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Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**MEMORANDUM**

**TO:** Town of Somers Planning Board

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

**DATE:** June 4, 2020

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

**Sixth Submission**

A sixth submission was made dated May 27, 2020 and consisted of the following:

- Cover Letter from Bibbo Associates, L.L.P. dated May 27, 2020 responding to comments of Woodard & Curran Memorandum of 03-06-20 and Planning Director Syrette Dym comment memorandum of 03-05-20.
- The following revised plan sets prepared by Bibbo Associates; LLP dated 05-27-2020:
  - PS-1 Preliminary Subdivision Plan
  - EC-1 Erosion control Plan
  - C-1 – Constraints Map
  - S-1 Soils Map
  - RP – Road Profiles
  - D-1 – Details
  - D-2 – Details
  - D-3 – Details

**Public Hearing**

Although a public hearing had been scheduled for the meeting of March 11, 2020, it was not opened and adjourned to the meeting of April 15, 2020. At the April 15, 2020 meeting,

the public hearing was opened remotely, all comments taken and the hearing was closed but the comment period was left open for an additional 10 days. No comments were received by the Planning Board during that 10-day comment period.

### **Conservation Subdivision Purpose Criteria**

Section 170-13.1 of the Code of the Town of Somers requires that conservation subdivisions meet certain conditions, namely:

- Preservation of environmentally sensitive areas in their natural state
- Encourage subdivisions compatible with their natural topography
- Protect Somers' existing aesthetic qualities.

The Planning Board must vote at its meeting of June 10, 2020 that the proposed conservation subdivision meets at least one of the above purposes. Below are the ways in which the proposed Cobbling Rock Conservation Subdivision would appear to meet those purposes:

- Reduced the length of new Town roads between the conventional and conservation subdivision by approximately 245 linear feet from 1,672 linear feet to 1,427 linear feet
- Reduction of impervious surface areas between conventional and conservation subdivision including 12,200 sf less impervious surfaces from 2.64 acres to 2.36 acres
- Creation of a 3.90-acre deed restricted area to be located within Lot 1 consisting of steep slopes that form a buffer to adjacent lands of the City of New York to the east
- Creation of a 13.22 acre deed restricted area to be located within Lot 5 consisting of wetlands, wetland buffers and steep slopes that are environmentally sensitive areas that will be preserved in their natural state and are adjacent to environmentally sensitive areas that continue on lands owned by New York City Department of Environmental Conservation to the south
- Creation of lots whose sizes are consistent with lot sizes of those in the adjacent subdivision to the north, thereby protecting Somers' existing aesthetic qualities
- A total of 10.3 acres of deed restricted land out of a total of 39.4 acres

### **Conservation Subdivision Standards and Requirements**

Section 170-13.3 E. of the Zoning Ordinance does not currently permit conservation areas to be placed on individual lots within a conservation subdivision, but requires such space to be equally divided between all owners or be dedicated to a conservation organization or the Town of Somers, with the additional creation of a homeowner's association for the subdivision. To permit the proposed location of conservation areas on individual parcels, in this case, Lots 1 and 5, the Town Board is amending Section 170-13-3E to permit such individual lot areas. At its meeting of May 4, 2020, the Town Board will hold its public hearing and is anticipated to approve the legislation, paving the way for approval of the conservation subdivision by the Planning Board at its meeting of June 10, 2020.

## **Conservation Zoning Conformance**

The Conservation Zoning Conformance Table on Drawing PS-1 shows that in all respects but two that the conservation lots comply with the regulations required for lots located in an R-80 zoning district. The two exceptions are for Lots 4 and 8 where the width at Front Lot line is 91 and 99 feet respectively where a width of 150 feet is required. Section 170-13.3 D, however, permits the Planning Board to modify lot and building dimensions necessary to accomplish the purposes of the district. The regulations permit the Planning Board to reduce the frontage requirement as long as it is not less than 1/3 of the width requirement and provided that the lot fronts on a permanent turnaround and the full minimum width requirement is met at the front yard setback. For these two lots, it is clear that the first two standards are met.

The revised drawings dated May 27, 2020 now indicate on Lots 4 and 8 width at 40-foot setback of 168.5 feet for Lot #8 and 155.5 feet for Lot #4.

Therefore, given that the 40 foot setback requirement is met and the reduction in the frontage requirement is not less than 1/3 of the 150 width requirement in the R-120 district, at its meeting of June 10, 2020, the Planning Board must vote to approve the reduction in the frontage requirement for Lots 4 and 8.

## **Agricultural District**

The site is located within State designated Westchester Agricultural District 1 – WEST001 as identified on the Environmental Mapper and in question E.3a. of the EAF. The Applicant prepared an Agricultural Data Statement (ADS) in accordance with Section 305-b of Agriculture and Markets Law, which requires that an ADS be prepared for certain land use proposals within 500 feet of a parcel of land within an agricultural district.

The 39.4-acre subject property is located within 500 feet of a farm operation, namely Lasdon Park & Arboretum, owned and operated by Westchester County, and located at 2610 Amawalk Road, Katonah, with its eastern boundary coterminous with the western boundary of the subject site. Lasdon Park and Arboretum does not have a commercial agricultural farm operation pursuant to Agriculture and Markets Law but is included in the agricultural district. The ADS includes the following statement: “FARM NOTE: Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.” This note will be required to be included on the subdivision plat which should also show the Agricultural district parcel.

The purpose of the form and required notification is to ensure that municipalities in which agricultural districts are located take into account the potential impacts of the land use proposal upon agricultural operations and to form as notice to project potential property owners of the existence of the agricultural operation and the potential conditions of an agricultural operation.

Agriculture and Markets Law requires the local municipality to “consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district” and to “mail written notice of such application to owners of land as identified by the applicant in the agricultural data statement.” Written notice of the application was sent to the Westchester County Parks Department, the owner and operator of Lasdon Park & Arboretum by letter dated April 28, 2020. Notice to prospective owners of lots in the proposed conservation subdivision will be notified of the proximity of the Lasdon Park and Arboretum operations by inclusion of the note identified above on the final plat with designation of the affected farm parcel.

### **Landscaping Plan**

The Applicant is proposing to seed and mulch the new road shoulders to maintain them as lawn area. The Consulting Town Engineer is requesting additional landscaping and a plan in these areas. The Planning Board should discuss the treatment it prefers in these areas and determine what a landscape plan, if any, should show and when it should be prepared.

### **Lighting Plan**

At such time that individual lots are to be approved for construction, each lot will be subject to review and approval by the planning board with regard to lighting among other issues.

### **SEQR**

The Planning Board must complete the SEQR process before it can take any of the above actions and approve the Preliminary Conservation Subdivision Resolution. The EAF Part 2 and 3 and Negative Declaration should be reviewed, discussed and approved by the Planning Board. Once approved, the above actions can be taken and the Draft Preliminary Conservation Subdivision Resolution can be discussed and approved.

CC: Joe Barbagallo  
Jennifer Martinez  
Roland Baroni  
Joe Eriole  
Matt Girona  
Wittman Family Trust  
Vito Andriano

Z:\PE\Subdivision files\Cobbling Rock Estates\Town Comments\Planning Board Comments 06-04-2020.docx

## MEMORANDUM



**TO:** Town of Somers Planning Board  
**CC:** Syrette Dym, Director of Planning  
**FROM:** Joseph C. Barbagallo, P.E., BCEE  
**DATE:** June 5, 2020  
**RE:** Cobbling Rock Estates (22 Dr. Tony's Road)  
Preliminary Subdivision Plat Approval, Stormwater Management and Erosion and Sediment Control, Tree Removal Permit and Steep Slopes Protection Permits.  
TM: 37.19-1-1, R-120 District

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### GENERAL

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

The application proposes a nine-lot subdivision to contain nine single-family residences served by individual septic systems and water wells. The current submittal is a revised subdivision plan from the initial submission that indicates that environmentally sensitive areas will be protected/conserved.

The project will also include construction of new Town roads as two separate roadways ending in cul-de-sacs: one as an extension of Dr. Tony's Road and the other as an extension of Cobbling Rock Drive. Infiltration systems will be located on each lot to treat the new impervious areas.

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

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

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





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

**DOCUMENTS REVIEWED**

- Cover Letter, *Re: Application for Preliminary Subdivision Approval, Cobbling Rock Estates, 22 Dr. Tony's Road, Sec.: 37.19 Block: 1 Lot: 1",* prepared by Bibbo Associates, L.L.P., dated May 27, 2020.
- Turning Maneuver Plans, *Re: Preliminary Subdivision Application, Cobbling Rock Estates, 22 Dr. Tony's Road, Sec. 37.19, Block 1, Lot 1,* prepared by Bibbo Associates, L.L.P., dated May 28, 2020.
- Drawings, Conservation, *Cobbling Rock Estates, 22 Dr. Tony's Road, Town of Somers, Westchester County, NY 10589,* prepared by Bibbo Associates, L.L.P., including:

| Sheet Number | Sheet Name                   | Dated    | Last Revised | Sheet Number | Sheet Name           | Dated    | Last Revised |
|--------------|------------------------------|----------|--------------|--------------|----------------------|----------|--------------|
| PS-1         | Preliminary Subdivision Plan | 07/15/19 | 05/27/2020   | EC-1         | Erosion Control Plan | 07/15/19 | 05/27/2020   |
| C-1          | Constraints Map              | 07/15/19 | 05/27/2020   | D-1          | Details              | 07/15/19 | 05/27/2020   |
| S-1          | Soil Map                     | 07/15/19 | 05/27/2020   | D-2          | Details              | 07/15/19 | 05/27/2020   |
| RP           | Road Profiles                | 07/15/19 | 05/27/2020   | D-3          | Details              | 07/15/19 | 05/27/2020   |

**PERMITS AND APPROVALS REQUIRED**

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

**DISCUSSION**

The following is a summary of our comments related to the revised subdivision plan which show two deed-restricted conservation areas. The status of all previously provided review comments is shown



below if **bold** font. It should be noted that further comments may be provided upon review of additional information.

1. The Applicant has indicated on the Full Environmental Assessment Form that the proposed limits of disturbance are approximately 8.5 acres. However, the limits of disturbance shall be delineated and quantified on the plans. The Applicant shall revise all submittal documents to be consistent. **Addressed. The Applicant revised the plans (Erosion Control Plan) and the Construction SPDES General Permit Notice of Intent to indicate that the area of disturbance is approximately 9.5 acres.**
  - a. The Applicant indicates on the plans (Erosion and Sediment Control Plan) that the impervious area is 2.36 acres. The Construction SPDES General Permit Notice of Intent indicates the impervious area is 2.6 acres. **The Applicant shall revise all submittal documents to be consistent and update any calculations accordingly.**
2. The Applicant shall prepare an acceptable Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls and post-construction stormwater runoff controls (i.e. stormwater quantity and quality controls) consistent with the requirements of Section 93-6 of the Town Code.
  - a. Since the project is in the East of Hudson watershed and will disturb over 1 acre of land, the project will also be required to obtain construction coverage under the NYSDEC SPDES General Permit (GP-0-15-002). The SWPPP must address supplementary criteria specified by the SPDES General Permit. **Addressed.**
  - b. The project will also be required to obtain SWPPP approval from the NYCDEP. The SWPPP must address supplementary criteria specified by Section 18-39(c). **Partially Addressed. The Applicant will provide a copy of the NYCDEP SWPPP Approval once obtained.**
3. The Applicant shall provide a draft Notice of Intent and MS4 SWPPP Acceptance Form to obtain coverage under NYSDEC General SPDES Permit (GP-0-15-002) based upon the SWPPP for review and acceptance by the Consulting Town Engineer. **Addressed. The Applicant revised the provided Notice of Intent to include complete contact information, updated the total contributing impervious areas to the infiltration practices (Question #29), and provided the minimum RRv calculation (Question #32). The Applicant revised the WQv treatment requirements (Questions #26 through #30) and the peak flow comparisons in the NOI (Questions #36 and #37).**
4. Based on the provided plans, the Applicant is proposing to address the stormwater quality requirements using infiltration systems (i.e. Cultec Recharger 330XLHD chambers and Infiltration Basins). The following comments are related to the proposed stormwater management features:
  - a. The Applicant shall provide calculations demonstrating that the proposed systems have been sized to address Water Quality Volume (WQv) treatment requirements. The WQv shall be based on the post-development runoff from the 1-year, 24-hour storm event, as required by Chapter 10 of the NYSDEC Stormwater Management



Design Manual (SMDM). Note that full treatment of the WQv is achieved by storing 100% of the WQv below the proposed invert of the outlet without crediting infiltration. **Addressed. Based on the revised calculations, adequate raw storage of the WQv is provided by the proposed stormwater treatment systems.**

- b. The Applicant shall demonstrate that the proposed infiltration systems will satisfy the minimum Runoff Reduction Volume (RRv) requirement. The RRv shall be based on the 1-year, 24-hour storm event and the Specified Reduction Factor in the NYSDEC SMDM. **Addressed.**
- c. The Applicant shall conduct deep tests and provide test results to certify that minimum separation of 3 feet exists between the bottom of the proposed infiltration system and the groundwater table or bedrock. **Addressed. The Applicant conducted additional deep tests and provided the data in Appendix L of the SWPPP.**
  - i. Accurate system elevations (i.e., grade elevation, top/bottom of structure) for the proposed stormwater management system shall be provided to demonstrate that the required vertical separation has been achieved. **Addressed.**
  - ii. The Applicant shall show the location of the deep tests on the plans. **Addressed. The Applicant conducted additional deep tests for the relocated infiltration practices and showed the locations on the Soil Map (S-1).**
  - iii. Deep test results shall be signed and sealed by a Professional Engineer licensed in the State of New York. **Addressed.**
- d. The Applicant shall clarify whether the infiltration testing was conducted following the prescribed testing methodology in Appendix D of the NYSDEC SMDM. The methodology requires the use of a 4 or 6-inch diameter solid casing, filled with 24-inches of water, and set at a depth of 2 feet below the anticipated bottom elevation of the proposed stormwater infiltration system. **Partially Addressed. The Applicant provided updated testing for the current design (revised subdivision plan and layout), but will need to provide final testing results in accordance with Appendix D of the NYSDEC SMDM once the final design is developed.**
  - i. The Applicant shall show the location of the infiltration tests on the plans. **Addressed.**
  - ii. The Applicant shall submit infiltration testing results signed and sealed by a Professional Engineer licensed in the State of New York. **Addressed.**
- e. The Applicant is required to provide pretreatment for the proposed infiltration systems in conformance with Chapter 6, section 6.3 of the NYSDEC SMDM. According to this section of the manual, the sizing of the pretreatment practice



shall be based on the infiltration rate measured at the location of the proposed infiltration practice. Examples of acceptable pretreatment practices upstream of the stormwater infiltration practices include sedimentation basins, sump pits, grass channels, isolator rows, hydrodynamic separators, etc.

- i. For infiltration rates between 0.5 inches/hour and 2 inches/hour, the Applicant is required to provide pretreatment storage for 25% of the WQv.
    - ii. For infiltration rates between 2 inches/hour and 5 inches/hour, the Applicant is required to provide pretreatment storage for 50% of the WQv.
    - iii. For infiltration rates greater than or equal to 5 inches/hour, the Applicant is required to provide pretreatment storage for 100% of the WQv. **Addressed. The Applicant has indicated that the hydrodynamic separators (HDS) will be provided as pretreatment to the infiltration systems for the revised subdivision plan. The Applicant has provided design calculations for the HDS systems to demonstrate that the selected system is adequately sized to treat the 100% WQv peak flow.**
  - f. The Applicant shall revise the provided detail for the infiltration basin to be consistent with the design requirements per the NYSDEC SMDM. **Addressed.**
  - g. The Applicant shall revise the plans to show the roof drain connections to the proposed catch basins draining to the infiltration systems. **Addressed.**
  - h. The Applicant shall show construction fence or alternative barrier markers surrounding the proposed infiltration practice footprint during construction to limit compaction from equipment tracking. **Addressed.**
  - i. The Applicant shall add a note to the plans that states that any infiltration system shall be subject to inspection by the Principal Engineering Technician or Consulting Town Engineer prior to backfill. **Addressed. The Applicant has provided Note #1 on Sheet PS-1 which states the infiltration systems are subject to inspection by the Principal Engineering Technician or Consulting Town Engineer prior to backfill.**
  - j. The Applicant shall include manufacturer inspection and maintenance literature for the proposed subsurface infiltration chamber system and the infiltration basins as part of the SWPPP. **Addressed.**
5. The Applicant shall provide pipe capacity calculations for review. The Applicant shall also clarify pipe diameter, pipe material, and pipe inverts for all proposed drainage pipes. **Not Addressed. The Applicant indicates (Cover Letter, dated January 29, 2020) that the pipe material will be HDPE and have a minimum slope of 1%, but that all other pipe characteristics such as diameter, capacity calculations, and inverts will be provided in the final SWPPP.**



6. The Applicant shall provide sizing calculations for the proposed rock outlet protection (100-year, 24-hour storm event) based on the NYS Standards and Specifications for Erosion and Sediment Control. **Addressed.**
7. The Applicant shall provide an Erosion and Sediment Control (E&SC) plan which includes all proposed temporary E&SC practices and includes maintenance and inspection procedures of all proposed E&SC measures per the requirements of the NYS Standards and Specifications for Erosion and Sediment Control dated November 2016. The following comments are related to the E&SC plan:
  - a. The Applicant shall provide a typical construction detail for orange construction fencing to be used on-site and shall show the location of the fencing on the plans. **Addressed.**
  - b. The Applicant shall provide a silt fence detail and indicate the location on the plans. **Addressed.**
  - c. The Applicant shall provide a soil stockpile detail and indicate the location on the plans. **Addressed.**
  - d. The Applicant shall provide a stabilized construction entrance detail and indicate the location on the plans. **Addressed.**
  - e. The Applicant shall provide an inlet protection detail and indicate the location on the plans. **Addressed.**
  - f. The Applicant shall provide a concrete washout area detail and indicate the location on the plans. **Addressed.**
  - g. The Applicant shall show the intended location of the equipment staging area on the plans. **Addressed.**
  - h. The Applicant shall provide an erosion control matting detail for proposed disturbance on steep slope areas. **Addressed.**
  - i. The Applicant shall secure a tree removal permit for the proposed project. The Applicant shall provide a tree survey. **Partially Addressed. The Applicant recognizes they will need to secure a tree removal permit but has not provided a tree survey. Our office takes no objection if the Planning Board chooses to make the tree survey a condition of the subdivision approval.**
  - j. The Applicant shall indicate which existing trees are proposed to be protected during development. The Applicant shall furnish a typical tree protection detail on the plans. **Partially Addressed. The Applicant provided a typical tree protection detail. However, the Applicant shall indicate the location of existing trees proposed to be protected.**
  - k. The Applicant shall provide inspection and maintenance requirements for all of the proposed temporary erosion and sediment control practices. **Addressed.**



- l. The Applicant shall include a note on the plan which states "All E&SC measures shall be installed and maintained per New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016". **Addressed.**
  - m. The Applicant shall include a note on the plans which states: "Site stabilization (80% uniform density of permanent vegetation or permanent mulch/stone) must be achieved prior to removing temporary erosion control measures." **Addressed.**
  - n. The Applicant shall include a description of the proposed soil restoration procedures, consistent with Chapter 5 of the NYSDEC Design Manual on the plans. **Addressed.**
8. The following comments correspond to the drawing sheets:
- a. The Applicant shall include construction sequence notes describing construction activities. The construction sequence shall specify:
    - 1) Installation of erosion and sediment control practices prior to commencement of construction activities. **Addressed.**
    - 2) All major construction activity milestones (i.e. demolition, minor and major site grading, removal of existing structures, etc.). **Addressed.**
    - 3) Temporary erosion and sediment control measures cannot be removed until site stabilization (80% uniform density of permanent vegetation or permanent mulch/stone) has been achieved. **Addressed.**
  - b. The Applicant shall include a table on the drawings that quantifies the existing and proposed impervious surface coverage for the project. **Addressed.**
  - c. The Applicant shall quantify in a table on the plans the proposed cut/fill volumes (quantified in cubic yards) for the development. **Addressed. The Applicant provided a cut and fill table for the road extensions and the associated drainage which will be built first. The Applicant specified that cut/fill analysis for the individual lot construction will be provided once the final design for each lot is developed.**
  - d. The Applicant shall update the plans to depict the locations of any existing and proposed utilities (i.e., gas, electric, etc.). **Addressed.**
  - e. The Applicant shall revise the plans to show protective markers or construction fence surrounding the proposed septic absorption field limits to prevent over-compaction by equipment tracking during construction. **Addressed.**
  - f. The Applicant shall include a note on the plans which states: "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use". **Addressed.**



- g. The Applicant shall include a note on the plans which states: "Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements." **Addressed.**
  - h. The Applicant shall provide a landscaping plan for landscape screening between the Town Road extensions and the proposed developments for review and acceptance by the Consulting Town Engineer. The landscaping plan shall include multiple rows of select landscape plantings and must incorporate provisions for maintenance and replacement of deceased plantings. **Not Addressed. The Applicant has not provided a landscaping plan for screening or maintenance and replacement procedures for any landscaping. Our office takes no objection if the Planning Board chooses to make the landscaping plan a condition of subdivision approval.**
9. The Applicant shall provide bottom of wall and top of wall spot elevations for the proposed retaining wall. If the retaining wall is greater than 4 feet, prior to issuance of a building permit, the Applicant shall provide signed and sealed calculations for review. **Addressed. The Applicant included a retaining wall detail in the plans (Details, D-1) which indicates that retaining walls will not exceed 4 feet.**
  10. The Applicant shall provide a contractor certification statement. **Addressed.**
  11. The Applicant shall provide a Stormwater Management and Erosion and Sediment Control application for review. **Addressed.**
  12. The Applicant shall furnish a copy of NYCDEP approval for the proposed septic systems. **Not Addressed. According to the WCDOH, NYCDEP approval of the proposed septic system is not required until the Applicant files a construction approval application for the septic system on the approved lots (approval process for Lot 8). The Applicant requests that this approval be made a condition of the Planning Board Subdivision Approval.**
  13. The Applicant shall furnish a copy of NYCDEP SWPPP approval. **Not Addressed. The Applicant requests that NYCDEP SWPPP approval be made a condition of the Planning Board Subdivision Approval.**
  14. The Applicant shall furnish a copy of the Westchester County Department of Health (WCDOH) approval of the new septic system. **Not Addressed. The Applicant requests that WCDOH approval be made a condition of the Planning Board Subdivision Approval.**
  15. The Applicant shall furnish a copy of the WCDOH approval of the new wells. **Not Addressed. The Applicant requests that WCDOH approval be made a condition of the Planning Board Subdivision Approval.**
  16. It appears that the Applicant is proposing some disturbance of the Town Regulated steep slopes to develop the proposed new driveways and Town Road extensions. The Applicant shall update the plans to indicate the quantity of steep slopes that will be disturbed due to the proposed development and contain all notes describing restrictions on disturbance,



erosion and sediment control and enhanced stabilization measures as required by Town Code §148. **Addressed.**

17. The Applicant shall identify if rock removal is anticipated during construction of the proposed site plan. In the event that rock removal is expected, the Applicant shall describe the intended methodology of rock removal and provide estimates of rock quantities and duration of removal activities. **Addressed. The Applicant has included a note on the plans which states that disturbance of rock outcrops shall be by means of explosives and only if the blasting is conducted in accordance with the Town of Somers regulations.**
18. The provided drawings do not illustrate the installation of exterior site lighting. The Applicant shall update the plans to include detail of proposed exterior lighting fixtures, if proposed to be installed. The Applicant shall provide lighting plans and specifications for consideration of the Planning Board. **Not Addressed. The Applicant has stated that lighting will be dependent on individual lot owner preference. Therefore, our office takes no objection if the Planning Board chooses to make the lighting plans and specifications a condition of the subdivision approval.**
19. The Applicant shall prepare draft Stormwater Maintenance Agreements, in accordance with the provisions of Town Code for review by the Consulting Town Engineer & Town Attorney. Upon acceptance, the Stormwater Maintenance Agreement shall be filed with the Westchester County Clerk's Office. **Partially Addressed. The Applicant has indicated that the draft stormwater maintenance agreements will be prepared by the Applicant's attorney and subsequently provided for review as a condition of Preliminary Subdivision Approval.**
20. Based on the revised submittal documents, the infiltration system proposed for Lot 2 has been designed to treat the proposed impervious area from Lot 2 and will receive pervious surface run-on from upgradient adjoining lot areas. The Applicant shall consider alternatives for diverting the pervious surface run-on away from the proposed treatment system (i.e., berm, swales, etc.). **Partially Addressed. The Applicant revised the plans to include a grassed swale to divert runoff from Lot 3 from entering Lot 2. The swale discharges to an outlet in the Town road, and the Applicant recognizes this must be addressed in the Stormwater Maintenance Agreement with the Town's Attorney.**
21. Based on the revised submittal documents, bypass flows from Lot 7 are proposed to discharge to the Infiltration Basin on Lot 5 while bypass flows from Lots 2, 3, and 9 are proposed to discharge to the Infiltration Basin on Lot 1. Since the basins will also treat the stormwater runoff from the Town Road extensions, the Applicant shall discuss the legal instruments that may need to be developed between the Town and the abovementioned lots with the Town Attorney. **Partially Addressed. The Applicant indicates that Stormwater Agreements must be developed, and requests this item be made a condition of the Preliminary Subdivision Approval.**
22. The Applicant shall differentiate between the initial SDA and expansion area for Lots 2 through 9. **Not Addressed. The Applicant indicates Subsurface Sewage Treatment System designs will be prepared and approved by the Westchester County Health Department prior to building permits issuance.**





23. The Applicant's current design calls for two deed-restricted areas for conservation purposes. Please describe how the deed restriction will be enforced, as opposed to a conservation easement held by a second party. **Partially Addressed. The Applicant indicates that their attorney will prepare all necessary deed restriction documents and work with the Town on enforceability, but did not address the potential for conservation easements with a second party in lieu of deed restrictions. The Applicant requests this matter be made a condition of Preliminary Subdivision Approval.**

24. Based on the April 15, 2020 meeting minutes from the Bureau of Fire Prevention, the Bureau stated that the proposed 90-ft cul-de-sac would suffice as required by the Town Code. Therefore, our office takes on objection to the proposed 90-ft cul-de-sacs at the road extensions.

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

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Martinez".

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

On behalf of,

A handwritten signature in cursive script that reads "Joseph C. Barbagallo".

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

May 27, 2020

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

Attn: Mr. John Currie, Chairman

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

Dear Chairman Currie and Members of the Board:

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

- 5 Sets – Preliminary Subdivision Plans (8 sheets), revised May 27, 2020.
- 3 CD's containing PDF files of above listed items.

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

**Woodard & Curran Memorandum- dated 03/6/20**

7.
  - b. The Erosion Control Plan has been revised to include additional silt fence. During construction any additional erosion controls that may be necessary as a result of field conditions will be installed in coordination with the Town Principal Engineering Technician.
8.
  - d. The approximate location of proposed underground utilities have been added to the project drawings as requested. Please note the final location of underground utilities will be confirmed prior to installation with the local service providers.
  - h. It is the applicant's intention to stabilize the road shoulders with seed and mulch and maintain them as lawn area which is consistent with the existing town road shoulders in the vicinity of the project. It is also our understanding that the subdivision road specifications provided in Section 174, Attachment 2 of the Town Code require that the road shoulders be topsoiled and seeded. Additional landscape plantings will require increased maintenance which will ultimately be the responsibility of the Town upon road dedication. Should the board require a landscape plan we request this item be made a

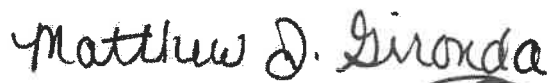
*Site Design ♦ Environmental*

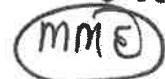
condition of Preliminary Subdivision Approval. However, it should be noted that the existing shoulders associated with Dr. Tony's Road and Cobbling Rock Drive are not landscaped and are currently maintained as lawn area. We look forward to discussing this issue further at the next planning board meeting.

9. The proposed retaining wall detail has been revised to specify a maximum height of 4 feet.
18. Please note, there is no proposed street lighting related to the town road extensions. Lighting associated with the development of this project is expected to be dependent on the individual lot owner preference. Lighting for the individual lots will be in accordance with all town requirements and typical of any single-family residence for the purposes of safety and security. Due to the fact that there is no proposed lighting within any common areas it is our opinion that an exterior lighting plan is not necessary. We look forward to discussing this issue further at the next planning board meeting.
19. It is acknowledged that Draft Stormwater Maintenance Agreements are required, they will be prepared by the applicant's attorney and provided for review in future submittals. We respectfully request this item be made a condition of Preliminary Subdivision Approval.
20. The applicant's attorney will prepare all necessary deed restriction documents for the proposed conservation areas, and work directly with the Town Attorney to craft any specific language to allow for enforcement. Please note, an application was made to the Town Board regarding an amendment to the Town Code to allow for deed restrictions as a method to preserve land within Conservation Subdivisions. It is our understanding that the Town Board is generally in support of the proposed deed restrictions and the Town Code will be amended, pending a decision at their next work session.

We trust the above responses and enclosed documents are sufficient for preliminary approval and respectfully request this matter be placed on your next available agenda for consideration. Should you have any questions or require any additional information please feel free to contact our office.

Sincerely,

  
Matthew J. Gironda, P.E.  
Partner



MJG/mg  
Enclosures

cc: Planning Board members (w/encls.via USPS-in preferred media)  
V. Andriano (w/enclosures)  
File

May 27, 2020

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

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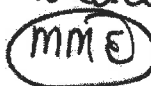
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We trust the above responses and enclosed documents are sufficient for preliminary approval and respectfully request this matter be placed on your next available agenda for consideration. Should you have any questions or require any additional information please feel free to contact our office.

Sincerely,

  
Matthew J. Gironda, P.E.  
Partner



MJG/mg  
Enclosures

cc: Planning Board members (w/encls.via USPS-in preferred media)  
V. Andriano (w/enclosures)  
File

BUREAU OF FIRE PREVENTION

Telephone  
(914) 277-8228  
Fax  
(914) 277-3790

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

SOMERS TOWN HOUSE  
ANNEX  
337 ROUTE 202  
SOMERS, NY 10589

THOMAS J. TOOMA, JR.  
CHIEF



**MEETING MINUTES**

**April 15, 2020**

Bureau Chief Tooma called the meeting to order at 4:40 p.m. The following were in attendance: Somers Volunteer Fire Department Captain Greg Lucia, Somers Volunteer Fire Department 1<sup>st</sup> Assistant Chief Jon Mackey, Deputy Chief Rob Russell, Bureau Chief Tom Tooma and Deputy Chief Al Vigliotti.

**MINUTES**

A motion was made by Deputy Chief Russell to approve the minutes of the March 18, 2020 meeting as submitted. Bureau Chief Tooma seconded the motion. All were in favor.

**SUBMISSIONS**

**Panny Two Lot Preliminary Subdivision (19 Olive Drive)** – The preliminary site plan for the Panny Two Lot Subdivision (19 Olive Drive) was reviewed and discussed. Although individual site visits will be conducted, the Bureau agreed that for access purposes, the road should start at Acacia Drive and go beyond the driveway of the proposed second home and have a cul-de-sac at the end of it. A memo will be sent to Planning and Engineering.

**OLD BUSINESS**

**Cobbling Rock Estates** – The Bureau had sent a memo that the cul-de-sacs in Cobbling Rock Estates should have a minimum diameter of 96' to be compliant with the 2015 International Fire Code Appendix D. A letter was received from Bibbo Associates indicating that the cul-de-sacs would be 90' in diameter as required by the Town code. All agreed that although the extra 6' would be helpful, 90' would suffice.

**247 Route 100** – A Notice of Violation will be issued for the lack of pavers as per the

original site plan requirements; Conex box; storage of combustible materials; rubbish; and collection of pallets.

**Hydrants in Heritage Hills** – Although the flushing of the hydrants is an ongoing work in progress, there are some concerns about the maintenance of the hydrants, particularly with the caps seizing up. Mr. Premuroso will make arrangements for a meeting that Mr. Lucia and Mr. Mackey would like to be included in as well.

**Driveway Gates** – The Town is in receipt of the legislation sent down from the State regarding driveway gate requirements that were approved by the Town Board, but it still has not be added to the e-code. The Town Clerk is working on resolving this issue.

**South Lane** – Mrs. Schirmer requested an update from Highway Superintendent Nick DeVito regarding receipt of the directional sign for South Lane that was ordered on February 20<sup>th</sup>. As soon as it arrives, it will be installed.

**Heritage 202 Center** – Last month, Mr. Mackey shared his concern about the area in front of the stores at the Heritage 202 shopping center as it is not marked as a fire zone and there are cars constantly parked there. Mr. Tooma reported that the code specifically indicates the areas to be marked in that shopping center as no parking, no standing, fire zone. Mrs. Schirmer will reach out to the owners of the shopping center, Urstadt Biddle to address this issue. The Bureau would like to review the signs before they are purchased and installed.

#### **SOMERS FIRE DEPARTMENT CHIEF'S REPORT**

1<sup>st</sup> Assistant Chief Mackey reported on the following:

On March 29<sup>th</sup>, the Fire Department responded to a call at 8 Chambers Drive for a burnt outlet in the wall.

**Open Burns Regulations** – Mr. Mackey created a document that was a compilation of the codes on open burns from the International Fire Code, Westchester County and NYSDEC to be used as a guideline for their members when responding to related calls and the community at large for informational purposes. Bureau Chief Tooma would like each code segmented out so that if a violation must be issued, it is clear which agency's code is being cited. The final document will be shared with the Town Attorney to determine whether the Town can adopt some enforcement language for the document. Mr. Mackey mentioned that other local municipalities have local laws on open burning, he will attempt to find out when the local laws were enacted.

#### **BUREAU CHIEF'S REPORT**

Mr. Tooma did not have anything to report this evening.

#### **DEPUTY CHIEF'S REPORT**

Deputy Chiefs Russell and Vigliotti did not have anything to report.

**CHIEF FIRE INSPECTOR'S REPORT**

Chief Fire Inspector Premuroso was not present, therefore there was no report.

**NEW BUSINESS**

There was no New Business this month.

The meeting was adjourned at 5:45 p.m. The next meeting will be held on Wednesday, May 20<sup>th</sup> at 4:30 p.m. in the Building Department.

Respectfully submitted,

Denise Schirmer, Secretary  
Bureau of Fire Prevention

cc: Bureau of Fire Prevention  
Town Board  
Town Clerk  
Planning Board  
Principal Engineering Technician  
Somers Fire District



TOWN OF SOMERS  
WESTCHESTER COUNTY, NEW YORK  
APPLICATION FOR ENVIRONMENTAL PERMIT  
CHAPTER 167 "WETLAND AND WATER COURSE PROTECTION"

APPLICATION FEE:

Alteration of Wetlands: \$200 minimum fee plus \$100 per 5,000 S.F. of regulated area or proposed portions thereof to be disturbed.

Annual Maintenance Permit Renewal Fee: Administrative Permit: \$25.00, Planning Board Permit: \$75.00

OWNER: WILLIAM HANFORD Tel#: 917-359-1317

Mailing Address: 4 BONIELLO DRIVE, SOMERS, NY 10589

APPLICANT: ROYA. FREDRIKSEN, P.E. Tel. #: 518-928-0265

Mailing Address: PO BOX 950, MAHOPAC, NY 10541

State authority: \_\_\_\_\_ If other than owner, authorization must be submitted in writing.

PREMISES: Sheet: 17.09 Block: 3 Lot: 3

Situated on the EAST side of BONIELLO DR. (Street), 200 feet from the intersection of LONDONDERRY LA. (Street)

DESCRIPTION OF WORK AND PURPOSE: CONSTRUCTION OF AN INGROUND POOL AND PATIO

SIZE OF ACTIVITY AREA: 4,500 SF

Is work proposed in Wetland: \_\_\_\_\_ or Wetland Control Area:

Is there an existing house located on the site: Yes

Is pond, lake or detention basin proposed to be cleaned: No

Functions provided by Wetland: BROOK

Wetland Expert delineating Wetland: Roy FREDRIKSEN, P.E.

ESTIMATED QUANTITY OF EXCAVATION: 112 C.Y. CUT \_\_\_\_\_ FILL \_\_\_\_\_

ESTIMATED TOTAL VALUE OF WORK: \$65,000

PROPOSED STARTING DATE: 6/20 PROPOSED COMPLETION DATE: 8/20

PLANS PREPARED BY: Roy FREDRIKSEN DATED: MAY 20, 2020

\*\*Plans must be submitted with application.\*\*

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: \_\_\_\_\_

LIST OF PROPERTY OWNERS OF RECORD OF LANDS AND CLAIMANTS OF WATER RIGHTS WITHIN 100 FEET OF SUBJECT PROPERTY

| NAME                          | ADDRESS | BLOCK | LOTS |
|-------------------------------|---------|-------|------|
| <u>LIST OF OWNERS ON PLAN</u> |         |       |      |

APPLICANT'S SIGNATURE: Roy C. Fredriksen DATE: 5/20/20

OWNER'S SIGNATURE: William Hanford DATE: 5/22/20

\*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION MAP OF WETLANDS AS THEY EXIST IN THE FIELD OR AS SHOWN ON SOMERS ENVIRONMENTAL MAPS.

.....Office Use Only.....

Administrative Permit: \_\_\_\_\_

Planning Board Permit: \_\_\_\_\_

11/08

TOWN OF SOMERS  
WESTCHESTER COUNTY, NEW YORK  
APPLICATION FOR ENVIRONMENTAL PERMIT  
CHAPTER 93 "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL"

Application Processing Affidavit must also be completed. Click here for form.

APPLICATION FEE: \$100 for disturbances of five thousand (5,000) square feet and/or for the placement or removal of 50 cubic yards of soil, plus \$500 for each additional acre of disturbance.

OWNER: WILLIAM HANFORD Tel.#: 917-359-1317  
Mailing Address: 4 BONIELLO DRIVE, SOMERS, NY 10589  
APPLICANT: ROY A. FREDRIKSEN PE Tel.#: 518-928-0265  
Mailing Address: PO Box 950, MAHOPAC, NY 10541  
State authority: If other than owner, authorization must be submitted in writing

PREMISES: Sheet: \_\_\_\_\_ Block: 3 Lot: \_\_\_\_\_

DESCRIPTION OF WORK AND PURPOSE: CONSTRUCTION OF AN INGROUND POOL AND PATIO

SIZE OF ACTIVITY AREA: 55 feet by 82 feet  
(include all construction activity area)  
112

VOLUME OF EXCAVATED MATERIAL: \_\_\_\_\_  
(leave blank if not known)

IN CONJUNCTION WITH:  
Wetland Permit:  Steep Slopes Permit: \_\_\_\_\_ Tree Preservation Permit: \_\_\_\_\_  
Site Plan: \_\_\_\_\_ Subdivision: \_\_\_\_\_

PROPOSED STARTING DATE: 6/20 PROPOSED COMPLETION DATE: 8/20  
PLANS PREPARED BY: ROY FREDRIKSEN DATED: 5/20/20

**\*\*Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application.\*\***

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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| NAME                          | ADDRESS | BLOCK/LOT |
|-------------------------------|---------|-----------|
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APPLICANT'S SIGNATURE: Roy A. Fredrikson DATE: 5/20/20  
OWNER'S SIGNATURE: William Hanford DATE: 5/22/20

\*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, A VICINITY MAP, A DEVELOPMENT PLAN, EROSION AND SEDIMENT CONTROL PLAN, AND THE PROPOSED PHASING OF DEVELOPMENT OF THE SITE.

.....Office Use Only.....

Administrative Permit: \_\_\_\_\_

Planning Board Permit: \_\_\_\_\_

**APPLICANT ACKNOWLEDGEMENT**

By making this application, the undersigned Applicant agrees to permit Town officials and their representatives to conduct on-site inspections in connection with the review of this application.

The applicant also agrees to pay all expenses for the cost of professional review services required for this application, as referred to in §133-1 of the Code of the Town of Somers. As such, an Escrow Account, according to §133-2 of the Code of the Town of Somers, may be required.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant: Ray C. Fredrickson Date: 5/20/20

✓ Signature of Property Owner: Walter J. Hanford Date: 5/22/20  
(if different from applicant)

**AFFIDAVIT TO BE COMPLETED BY OWNER OTHER THAN CORPORATION**

STATE OF NEW YORK )

SS:

COUNTY OF Westchester )

William Hanford, being duly sworn, deposes and says: that he is the owner in fee of all the property shown on plat entitled Subdivision Map of Highview Phase 1, Lot 29, Block 29, application for approval of which is herein made. The deponent acquired title to the said premises by deed from Virginia DiForio dated 2/27/2014, and recorded in the Office of the Clerk of the County of Westchester on 3/10/2014, in Liber Control #540553425 of Conveyances at Page N/A. That the statements contained herein are true to the best of deponent's knowledge and belief, and are made for the purpose of obtaining the approval of the submitted application by the Planning Board of the Town of Somers.

(Signed) *William J Hanford*

Sworn to before me this 22<sup>ND</sup> day of MAY, 2020.  
*Elizabeth M. Carey*  
(Notary Public)

Elizabeth M. Carey  
Notary Public, State of New York  
No. 01CA6130571  
Qualified in Rockland County  
Commission Expires July 18, 2021

# Short Environmental Assessment Form

## Part 1 - Project Information


### Instructions for Completing

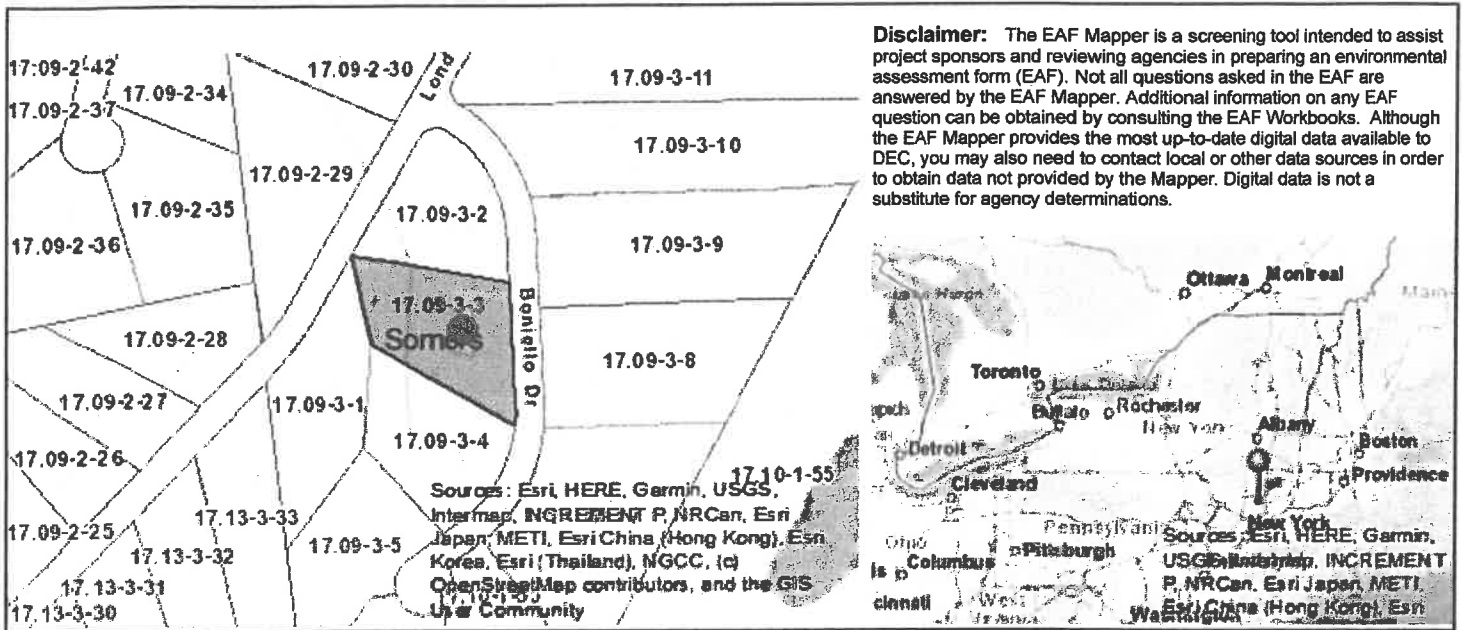
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

| <b>Part 1 – Project and Sponsor Information</b>  |  |                                  |  |
|--|--|----------------------------------|--|
| Name of Action or Project:<br>WILLIAM HANFORD POOL SITE PLAN   |  |                                  |  |
| Project Location (describe, and attach a location map):<br>4 BONIELLO DRIVE, SOMERS, NY 10589  |  |                                  |  |
| Brief Description of Proposed Action:<br>CONSTRUCTION OF AN INGROUND POOL AND PATIO  |  |                                  |  |
| Name of Applicant or Sponsor:<br>ROY A. FREDRIKSEN, PE   |  | Telephone: 518-928-0265          |  |
|  |  | E-Mail: RAFREDRIKSENPE@GMAIL.COM |  |
| Address:<br>PO BOX 950   |  |                                  |  |
| City/PO:<br>MAHOPAC  |  | State:<br>NEW YORK               | Zip Code:<br>10541                         |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. |  |                                  | NO<br><input type="checkbox"/>             |
|  |  |                                  | YES<br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: TOWN BLDG DEPT & PLANNING BD  |  |                                  | NO<br><input type="checkbox"/>             |
|  |  |                                  | YES<br><input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?  |  | 1.15 acres                       |  |
| b. Total acreage to be physically disturbed?   |  | 0.1 acres                        |  |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?   |  | 1.15 acres                       |  |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:   |  |                                  |  |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)  |  |                                  |  |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):   |  |                                  |  |
| <input type="checkbox"/> Parkland  |  |                                  |  |

| 5. Is the proposed action,   | NO                                  | YES                                 | N/A                      |
|--|-------------------------------------|-------------------------------------|--------------------------|
| a. A permitted use under the zoning regulations?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  | NO                                  | YES                                 |                          |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?   | NO                                  | YES                                 |                          |
| If Yes, identify: _____  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Are public transportation services available at or near the site of the proposed action?  |                                     |                                     |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?   |                                     |                                     |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?   | NO                                  | YES                                 |                          |
| If the proposed action will exceed requirements, describe design features and technologies:<br>_____<br>_____  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?   | NO                                  | YES                                 |                          |
| If No, describe method for providing potable water: _____<br>WELL<br>_____   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 11. Will the proposed action connect to existing wastewater utilities?   | NO                                  | YES                                 |                          |
| If No, describe method for providing wastewater treatment: _____<br>SEPTIC SYSTEM<br>_____   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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? | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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?  |                                     |                                     |                          |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?   | NO                                  | YES                                 |                          |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  |                                     |                                     |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____   |                                     |                                     |                          |

|   |                                     |                                      |
|---|-------------------------------------|--------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban |                                     |                                      |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?<br>Northern Long-eared Bat   | NO                                  | YES                                  |
|   | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |
| 16. Is the project site located in the 100-year flood plan?   | NO                                  | YES                                  |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>             |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes, <ul style="list-style-type: none"> <li>a. Will storm water discharges flow to adjacent properties?</li> <li>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</li> </ul> If Yes, briefly describe:  | NO                                  | YES                                  |
|   | <input type="checkbox"/>            | <input checked="" type="checkbox"/>  |
| a.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>             |
| b.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>             |
| _____<br>_____  |                                     |                                      |
| 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:   | NO                                  | YES                                  |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>             |
| _____<br>_____  |                                     |                                      |
| 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:   | NO                                  | YES                                  |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>             |
| _____<br>_____  |                                     |                                      |
| 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:   | NO                                  | YES                                  |
|   | <input checked="" type="checkbox"/> | <input type="checkbox"/>             |
| _____<br>_____  |                                     |                                      |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>   |                                     |                                      |
| Applicant/sponsor/name: <u>William Hanford</u>  |                                     | Date: <u>5/22/20</u>                 |
| Signature: <u></u>   |                                     | Title: <u>Project Location Owner</u> |



**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.

|   |   |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area]   | No  |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No  |
| Part 1 / Question 12b [Archeological Sites]   | Yes   |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]                               | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal]  | Yes   |
| Part 1 / Question 15 [Threatened or Endangered Animal - Name]                                 | Northern Long-eared Bat   |
| Part 1 / Question 16 [100 Year Flood Plain]   | No  |
| Part 1 / Question 20 [Remediation Site]   | No  |



Roy Fredriksen, P.E.  
Consulting Engineer  
Design Planning Construction

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Phone (518) 928-0265  
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PO Box 950  
Mahopac, N.Y. 10541

May 27, 2020

Town of Somers  
Engineering Dept.  
Somers Town House  
335 Route 202  
Somers, NY 10589

RE: Willian Hanford  
4 Boniello Drive  
Wetland Determination

Dear Steven Woelfle:

We request a Waiver of having the Wetland flagged by a Wetland Consultant. I inspected the site and determined the brook in question is well defined and was accurately shown on the survey by DeRosa land surveying. At the time of the inspection there was no associated wetland vegetation along the banks of the brook.

The house and the entire backyard is within the 100 feet wetland buffer and there is no alternative location for the pool. I offer as mitigation a turf grass filter strip along the brook.



Very Truly Yours,

A handwritten signature in cursive script that reads "Roy A. Fredriksen".

Roy A. Fredriksen, P.E.

2. Structures where an access roof fronts a street, driveway, or other area readily accessible to emergency responders.

**R324.7.6 Roofs with valleys.** Panels and modules shall not be located less than 18 inches (457 mm) from a valley.

**Exception:** Roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.

**R324.7.7 Allowance for smoke ventilation operations.** Panels and modules shall not be located less than 18 inches (457 mm) from a ridge or peak.

**Exceptions:**

1. Where an alternative ventilation method has been provided or where vertical ventilation methods will not be employed between the upper most portion of the solar photovoltaic system and the roof ridge or peak.
2. Detached garages and accessory structures.

**2.26. 2015 IRC Section R326 (Swimming pools, spas and hot tubs).**

Section R326 of the 2015 IRC shall be deemed to be amended in its entirety to read as follows:

**SECTION R326  
SWIMMING POOLS, SPAS AND HOT TUBS**

**SECTION R326.1  
GENERAL**

**R326.1 General.** The provisions of this Section shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

**SECTION R326.2  
DEFINITIONS**

**R326.2 Definitions.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

**ABOVE-GROUND/ON-GROUND POOL.** See "Swimming pool".

**BARRIER, PERMANENT.** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**BARRIER, TEMPORARY.** An approved temporary fence, permanent fence, the wall of a permanent structure, any other structure, or any combination thereof that prevents access to the swimming pool by any person not engaged in the installation or construction of the swimming pool during its installation or construction.

**HOT TUB.** See "Swimming pool".

**IN-GROUND POOL.** See "Swimming pool".

**RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

**SPA, NONPORTABLE.** See "Swimming pool".

**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

**SUBSTANTIAL DAMAGE.** For the purpose of determining compliance with the pool alarm provisions of this appendix, damage of any origin sustained by a swimming pool whereby the cost of restoring the swimming pool to its before-damaged condition would equal or exceed 50 percent of the market value of the swimming pool before the damage occurred.

**SUBSTANTIAL MODIFICATION.** For the purpose of determining compliance with the pool alarm provisions of this appendix, any repair, alteration, addition or improvement of a swimming pool, the cost of which equals or exceeds 50 percent of the market value of the swimming pool before the improvement or repair is started. If a swimming pool has sustained substantial damage, any repairs are considered substantial modification regardless of the actual repair work performed.

**SWIMMING POOL.** Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and, fixed-in-place wading pools.

**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

### **SECTION R326.3 SWIMMING POOLS**

**R326.3.1 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5.

**R326.3.2 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4.

### **SECTION R326.4 SPAS AND HOT TUBS**

**R326.4.1 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 (Standard for Permanently Installed Residential Spas, 1999).

**R326.4.2 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6.

### **SECTION R326.5 BARRIER REQUIREMENTS**

**R326.5.1 Application.** The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas and hot tubs.

**R326.5.2 Temporary barriers.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction and shall remain in place until a permanent barrier in compliance with Section R326.5.3 is provided.

**Exceptions:**

1. Above-ground or on-ground pools where the pool structure is the barrier in compliance with Section R326.5.3.
2. Spas or hot tubs with a safety cover which complies with ASTM F 1346, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa. The temporary removal of a safety cover as required to facilitate the installation or construction of a hot tub or spa during periods when at least one person engaged in the installation or construction is present is permitted.

**R326.5.2.1 Height.** The top of the temporary barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

**R326.5.2.2 Replacement by a permanent barrier.** A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

1. 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or
2. 90 days of the date of commencement of the installation or construction of the swimming pool.

**R326.5.2.2.1 Replacement extension.** Subject to the approval of the code enforcement official, the time period for completion of the permanent barrier may be extended for good cause, including, but not limited to, adverse weather conditions delaying construction.

**R326.5.3 Permanent barriers.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1<sup>3</sup>/<sub>4</sub> inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1<sup>3</sup>/<sub>4</sub> inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1<sup>3</sup>/<sub>4</sub> inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2<sup>1</sup>/<sub>4</sub>-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1<sup>3</sup>/<sub>4</sub> inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1<sup>3</sup>/<sub>4</sub> inches (44 mm).

8. Gates shall comply with the requirements of Section R326.5.3, Items 1 through 7, and with the following requirements:
  - 8.1. All gates shall be self-closing. In addition, if the gate is a pedestrian access gate, the gate shall open outward, away from the pool.
  - 8.2. All gates shall be self-latching, with the latch handle located within the enclosure (i.e., on the pool side of the enclosure) and at least 40 inches (1016 mm) above grade. In addition, if the latch handle is located less than 54 inches (1372 mm) from the bottom of the gate, the latch handle shall be located at least 3 inches (76 mm) below the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the latch handle.
  - 8.3. All gates shall be securely locked with a key, combination or other child proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
  - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or
  - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
  - 9.3. Other means of protection, such as self-closing doors with self-latching devices, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
  - 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
  - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section R326.5.3, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

**R326.5.4 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section R326.5.3, Item 9.

**R326.5.5 Prohibited locations.** Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

**R326.5.6 Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346 shall be exempt from the provisions of this appendix.

## **SECTION R326.6 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS**

**R326.6.1 General.** Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

**R326.6.1.1 Compliance alternative.** Suction outlets may be designed and installed in accordance with ANSI/APSP-7.

**R326.6.2 Suction fittings.** Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8M, or an 18 inch by 23 inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.

**Exception:** Surface skimmers.

**R326.6.3 Atmospheric vacuum relief system required.** Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17; or
2. An approved gravity drainage system.

**R326.6.4 Dual drain separation.** Single or multiple pump circulation systems have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

**R326.6.5 Pool cleaner fittings.** Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

**SECTION R326.7  
SWIMMING POOL AND SPA ALARMS**

**R326.7.1 Applicability.** A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

**Exceptions:**

1. A hot tub or spa equipped with a safety cover which complies with ASTM F1346.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F1346.

Pool alarms shall comply with ASTM F2208 (Standard Specification for Pool Alarms), and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

**R326.7.2 Multiple alarms.** A pool alarm must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm shall be provided.

**R326.7.3 Alarm activation.** Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

**R326.7.4 Prohibited alarms.** The use of personal immersion alarms shall not be construed as compliance with this section.



**SECTION R326.8  
STANDARDS**

**R326.8.1 General.** The following table lists the standards that are referenced in Section R326 that are neither listed in Chapter 44 of the 2015 IRC, nor Chapter 10 of this Supplement. The standards are listed by the promulgating agency of the standard, the standard identification, the effective date and title, and the section(s) of Section R326 that reference the standard. Referenced standards that have been incorporated by reference into 19 NYCRR Parts 1220 through 1228 are located in Chapter 10 of this Supplement. Application of referenced standards shall be as specified in Section 102.5.

| <b>Standard number</b> | <b>Title</b>   | <b>Code Section where referenced</b> |
|------------------------|--|--------------------------------------|
| <b>ASTM</b>            | <b>ASTM International<br/>100 Barr Harbor Drive, West Conshohocken,<br/>PA 19428</b>               |                                      |
| ASTM F2208-2008        | Standard Specification for Pool Alarms   | R326.7.1                             |
| <b>Standard number</b> | <b>Title</b>   | <b>Code Section where referenced</b> |
| <b>NSPI</b>            | <b>National Spa and Pool Institute<br/>2111 Eisenhower Avenue, Alexandria, VA<br/>22314</b>        |                                      |
| ANSI/NSPI-3-99         | Standard for Permanently Installed Residential Spas  | R326.4.1                             |
| ANSI/NSPI-4-99         | Standard for Above-ground/On-ground Residential Swimming Pools                                     | R326.3.2                             |
| ANSI/NSPI-5-03         | Standard for Residential In-ground Swimming Pools  | R326.3.1                             |
| ANSI/NSPI-6-99         | Standard for Residential Portable Spas   | R326.4.2                             |
| <b>UL</b>              | <b>Underwriters Laboratories, Inc.<br/>333 Pfingsten Road, Northbrook, Illinois<br/>60062-2096</b> |                                      |
| UL2017-2000            | Standard for General-purpose Signaling Devices and Systems with Revisions through June 2004        | R326.5.3                             |

## MEMORANDUM



**TO:** Town of Somers Planning Board  
**CC:** Syrette Dym, Director of Planning  
**FROM:** Joseph C. Barbagallo, P.E., BCEE  
**DATE:** June 5, 2020  
**RE:** Hanford Wetland Application  
Wetland Application and Stormwater Management and Erosion and Sediment Control Permit  
TM: 17.09-3-3, R-40

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### GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the applications for a Wetland Permit and a Stormwater Management and Erosion and Sediment Control Permit that has been submitted for the Hanford Residence located at 4 Boniello Drive in Somers, New York.

The application proposes the construction of a 16' x 36' inground pool and permeable paver patio. The project site is located within the East of Hudson watershed and the proposed work will occur within the 100-foot wetland buffer.

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

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

### DOCUMENTS REVIEWED

- Permit Application, *Town of Somers, Westchester County, New York, Application for Environmental Permit, Chapter 167 "Wetland and Waster Course Protection"*, Town of Somers, signed by William Hanford, signed May 22, 2020.
- Permit Application, *Town of Somers, Westchester County, New York, Application for Environmental Permit, Chapter 93 "Stormwater Management and Erosion and Sediment Control"*, Town of Somers, signed by William Hanford, signed May 22, 2020.



- Form, *Short Environmental Assessment Form*, signed by William Hanford, dated May 22, 2020.
- Letter, “*RE: William Hanford, 4 Boniello Drive, Wetland Determination,*” prepared by Roy Fredriksen, P.E., dated May 27, 2020.
- Drawing, *Pool Site Plan (Erosion and Sediment Control)*, prepared by Roy Fredriksen, PE, dated May 20, 2020.

### **PERMITS AND APPROVALS REQUIRED**

- Town of Somers Planning Board: Wetland and Water Course Protection Permit (Chapter 167)
- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit (Chapter 93)
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) \*

\*If the limits of disturbance are greater than or equal to 5,000 square feet

### **DISCUSSION**

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

1. The Applicant has quantified and delineated the proposed limits of disturbance on the Site Plan Drawing to be 4,500 square feet. The Applicant shall revise the limits of disturbance on the Pool Site Plan to include the area west of the asphalt driveway where construction equipment is likely to cause disturbance and the grassed area will likely require restoration. Note that the project will be required to obtain construction coverage under the NYSDEC SPDES General Permit (GP-0-20-001) if the project proposes to disturb greater than or equal to 5,000 square feet.
  - a. If the limits of disturbance are greater than or equal to 5,000 square feet, then the Applicant shall provide a draft Notice of Intent and MS4 SWPPP Acceptance Form to obtain coverage under NYSDEC General SPDES Permit (GP-0-20-001).
  - b. Once the final limits of disturbance have been clarified, the Applicant shall update all necessary application documents to reflect the actual limits of disturbance.
2. The Applicant shall prepare an acceptable Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls consistent with the requirements of Section 93-6(A)(1) of the Town Code. Below are additional items that shall be provided on the Pool Site Plan:
  - a. The Applicant shall provide a concrete washout area detail and indicate the location on the plan.



- b. The Applicant shall show the intended location of the equipment staging area on the plan.
  - c. The Applicant shall provide a typical construction detail for orange construction fencing to be used on-site.
  - d. It appears that the existing driveway will be used as the construction entrance for this project. The Applicant shall indicate how the driveway will be cleaned/maintained to prevent off-site sediment migration from sediment tracking.
  - e. The Applicant shall specify how lawn areas disturbed during construction will be restored (i.e., proposed seed mixture).
  - f. The Applicant shall provide soils information for the existing site.
  - g. The Applicant shall include a note on the plan which states, "All E&SC measures shall be installed and maintained per New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016".
  - h. The Applicant shall include a note on the plan which states the following: "Temporary erosion and sediment control measures cannot be removed until site stabilization (80% uniform density of permanent vegetation or permanent mulch/stone) has been achieved".
3. The Applicant shall include a table on the drawings that quantifies the existing and proposed impervious surface coverage for the project.
4. The Applicant is proposing to construct a new inground pool and patio within the 100-ft wetland buffer and therefore shall provide treatment for the proposed development. It appears that the grassed filter strip and permeable pavers for the patio are proposed for treatment. The Applicant shall note that the proposed grassed filter strip is not an acceptable mitigation measure. Therefore, the Applicant shall provide the following information to demonstrate feasibility of the permeable pavers as adequate treatment/mitigation within the wetland buffer:
  - a. The Applicant shall provide signed and sealed infiltration testing results to support the feasibility of the permeable pavers. The Applicant shall indicate the location of the infiltration tests on the plan.
  - b. The Applicant shall provide signed and sealed deep hole test results to indicate that ample separation exists between the bottom of the proposed paver system and bedrock or groundwater.
  - c. The Applicant shall provide calculations to demonstrate that the permeable paver system is adequately sized to treat the new impervious surfaces (i.e., water quality volume (WQv), runoff reduction volume (RRv)).
  - d. The Applicant shall provide installation/inspection/maintenance requirement for the proposed permeable pavers.
5. Since the Applicant is proposing development within the 100-ft wetland buffer area, the Applicant shall also provide mitigation for the existing impervious surface within the



delineated buffer area. The Applicant shall provide a stormwater management feature (i.e. rain garden, bioretention facility, etc.) to mitigate/improve potential negative environmental impacts to the brook on the property. The stormwater management feature shall be designed in accordance with the NYSDEC Stormwater Management Design Manual (i.e., WQv, RRv, inspection/maintenance requirements).

6. Section 167-6 (9)(a) of the Town Code indicates that the location of all wetlands shall be indicated on the plans, as determined by a qualified individual identified on the plans. The Applicant has requested a waiver of this requirement. Our office requests that the Planning Board consider this waiver at the upcoming Planning Board meeting.
7. The Applicant shall provide a survey of the site signed and sealed by a licensed surveyor as an existing conditions map. The site survey shall include existing site features such as trees, walls, topography, etc. Alternatively, the Applicant may provide an existing conditions map based on current Westchester GIS data. When Westchester GIS data is used, then existing conditions shall be verified by a licensed Professional Engineer and the following note shall be added to the Site Plan Drawing "*Existing conditions shown are based on Westchester County GIS data and have been field verified by the Engineer on Record on date \_\_\_/\_\_\_/\_\_\_*".
8. The Applicant shall provide top of wall and bottom of wall elevations for the proposed Unilock wall along the entire length.
9. The Applicant shall include a note on the Pool Site Plan for Dig Safely NY 811 which states the following: "*Prior to Construction, Contractor shall locate all buried utilities to ensure that no interference exists during construction activities*".
10. The Applicant shall include a note on the Site Plan Drawing which states: "*Any imported topsoil shall comply with all federal, state, and local requirements for quality and use*".
11. The Applicant shall include a note on the Site Plan Drawing which states: "*Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements.*"
12. The Applicant shall describe the winter drawdown procedures for the pool (ex., use of infiltrators).
13. The Applicant shall identify if rock removal is anticipated during construction of the proposed site plan. In the event that rock removal is expected, the Applicant shall describe the intended methodology of rock removal and provide estimates of rock quantities and duration of removal activities.



We recommend the Applicant to schedule a brief meeting with our office to discuss this memorandum, prior to the preparation and submittal of a revised application.

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

Sincerely,

Handwritten signature of Jennifer L. Martinez in cursive.

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

On behalf of,

Handwritten signature of Joseph C. Barbagallo in cursive.

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