

OFFICE OF THE SUPERVISOR

Telephone  
(914) 277-3637  
Fax  
(914) 276-0082

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

SOMERS TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

RICK MORRISSEY  
SUPERVISOR



**SOMERS TOWN BOARD  
REGULAR MEETING - 7:00pm  
THURSDAY, JANUARY 14, 2021  
[www.somersny.com](http://www.somersny.com)**

6:15pm Executive Session

***I. PLEDGE OF ALLEGIANCE:***

7:00pm Regular Meeting

***II. ROLL CALL:***

***III. PUBLIC HEARINGS (Via Remote Access):***

Proposed Local Law to amend Chapter 92 entitled Environmental Quality Review, § 92-6 entitled Types of Actions, § B (2) of the Code of the Town of Somers

**PUBLIC COMMENT**

Please limit your comments to no more than 3 minutes.

***IV. APPROVAL OF MINUTES:***

***V. DEPARTMENT REPORTS:*** The Town Clerk announces receipt of the following monthly reports: Town Clerk, Building Inspector, Zoning Board of Appeals, Plumbing, Bureau of Fire Prevention, Parks & Recreation, Planning & Engineering, Tax Receiver, Director of Finance and Department Heads

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**VI. BUSINESS OF THE BOARD:**

**A. TOWN BOARD:**

1. Town of Somers Covid-19 – Update
2. Police Reform & Reinvention Collaborative – Update
3. Highview Court – Petition for Creation of MFR-100 Multifamily Route 100 Zoning Overlay District to Accommodate a Proposed Multifamily Residential Use on Existing R-80 Zoned Property Located at 259 Route 100 (TM 28.06-1-15) – Revised Zoning Text:
  - a. Declare itself lead agency and distribute updated submission to all involved and interested agencies.
  - b. Refer proposed zoning text change and changes to the Comprehensive Plan to the Somers Planning Board and Westchester County Planning Board.
  - c. Set date for public hearing on the zone change and a separate public hearing for the changes to the Comprehensive Plan for the meeting of February 11, 2021.
4. Authorize the Supervisor to execute the Proposal to Provide Traffic Consulting Services from Hardesty & Hanover, LLC for a Peer Review of a Proposed Residential Development – Highview Court – 259 Route 100, Somers, New York in the amount of \$5,000, plus out-of-pocket expenses per referral from Syrette Dym, Director of Planning.

**B. PARKS & RECREATION: No additional business.**

**C. FINANCIAL: No additional business.**

**D. HIGHWAY: No additional business.**

**E. PERSONNEL:**

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1. **Current Vacancies:**

- a. Affordable Housing Board (2- 2-year terms ending 7/11/2021.)
- b. Assessment Board of Review (1- 5-year term ending 9/30/2025.)
- c. Library Board of Trustees (1- 5-year term ending 12/31/2024.)
- d. Library Board of Trustees (1- 5-year term ending 12/31/2025.)
- e. Partners in Prevention (3- 3-year terms ending 12/31/2023.)
- f. Partners in Prevention (2- 3-year terms ending 12/31/2022.)

2. **Upcoming Vacancies - Terms Expiring in 2021:**

- a. Architectural Review Board (1- 3-year term ending 3/31/2021.)
- b. Parks and Recreation Board (3- 3-year terms ending 3/9/2021.)

- 3. Acknowledge the retirement of Helga Stanton, as Part-time Dog Control Officer in the Town Clerk's Office for the past 24 years effective December 31, 2020.
- 4. Authorize the reappointment of Ms. Kathy Cucchiarella to the Somers Partners in Prevention Committee to a three-year term ending December 31, 2023.
- 5. Acknowledge the hiring of Mr. Jose Reinaldo Yanza Jr. as a full-time Road Maintainer at the Highway Department contingent upon the successful results of a physical, drug test, reference, background and NYS driver's license checks at an annual salary of \$54,184.00 (until union contract determination) which he will receive 90% of it for the first six months at an hourly rate of \$23.4450 then he will receive 95% after the first six months is complete. Upon completion of one year of service, he will receive the full salary rate of pay per memo dated December 29, 2020 from Nicholas DeVito, Deputy Superintendent of Highways effective January 4, 2021.

**F. PLANNING & ENGINEERING:** No additional business.

**G. POLICE:** - No additional business.

**H. CONSENSUS AGENDA:**

**SOMERS TOWN BOARD**  
**REGULAR MEETING - 7:00pm**  
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1. Authorize the return of the following Bonds per December 7, 2020 memos from Steven Woelfle, Principal Engineering Technician.
  - a. \$5,000.00 Erosion Control Bond, The Mews II Pump Station, TM: 4.20-1-18
  - b. \$7,194.00 Erosion Control Bond, Towne Centre at Somers Amended Site Plan Resolution No. 2017-13, TM: 17.15-1-13
2. Authorize transfer of the following Bond to the General Fund per January 8, 2021 memo from Steven Woelfle, Principal Engineering Technician:
  - a. \$842.00 Erosion Control Bond (Getty Service Station – Route 6 Site Plan Resolution No. 2007-12, TM: 4.16-1-1
3. Authorize the following per December 24, 2020 memo from Steven Ralston, Superintendent of Parks & Recreation:
  - a. Set fee schedule for 2021 programs and services.
  - b. Supervisor to execute North East Westchester Special Recreation, Inc Interagency Agreement for 2021 program year.
4. Authorize waiver of all Plumbing Permit fees for the Heritage Hills Society to replace the generator at the Heritage Hills Activities Center per referral from Thomas J. Tooma, Building Inspector.
5. Authorize the Supervisor to execute the proposal from Sterling Appraisals Inc. for preparing a restricted/"preliminary" appraisal for the assessment years 2017, 2018, and 2019 of 294 Route 100, Part of Former IBM Property, Tax Map # 17.19-1-1, Town of Somers, NY in the amount of \$6,750.00 per referral from Roland Baroni, Town Attorney. Additional fees are documented in the proposal.
6. Authorize Supervisor to execute Annual Bonus Based on Attendance for 2020 per memo dated December 31, 2020 from Nicholas DeVito, Superintendent of Highways.

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**2021 Calendar**

|                   |        |  |
|-------------------|--------|--|
| January 14, 2021  | 7:00pm | Town Board Regular Meeting<br><b>Public Hearing via Remote Access:</b><br>Proposed Local Law to amend Chapter 92<br>entitled <u>Environmental Quality Review</u> , § 92-6<br>entitled <u>Types of Actions</u> , § B (2) of the Code of<br>the Town of Somers |
| February 4, 2021  | 7:00pm | Town Board Work Session  |
| February 11, 2021 | 7:00pm | Town Board Regular Meeting   |
| March 4, 2021     | 7:00pm | Town Board Work Session  |
| March 11, 2021    | 7:00pm | Town Board Regular Meeting   |
| April 1, 2021     | 7:00pm | Town Board Work Session  |
| April 8, 2021     | 7:00pm | Town Board Regular Meeting   |

Sent to:  
TB, TA, TC  
1/8/2021  
KO

## PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town of Somers will conduct a public hearing on January 14, 2021 at 7:00 p.m. via Remote Access on a proposed Local Law to amend Chapter 92 entitled Environmental Quality Review, § 92-6 entitled Types of Actions, § B (2) of the Code of the Town of Somers.

Meeting Access details are as follows:

View on TV:

Residents can view the meeting live on the Town's local Cablevision Channel 20 or Comcast Channel 12 (Heritage Hills).

View on the Internet:

The meeting will be streamed live on the Town of Somers NY YouTube page:  
[https://www.youtube.com/channel/UCd\\_Bfxhc\\_GFW8ilyrKAgOCw](https://www.youtube.com/channel/UCd_Bfxhc_GFW8ilyrKAgOCw)

Call In during designated time during the meeting to provide comments and ask questions:

Dial any of the following Zoom phone numbers:

1 253-215-8782, 1 301-718-8592, 1 312-626-6799, 1 346-248-7799, 1 408-638-0968, 1  
646-876-9923, 1 669-900-6833

Enter Meeting ID: 599 874 6566

Please wait in the queue for your call to be answered.

Text comments/questions:

914-804-6613

Email comments/questions:

Town Board -- [tbmeeting@somersny.com](mailto:tbmeeting@somersny.com)

All persons having an interest in the proposed local law are invited to attend the public hearing and will be afforded an opportunity to be heard. A copy of the proposed local law will be made available by contacting the Office of the Town Clerk during regular business hours.

By Order of the Town Board  
of the Town of Somers

Patricia Kalba  
Town Clerk

Dated: December 31, 2020

Sent to:  
TB, TA, TC  
1/12/2021  
KO

John Currie, *Chairman*  
Vicky Gannon  
Nancy Gerbino  
Jack Mattes  
Dennis McNamara  
Bruce A. 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

## MEMORANDUM

**TO:** Town of Somers Town Board

**FROM:** Town of Somers Planning Board

**DATE:** December 10, 2020

**PROJECT:** Amendment of Part II, General Legislation Chapter 92 Environmental Quality Review of the Town Code

At its Planning Board meeting of December 9, 2020, the Planning Board considered the referral from the Town Board regarding amendment to Part II, General Legislation Chapter 92 Environmental Quality Review of the Town Code to add lot line adjustments as a Type II Action under SEQR.

Planning Director Syrette Dym explained that this amendment to the list of Type II actions had been made previously in the NY State SEQR Law in an attempt to streamline some provisions of the regulations. By making the Town Code consistent with the State Law, property owners seeking lot line adjustments would be eligible to utilize the Abbreviated Subdivision process rather than needing to do a preliminary and then final subdivision review with associated public hearing.

The Planning Board voted unanimously in favor of adding Lot line adjustments as a Type II Action to Chapter 92-6B(2) to the Town Code which would reduce the burden on applicants for this type of request and was strongly in favor of its approval by the Town Board.

Z:\PE\General files\Type II Actions\Planning Board Referral\Planning Board Referral to TB 12-10-20.doc



**NOTICE OF SEQR ACTIONS – Local Law Amendment to Part II, General Legislation Chapter 92  
Environmental Quality Review in the Code of the Town of Somers  
Notice to Act as Lead Agency**

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

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

The Town Board of the Town of Somers, Westchester County, declares it will act as lead agency as part of an uncoordinated review to amend Part II, General Legislation Chapter 92 Environmental Quality Review in the Code of the Town of Somers to add the granting of lot line adjustments to the list of Type II action in the Town Code to make it consistent with the addition of this action as a Type II action to Article 24 NYS Environmental Conservation Law as part of its amendments which became effective January 1, 2019.

The Somers Town Board at its meeting of December 10, 2020 declared itself Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code as part of an uncoordinated review.

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

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

**TITLE OF ACTION:** Amend Part II, General Legislation Chapter 92 Environmental Quality Review in the Code of the Code of the Town of Somers

**DESCRIPTION OF ACTION:** A local law amending regulations governing those actions which are exempt from SEQR review due to their listing as Type II actions under SEQR. The proposed legislation would add the granting of a lot line adjustment to the list of Type II actions in the Town Code, making the Town Code consistent with the NYS SEQR regulations revised and effective January 1, 2019. This change will permit applicants for lot line changes in the Town of Somers to process their applications under the abbreviated subdivision regulations.

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

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

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

Telephone: 914-277-5366

Date of this Notice: December 10, 2020

**SEQR DISTRIBUTION LIST** – Local Law to Amend Code of the Town of Somers Part II, General Legislation Chapter 92  
Environmental Quality Review.

**Involved Agency:**

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

**Interested Agencies -**

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

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

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

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

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

**Others – Lead Agency Representatives–**

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

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

# 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>A local law to amend Part II, General Legislation Chapter 92 Environmental Quality Review of the Code of the Town of Somers  |  |  |  |
| Project Location (describe, and attach a location map):<br>Town of Somers  |  |  |  |
| Brief Description of Proposed Action:<br>A local law amending regulations governing those actions which are exempt from SEQR review due to their listing as Type II actions under SEQR. The proposed legislation would add the granting of a lot line adjustment to the list of Type II actions in the Town Code, making the Town Cde consistent with the NYS SEQR regulations revised and effective January 1, 2019. This change will permit applicants for lot line changes in the Town of Somers to process their applications under the abbreviated subdivision regulations. |  |  |  |
| Name of Applicant or Sponsor:<br>Town of Somers  |  | Telephone: 914-277-3637<br>E-Mail: supervisor@somersny.com |  |
| Address:<br>335 Route 202  |  |  |  |
| City/PO:<br>Somers   |  | State:<br>NY   | Zip Code:<br>10589                         |
| 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 checked="" 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:   |  | NO<br><input type="checkbox"/>                             | YES<br><input type="checkbox"/>            |
| 3. a. Total acreage of the site of the proposed action? _____ acres<br>b. Total acreage to be physically disturbed? _____ acres<br>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres  |  |  |  |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:   |  |  |  |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):<br><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 type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  | NO                       | YES                      |                          |
|  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?   | NO                       | YES                      |                          |
| If Yes, identify: _____  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   | NO                       | YES                      |                          |
| b. Are public transportation services available at or near the site of the proposed action?  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?   | <input 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 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>_____   | <input 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>_____  | <input 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 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 type="checkbox"/> |                          |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?   | NO                       | YES                      |                          |
|  | <input type="checkbox"/> | <input type="checkbox"/> |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  | <input 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 type="checkbox"/> Suburban |                          |                          |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?   | NO                       | YES                      |
|  | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan?  | NO                       | YES                      |
|  | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,  | NO                       | YES                      |
|  | <input type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:   | <input 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 type="checkbox"/> | <input type="checkbox"/> |
| 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 type="checkbox"/> | <input type="checkbox"/> |
| 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 type="checkbox"/> | <input type="checkbox"/> |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br><br>Applicant/sponsor/name: <u>Rick Morrissey</u> Date: <u>December 10, 2020</u><br><br>Signature: _____      Title: <u>Supervisor</u>  |                          |                          |

## TOWN OF SOMERS

Local Law No. \_\_\_\_\_ For the Year 2020

A Local Law to amend the Code of the Town of Somers Chapter 92 entitled Environmental Quality Review:

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

### Part II, General Legislation

Chapter 92 Environmental Quality Review is amended as follows:

#### Part II, General Legislation Chapter 92 Environmental Quality Review

[Adopted by the Town Board of the Town of Somers 10-11-1979.  
Amendments noted where applicable.]

#### § 92-1 **Statutory Authority.**

This chapter is adopted pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

#### § 92-2 **Title.**

This chapter shall be known and cited as the "Environmental Quality Review Ordinance of the Town of Somers."

#### § 92-3 **Purpose.**

It is the intent of the Town Board that:

##### **A.**

Environmental factors shall be incorporated into the existing planning and decision-making processes of all Town agencies.

**B.**

All agencies shall conduct their affairs with an awareness that they are stewards of the air, water, land and living resources and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.

**C.**

Protection of the environment and enhancement of human and community resources shall be given appropriate weight along with social and economic considerations, and all these factors shall be considered together in reaching decisions on proposed actions.

**D.**

The processes set forth in this chapter as far as possible shall be integrated into existing agency procedures and that they do not result in undue delays in agency planning and decision-making.

**§ 92-4Definitions.**

The following terms, phrases, words and their derivatives shall have the meanings given herein:

**ACTION**

Any activity of any agency, except an exempt action as defined in this section, including without limitations:

**A.**

Physical activities, such as construction, destruction, modification or other activities, including the approval thereof, which change the use, function or appearance of any natural resource or structure.

**B.**

Funding activities, such as the proposing, approving or disapproving of contracts, grants, subsidies, loans, tax abatements or exemptions or other forms of direct or indirect financial assistance.

**C.**

Licensing activities, such as the proposing, approving or disapproving of a lease, permit, license, certificate or other entitlement for use or permission to act.

**D.**

Planning activities, such as site selection for other activities and the proposing, approving or disapproving of master or long-range plans, zoning maps and ordinances, development plans or other plans designed to provide a program for future activities.

**E.**

Policymaking activities, such as the making, modification, repeal or establishment of rules, regulations, procedures, policies and guidelines.

**AGENCY**

Any Town department, official, officer, employee, board, agency, commission, council, district, public benefit corporation or public authority, including the Town Board, which is determined to be conducting an action or is responsible for an action as hereinbefore defined.

**DEIS**

Draft environmental impact statement.

**DRAFT ENVIRONMENTAL IMPACT STATEMENT**

A preliminary environmental impact statement prepared pursuant to § 92-9 herein.

**EIS**

Environmental impact statement; also referred to as a "final EIS."

**ENVIRONMENT**

The physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, traffic, light, features of historic or aesthetic significance, existing patterns of population concentration, distribution or growth and existing community or neighborhood character.

**ENVIRONMENTAL ASSESSMENT FORM**

A form used to determine whether an action is likely to have a significant effect on the environment and, if so, to determine the primary areas to be analyzed in the DEIS.

**ENVIRONMENTAL CLEARANCE FORM**

A form used to determine the proper classification of a proposed action.

**ENVIRONMENTAL IMPACT STATEMENT**

A detailed statement setting forth the matters specified in § 92-7 herein. It includes any comments on a draft environmental impact statement which are received pursuant to § 92-9D and E herein and the agency's



response to such comments to the extent that such comments raise issues not adequately resolved in the draft environmental impact statement.

**EXEMPT ACTION**

Any one of the following:

**A.**

Enforcement or criminal proceedings or the exercise of prosecutorial discretion in determining whether or not to institute such proceedings.

**B.**

Ministerial actions, which are actions performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgment or discretion as to the propriety of the action, such as the grant of a marriage license, although such law may require, in some degree, a construction of its language or intent.

**C.**

Maintenance or repair involving no substantial change in an existing structure or facility.

**D.**

Actions requiring a certificate of environmental compatibility and public need under Articles VII and VIII of the Public Service Law and the consideration of, grant or denial of any such certificate.

**E.**

Except as set forth in § 92-11 herein, actions undertaken or given final approval prior to the effective date of this chapter. An action shall be deemed to be undertaken or given final approval prior to such date if:

**(1)**

In the case of an action involving federal participation, either a draft environmental impact statement or a negative declaration has been duly prepared under the National Environmental Policy Act of 1969.

(2)

In the case of a subdivision of land, conditional approval of a preliminary or final plat has been given.

(3)

In the case of a site plan, special permit use or variance, approval with or without conditions has been given.

(4)

In the case of all other such actions requiring a permit or authorization from an agency, each such permit or authorization has been granted.

F.

Actions which are immediately necessary on a limited emergency basis for the protection or preservation of life, health, property or natural resources.

G.

Actions of any court.

#### **LEAD AGENCY**

Where several agencies are involved in an action, that agency primarily responsible for preparation of the environmental impact statement. The Zoning Board of Appeals shall be the "lead agency" on applications for variances and special exception use permits. The Planning Board shall be the "lead agency" on applications for subdivision or site plan approval. The Town Board shall be the "lead agency" on any matter before such Board.

#### **OFFICIAL NEWSPAPER**

That newspaper formally designated by the Town Board as the official newspaper of the Town or, if none, a newspaper of general circulation within the Town.

#### **PERSON**

Any person, individual, corporation, governmental entity, partnership, association, trustee or other legal entity.

#### **PHYSICAL ALTERATION**

Includes but is not limited to the following activities: vegetation removal; demolition; stockpiling materials; grading and other forms of earthwork; dumping, filling or depositing; excavation or trenching; dredging; flooding or draining; paving; and construction of buildings or structures.

**SEQR**

The State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law.

**§ 92-5 Compliance required.**

**A.**

No decision to carry out or approve an action other than an exempt or a Type II action, as set forth in § 92-6 herein, shall be made by an agency until there has been full compliance with all requirements of this chapter; provided, however, that nothing herein shall be construed as prohibiting:

**(1)**

The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the agency to approve, commence or engage in such action; or

**(2)**

The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall vest, entitle or permit the applicant the right to commence the action until all requirements of this chapter have been fulfilled.

**B.**

Agencies may identify programs or categories of actions which could most appropriately be covered by a single environmental impact statement.

**(1)**

Programmatic statements are often appropriate to assess the environmental effects of:

**(a)**

A number of separate actions in a given geographic area;

**(b)**

A chain of contemplated actions;

**(c)**

Separate actions having generic or common impacts; or

**(d)**

Programs or plans having wide application or restricting the range of future alternative policies or projects.

**(2)**

Such statements will eliminate multiple sequential reviews of the same or similar actions. When an individual action is proposed which was encompassed in such a programmatic EIS and the action is to be carried out in conformance with the conditions discussed in the programmatic statement, a subsequent EIS should be prepared only if site specific impacts need to be addressed. Agencies preparing such a statement shall develop procedures for amending or supplementing such statements to reflect impacts which are not addressed or adequately analyzed in such a statement as initially prepared. Such procedures shall include provision for informing the public and other agencies of the preparation of such amendments or supplements and for allowing comment thereon before incorporation of such amendments or supplements in said statement.

**§ 92-6Types of actions.**

To simplify the task of determining whether or not a proposed action may have a significant effect on the environment, actions are divided into three classes, Type I, Type II and unlisted.

**A.**

Type I actions or classes of actions are likely to, but will not necessarily, require preparation of environmental impact statements because they will in almost every instance have a significant effect on the environment. For all individual actions which are Type I, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in Subsection C. Type I actions are listed below:

**(1)**

The adoption of a Town Development Plan, a comprehensive Zoning Ordinance or a comprehensive resource management plan.

**(2)**

The following changes in the allowable uses within any zoning district, affecting 10 or more acres of the district:

**(a)**

Authorizing industrial or commercial uses within a residential or agricultural district; or

**(b)**

Authorizing residential uses within an agricultural district.

**(3)**

The granting of a zoning change at the request of an applicant for an action that meets or exceeds one or more of the limits given in other subsections of this list.

**(4)**

The acquisition, sale, lease or other transfer of 100 or more contiguous acres of land by a state or local agency.

**(5)**

Construction of 50 or more residential dwelling units.

**(6)**

Construction of new nonresidential facilities which meet or exceed any of the following limits or the expansion of existing nonresidential facilities by more than 50% of any of the following limits, provided that the expansion and the existing facilities, when combined, meet or exceed any limit contained in this subsection:

**(a)**

A project or action which involves the physical alteration of 10 acres.

**(b)**

A project or action which would use ground- or surface water in excess of 50,000 gallons per day.

**(c)**

Parking for 500 vehicles.

**(d)**

A facility with more than 100,000 square feet of gross floor area.

**(7)**

Any nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, Article 25, § 303) which exceeds 10% of any threshold established in this subsection.

**(8)**

Any action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within or contiguous to any facility or site listed on the National Register of Historic Places or any building, structure or site that has been proposed by the Committee on the Registers for consideration by the

New York State Board on Historic Preservation for a recommendation to the State Historic Officer for nomination for inclusion in said National Register.

**(9)**

Any project or action, which exceeds 25% of any limit in this subsection, but 50% of Subsection **A(6)(c)**, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland or recreation area or designated open space.

**(10)**

Any action which takes place wholly or partially within a freshwater wetland as defined in Article 24 of the Environmental Conservation Law.<sup>[1]</sup>

[1]

*Editor's Note: See also Ch. 167, Wetlands and Drainage.*

**(11)**

All excavations for natural products.

**B.**

Type II actions or classes of actions have been determined not to have a significant effect on the environment and do not require environmental impact statements. Type II actions are listed below:

**(1)**

Replacement of a facility, in kind, on the same site unless such facility meets any of the thresholds in the Type I list.

**(2)**

The granting of individual setback and lot line variances and adjustments.

**(3)**

Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming.

**(4)**

Repaving of existing highways not involving the addition of new travel lanes.

**(5)**

Street openings for the purpose of repair or maintenance of existing utility facilities.

**(6)**

Installation of traffic control devices on existing streets, roads and highways.

**(7)**

Public or private forest management practices other than the removal of trees or the application of herbicides or pesticides.

**(8)**

Construction or placement of minor structures accessory or appurtenant to existing facilities, including garages, carports, patios, home swimming pools, fences, barns or other buildings not changing land use or population density.

**(9)**

Maintenance of existing landscaping or natural growth.

**(10)**

Mapping of existing roads, streets, highways, uses and ownership patterns.

**(11)**

Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession.

**(12)**

Sales of surplus government property other than land, radioactive material, pesticides, herbicides or other hazardous materials.

**(13)**

Collective bargaining activities.

**(14)**

Routine or continuing agency administration and management, not including new programs or major reordering of priorities.

**(15)**

License and permit renewals where there will be no material change in permit conditions or the scope of permitted activities.

**(16)**

Routine activities of educational institutions which do not include capital construction.

**(17)**

Pure information collection, including basic data collection and research, Master Plan study components, water quality and pollution studies, traffic counts, engineering studies, boring studies, surveys and soils studies.

**(18)**

Minor temporary uses of land having negligible or no permanent effect on the environment.

**(19)**

Construction or alteration of four or less single- or two-family residences and accessory appurtenant uses or structures if not in conjunction with the construction or alteration of a total of more than four such residences and if not in a wetland, as defined in the Wetlands Control Ordinance of the Town of Somers,<sup>[2]</sup> or on a slope exceeding a grade of 33%.

[2]

*Editor's Note: See Ch. 167, Wetlands and Drainage.*

**(20)**

Construction or alteration of a store, office or restaurant designed for an occupant load of 20 persons or less, and the construction of utility facilities to serve such establishments, if not in conjunction with the construction or alteration of other stores, offices or restaurants and if not in a wetland, as defined in the Wetlands Control Ordinance of the Town of Somers,<sup>[3]</sup> or on a slope exceeding a grade of 33%.

[3]

*Editor's Note: See Ch. 167, Wetlands and Drainage.*

**(21)**

Operation, repair, maintenance or minor alteration of existing structures, land uses and equipment.

**(22)**

The extension of utility distribution facilities to serve new or altered single- or two-family residential structures or to render service in approved subdivisions.

**(23)**

Actions which are immediately necessary for the protection or preservation of life, health, property or natural resources.

**C.**

Unlisted actions.

**(1)**

Unlisted actions or classes of actions are actions which are neither Type I or Type II and which may have a significant effect on the environment if they can reasonably be expected, by the agency, to lead to one of the following consequences:



**(a)**

A substantial adverse change to ambient air, ambient light or water quality or noise levels or in solid waste production, drainage, erosion or flooding.

**(b)**

The removal or destruction of large quantities of flora or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impact on a significant habitat area or substantial adverse effect on a rare or endangered species of animal or plant or the habitat of such a species.

**(c)**

The encouragement or attraction of a large number of people to a place or places for more than a few days relative to the number of people who would come to such place absent the action.

**(d)**

The creation of a material conflict with a community's existing plans or goals as officially approved or adopted.

**(e)**

The impairment of the character or quality of important historical, archeological, architectural or aesthetic resources or of the existing community or neighborhood character.

**(f)**

A substantial change in the use of either the quantity or type of energy.

**(g)**

The creation of a hazard to human health or safety.

**(h)**

A substantial change in the use or intensity of use of land or other natural resources or in the capacity of land or other natural resources to support uses.

**(i)**

The creation of a demand for other actions which would result in one of the above consequences.

**(j)**

Changes in two or more elements of the environment, no one of which is substantial, but when taken together result in a material change in the environment.

**(k)**

Restoration or reconstruction of an existing structure which increases existing overall size, square footage and usage by less than 50%.

**(2)**

For the purpose of determining whether an action will cause one of the foregoing consequences, the action shall be deemed to include other contemporaneous or subsequent actions which:

**(a)**

Are included in any long-range comprehensive integrated plan of which the action under consideration is a part;

**(b)**

Are likely to be undertaken as a result thereof, or

**(c)**

Are dependent thereon.

**(3)**

The significance of a likely consequence should be assessed in connection with its setting, its probability of occurrence, its duration, its irreversibility, its controllability, its geographic scope and its magnitude.

**(4)**

Environmental assessment forms may be used in whole or part by an agency to aid in determining whether or not an unlisted action will have a significant effect on the environment.

**§ 92-7 Contents of environmental impact statement.**

**A.**

Within the framework presented in Subsection **D** herein, environmental impact statements should deal only with the specific significant environmental impacts which can be reasonably anticipated. They should not contain more detail than is appropriate considering the nature and magnitude of the proposed action, the significance of its potential impacts and the existing resources and capability of the agency responsible for the statement. An agency may require that an EIS be prepared by a duly qualified professional.

**B.**

All draft and final environmental impact statements shall be preceded by a cover sheet stating:

**(1)**

Whether it is a draft or final.

(2)

The name or other descriptive title of the action.

(3)

The location of the action including the name of this Town.

(4)

The name and address of the agency which required its preparation and the name and telephone number of a person at the agency to be contacted for further information.

(5)

Identification of the individuals or organizations who prepared any portion of the statement.

(6)

The date of its completion and the date of its acceptance by the agency responsible for its preparation.

(7)

In the case of a draft EIS, the date by which comments must be submitted.

(8)

When not otherwise provided, e.g., in an accompanying application, the names of all parties involved in the action and, where a parcel of land is involved, the name(s) of the owner(s) and the section, block and lot numbers.

C.

If a draft or final EIS exceeds 10 pages in length, it shall have a table of contents following the cover sheet and a precise summary which adequately and accurately summarizes the statement, focusing on issues of controversy, matters to be decided and major conclusions.

D.

The body of all draft and final EIS's shall at least contain the following:

(1)

A concise description of the proposed action, its purpose and need.

(2)

A concise description of the environmental setting of the areas to be affected, sufficient to understand the effects of the proposed action and alternatives.

**(3)**

A statement of the important environmental impacts of the proposed action, including short- and long-term effects and typical associated environmental effects, and road, traffic and drainage patterns shall be addressed if applicable.

**(4)**

An identification and brief discussion of any adverse environmental effects which cannot be avoided, if the proposed action is implemented.

**(5)**

A description and evaluation of reasonable alternatives to the action which would achieve the same or similar objectives. (The description and evaluation should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. The no action alternative must also be discussed and evaluated).

**(6)**

An identification of an irreversible and irretrievable commitments of resources which would be associated with the proposed action should it be implemented.

**(7)**

A description of mitigation measures to minimize the adverse environmental impacts.

**(8)**

A description of any growth-inducing aspects of the proposed actions, where applicable and significant.

**(9)**

A discussion of the effects of the proposed action on the use and conservation of energy, where applicable and significant.

**(10)**

A list of any underlying studies, reports and other information obtained and considered in preparing the statement.

**(11)**

For final environmental impact statements, copies or a summary of the substantive comments received in response to the DEIS and the responses to such comments, and the statements of findings required by § 92-9H(3) or (4). All changes made to the draft EIS incorporated in the final EIS shall be specifically indicated and identified as such.

**E.**

An environmental impact statement may incorporate by reference all or portions of other documents which contain information relevant to the statement. The referenced document shall be made available to the public within the time period for comment at the Town Clerk's office in the Town House. When a statement uses incorporation by reference, the referenced document shall be briefly described, its applicable findings summarized and its date of preparation provided.

**§ 92-8 Procedures; designation of lead agency; determination of need.**

**A.**

Coordination. When an action which may have a significant effect on the environment involves the approval of more than one agency, all involved agencies, shall, to the fullest extent possible, coordinate their environmental reviews through a lead agency to the end that the requirements of this chapter are met by a single draft environmental impact statement, a single final environmental impact statement and a single hearing process. Such coordination is mandatory for all Type I actions and for all unlisted actions which the agency determines may have a significant effect on the environment. For all other actions, coordination is optional. However, where an agency wishes to finalize, in the shortest possible time, lead agency status and the agency's determination of nonsignificance, the agency should follow the coordination procedures below.

**B.**

Application forms. For Type I actions and all other actions for which there will be coordination, agencies and applicants requesting approval by an agency shall complete an environmental assessment form to aid in determining whether an action is an exempt, Type I, Type II or unlisted action and, if Type I or unlisted, whether it may have a significant effect on the environment. In order to expedite any coordination, agencies shall require applicants to specify in their applications which other agencies, to the best of their knowledge, will have approval authority over the proposed action. If no coordination is intended, an agency may require an applicant requesting approval by an agency to complete such form. An applicant shall present such form to the agency whose approval is being sought, accompanied by a fee as set forth in § 92-12 herein.

**C.**

Type I actions.

**(1)**

For Type I actions, the agency shall send the completed form and a copy of any application it has received to all involved agencies, notifying them that, within 30 calendar days of the date the forms were mailed, a lead agency must be designated by agreement among them. The following criteria, in order of importance, shall be used to designate the lead agency:

**(a)**

Whether the anticipated impacts of the action being considered are primarily of statewide, regional or local significance, i.e., if such impacts are of primarily local significance, all other considerations being equal, the local agency involved shall be the lead agency;

**(b)**

Which agency has the broadest governmental powers for investigation into the impacts of the proposed action; and

**(c)**

Which agency has the greatest capability for providing the most thorough environmental assessment of the proposed action.

**(2)**

The lead agency chosen shall determine the need for an EIS according to Subsection F. Such determination shall be made within 15 calendar days of designation as the lead agency or within 15 calendar days of receipt of a complete application, whichever is later; provided, however, that such period may be extended by mutual agreement of the applicant and the agency.

**(3)**

If the involved agencies are unable to resolve the question of lead agency within the prescribed thirty-calendar-day period, they shall follow the procedures of Subsection E below.

**D.**

Other actions:

**(1)**

For all actions which are not Type I, the agency shall make an initial determination of the need for an EIS according to Subsection F. Use of an environmental assessment form therein is discretionary. In cases where an applicant is involved, the determination shall be rendered within 30 calendar

days following receipt of an application for approval of the action sought; provided, however, that such period may be extended by mutual agreement of the applicant and the agency.

**(2)**

If the agency determines that the action is exempt, Type II or an unlisted action which will not have a significant effect on the environment and intends no coordination, it shall so inform the applicant, and the proposed action may be processed without further regard to this chapter.

**(3)**

If the agency finds the action may have a significant effect on the environment or it wishes to coordinate with other agencies, the agency shall notify such other agencies of the initial determination and reasons supporting it, supplying them with copies of any environmental assessment forms and any applications which have been prepared.

**(4)**

If, within 15 calendar days from the date of mailing such notification, no other involved agency submits a written objection to the initial agency being the lead agency, the initial determination of need shall be confirmed. If, within 15 calendar days from the date of notification, any other involved agency submits a written objection to the initial agency being the lead agency, all involved agencies shall follow the procedures of Subsection E below.

**E.**

Lead agency resolution. If all involved agencies are unable, under either Subsection C or D, to resolve the choice of a lead agency, they shall:

**(1)**

Where the agencies are all agencies of the Town of Somers, submit the question to the Town Board for its determination; or

**(2)**

Where nonlocal agencies are involved, submit the question, in writing, to the Commissioner of the Department of Environmental Conservation, who shall, within 12 business days of the date the request was mailed, designate a lead agency, based on a review of the facts, the criteria in Subsection C(1) and any comments received.

**F.**

Determination of need for an EIS.

**(1)**

In each case, the lead agency shall determine whether the proposed action is:

**(a)**

An exempt action;

**(b)**

A Type II action;

**(c)**

A Type I or unlisted action which will not have a significant effect on the environment; or

**(d)**

Type I or unlisted action which may have a significant effect on the environment.

**(2)**

The agency may meet with the applicant and meet and consult with any other person or agency for the purpose of aiding it in making the determination.

**G.**

If the lead agency, once chosen or confirmed, determines that a proposed action is an exempt or Type II action or an unlisted action which will not have a significant effect on the environment, the proposed action may be processed without further regard to this chapter.

**H.**

If the lead agency, once chosen or confirmed, determines that the proposed action is a Type I action, whether it may or may not have a significant effect on the environment, or an unlisted action which may have a significant effect on the environment, the agency shall do the following:

**(1)**

The agency shall prepare a written notice, which shall state:

**(a)**

Either that it is a positive declaration (a DEIS is required) or that it is a negative declaration (a DEIS is not required);

**(b)**

The name and address of the agency;



**(c)**

The name and telephone number of a person who can provide further information;

**(d)**

A brief and precise description of the nature, extent and location of the action proposed;

**(e)**

The reasons supporting the determination; and

**(f)**

In the case of an action which may have a significant effect, the location and nature of its potential significant environmental impacts and effects.

**(2)**

Such written notice shall be circulated to:

**(a)**

The Commissioner, New York State Department of Environmental Conservation.

**(b)**

Region 3, New York State Department of Environmental Conservation.

**(c)**

The Town Clerk.

**(d)**

Any applicant.

**(e)**

Any other agencies involved in approval of the action.

**(f)**

The official newspaper for publication.

**I.**

All other agencies involved in the action shall have no further obligations under this chapter with respect to the action being considered except:

**(1)**

To provide their views where appropriate and to the extent practical, appropriate technical analysis and support;

**(2)**

To make the findings required by § 92-9H herein; and

**(3)**

Not to approve, commence or engage in such actions until the procedures set forth in § 92-9 herein have been completed and the action has been approved by the lead agency.

**§ 92-9 Environmental impact statement procedure.**

**A.**

Following a determination that a proposed action may have a significant effect on the environment, the agency shall prepare a draft environmental impact statement or, in the case of an action involving an applicant, the applicant shall prepare an environmental impact report in the form of a draft environmental impact statement. The applicant shall submit a fee, in accordance with § 92-12 herein, to defray the expense to the agency of reviewing the draft environmental impact statement and, if necessary, the final environmental impact statement. If the applicant decides not to submit an environmental impact report, the processing of the application will cease, and no approval will be issued.

**B.**

An application for a permit or authorization for an action upon which a DEIS is determined to be required shall not be complete until such DEIS has been filed and accepted by the agency as satisfactory with respect to scope, content and adequacy. Commencing upon such acceptance, the environmental impact statement process shall run concurrently with other procedures relating to the review and approval of the action so long as reasonable time is provided for preparation, review and public hearing with respect to the DEIS.

**C.**

Notice of completion.

**(1)**

Upon completion of a draft environmental impact statement, a notice of completion shall be prepared by the agency which shall state:

**(a)**

That it is a notice of completion of a DEIS.

**(b)**

The name and address of the lead agency.

**(c)**

The name and telephone number of a person who can provide further information.

**(d)**

A brief and precise description of the nature, extent and location of the action proposed.

**(e)**

The location and nature of the action's potential significant environmental impacts and effects.

**(f)**

Where and how copies of the statement can be obtained from the agency.

**(g)**

That comments on the DEIS are requested and will be received and considered by the agency at a given address for a given period, which shall be not less than 30 calendar days from the date of circulation of the notice of completion or 10 calendar days following a public hearing, whichever is longer.

**(h)**

The Web site address where the DEIS, FEIS and public comments will be posted.

[Added 3-9-2006 by L.L. No. 5-2006]

**(2)**

The notice of completion shall be circulated to:

**(a)**

Any applicant.

**(b)**

The official newspaper for publication.

**(c)**

The New York State Clearinghouse.

**(d)**

The A-95 Coordinator, Tri-State Regional Planning Commission.

**(3)**

In addition, the notice of completion and a copy of the draft environmental impact statement shall be circulated to:

**(a)**

The Commissioner, New York State Department of Environmental Conservation.

**(b)**

Region 3, New York State Department of Environmental Conservation.

**(c)**

The Town Clerk.

**(d)**

Any other agencies involved in approval of the action.

**(e)**

Persons requesting it. Where sufficient copies of a statement are not available, the agency may charge a fee to cover its costs in making the additional statements available.

**(f)**

The Town of Somers Planning Department to be posted on the Town of Somers Web site. Such posting shall include the draft EIS and any public comments made on the draft EIS. The materials shall be submitted in an electronic format compatible with posting on the World Wide Web and shall be accompanied by a cover letter noting that the electronic materials are for Web site posting purposes.

[Added 3-9-2006 by L.L. No. 5-2006]

**D.**

Public hearing.

**(1)**

If the agency, at its discretion, decides to hold a public hearing on a draft environmental impact statement, notice thereof shall be prepared by the agency. It shall specify the time, place and purpose of the hearing and shall contain a summary of the information contained in the notice of completion of the DEIS. The notice shall be circulated to:

**(a)**

The Commissioner, New York State Department of Environmental Conservation.

**(b)**

Region 3, New York State Department of Environmental Conservation.

(c)

The Town Clerk.

(d)

Any applicant.

(e)

Any other agencies involved in approval of the action.

(2)

A notice of hearing may be combined with the notice of completion of the DEIS and shall be published in the official newspaper at least 14 calendar days prior to such public hearing. The hearing shall commence no less than 15 calendar days nor more than 60 calendar days from the date of circulation of the DEIS, except as otherwise provided where the agency determines that additional time is necessary for the public or some other agency to review the DEIS or to coordinate the environmental review process with other procedures relating to review and approval of an action or where a different hearing date is required as appropriate under other applicable law.

E.

Analysis of the DEIS. If, on the basis of a draft environmental impact statement or a public hearing thereon, the agency determines, in writing, that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this chapter. For public information purposes, copies of such determination shall be circulated to:

(1)

The Commissioner, New York State Department of Environmental Conservation.

(2)

Region 3, New York State Department of Environmental Conservation.

(3)

The Town Clerk.

(4)

Any applicant.

(5)

Any other agencies involved in approval of the action.

**(6)**

The official newspaper for publication.

**(7)**

The New York State Clearinghouse.

**(8)**

The A-95 Coordinator, Tri-State Regional Planning Commission.

**F.**

Final EIS. If the agency determines that an action may have a significant effect on the environment, the agency shall prepare or cause to be prepared a final environmental impact statement. If the action involves an application, the agency may direct the applicant to prepare the final EIS. Such final EIS shall be prepared within 45 calendar days after the close of any hearing or within 60 calendar days after the circulation of the DEIS, whichever last occurs; provided, however, that the agency may amend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification or to coordinate the environmental review process with other procedures relating to review and approval of an action or where mutually agreed to by the applicant and the agency. Where the action involves an application, such final EIS shall be accompanied by a fee, in accordance with § 92-12 herein.

**G.**

Notice of completion.

**(1)**

Upon completion of a final environmental impact statement, a notice of completion shall be prepared by the agency which shall state:

**(a)**

That it is a notice of completion of a final EIS.

**(b)**

The name and address of the agency.

**(c)**

A brief and precise description of the nature, extent and location of the action proposed.

**(d)**

The location and nature of the action's potential significant environmental impacts and effects.

**(e)**

Where and how copies of the statement can be obtained from the agency.

**(f)**

The Web site address where the DEIS, FEIS and public comments will be posted.

[Added 3-9-2006 by L.L. No. 5-2006]

**(2)**

The notice of completion shall be circulated to:

**(a)**

Any applicant; and

**(b)**

The official newspaper for publication.

**(3)**

In addition, the notice of completion and a copy of the final environmental impact statement shall be circulated to:

**(a)**

The Commissioner, New York State Department of Environmental Conservation.

**(b)**

Region 3, New York State Department of Environmental Conservation.

**(c)**

The Town Clerk.

**(d)**

Any other agencies involved in approval of the action.

**(e)**

Persons requesting it. Where sufficient copies of a statement are not available, the agency may charge a fee to cover its costs in making the additional statements available.

**(f)**

The Town of Somers Planning Department to be posted on the Town of Somers Web site. Such materials shall include any public comments made on the draft EIS, as well as the final EIS. The materials shall be submitted in an electronic format compatible with posting on the World Wide Web and shall be

accompanied by a cover letter noting that the electronic materials are for Web site posting purposes.

[Added 3-9-2006 by L.L. No. 5-2006]

**H.**

Approval or disapproval of action:

**(1)**

No decision to carry out or approve an action which has been the subject of a final environmental impact statement shall be made until after the circulation and consideration of such final EIS.

**(2)**

Prior to the agency's decision on an action, it shall afford other agencies and the public a reasonable time period, not less than 10 calendar days, in which to consider the final EIS. Where the agency has been the lead agency for an action, it shall make a decision whether or not to approve the action within 30 days of the date of circulation of the final EIS.

**(3)**

Determination.

**(a)**

An agency shall not carry out or approve an action which may have a significant effect on the environment unless it determines, in writing, that:

**[1]**

Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the relevant EIS.

**[2]**

Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the EIS process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

**[3]**

The requirements of this chapter and 6 NYCRR 617 have been met.



**(b)**

Such determination shall also state the facts and conclusions relied upon in the EIS supporting its decision and shall indicate the social, economic and other factors and standards which formed the basis of its decision.

**(4)**

No agency shall make a decision not to carry out or not to approve an action until it has prepared a written statement of the facts and conclusions relied on in the EIS or comments provided thereon.

**§ 92-10 Actions involving federal participation.**

**A.**

Where there has duly been prepared under the National Environmental Policy Act of 1969 both a draft environmental impact statement and a final environmental impact statement for an action under consideration, the agency shall have no obligation to prepare an environmental impact statement or make findings under this chapter with respect to the action. However, except in the case of exempt actions, no agency may undertake or approve the action until the federal final EIS has been completed and the agency has made the findings required in § 92-9H.

**B.**

Where there has duly been prepared under the National Environmental Policy Act of 1969 a negative declaration or other written determination that the action will not require a federal impact statement, the agency shall determine whether or not the action may have a significant effect on the environment pursuant to this chapter.

**§ 92-11 Preexisting actions.**

Actions undertaken, approved or on which substantial work has been undertaken prior to the effective dates of this chapter shall be exempt actions; provided, however, that, if after such dates an agency modifies an action undertaken or approved prior to that date and the agency determines that the modifications may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter.

**§ 92-12 Fees.**

**A.**

When a Type I or an unlisted action involves an applicant, the agency may charge fees in order to recover the costs incurred in preparing, causing to be prepared or reviewing an environmental impact statement regarding the action. Any part of such fee collected by an agency and not used for such purposes

shall be returned to the applicant. When requested, the agency shall provide the applicant with an estimate of the fees expected to be charged.

**B.**

The fees may be in cash or, at the discretion of the agency and subject to the approval of the Town Board as to form and sufficiency, in the form of a bond.

**C.**

The fees shall be as follows:

[Amended 10-17-1991 by L.L. No. 7-1991]

**(1)**

Accompanying an environmental clearance form: no fee.

**(2)**

Accompanying an environmental assessment form: an amount set by resolution of the Town Board,<sup>[1]</sup> to be submitted at the time of application, as set forth in § 92-8B herein.

**[1]**

*Editor's Note: The current fee is set forth in the fee schedule, which is on file in the office of the Town Clerk.*

**(3)**

Submitted prior to the preparation of a DEIS, a fee in an amount set by resolution of the Town Board<sup>[2]</sup> equal to the maximum allowable according to Subsection D, minus \$50, or such other lesser amount as may be determined adequate by the agency in a particular case.

**[2]**

*Editor's Note: The current fee is set forth in the fee schedule, which is on file in the office of the Town Clerk.*

**D.**

The total amount of all fees charged an applicant shall not exceed:

**(1)**

For residential projects, 2% of the total project cost. The total project cost shall be the cost of the land, plus the cost of all site improvements required, not including the cost of buildings and structures; and

**(2)**

For nonresidential projects, 0.5% of the total project cost. Total project cost shall be the cost of supplying utility service to the project, the cost of site preparation and the cost of labor and material as determined with reference to a current

cost data publication in common usage, such as Building Construction Cost Data by Means.

**§ 92-13Files.**

The agency shall maintain files, which shall be open for public inspection, of all determinations of need, notices of completion, draft and final environmental impact statements, written comments, minutes of the public hearings and the written determinations resulting therefrom and all other applications.

DRAFT

Sent to:  
TB, TA, TC  
1/5/2021  
KO

PLANNING AND ENGINEERING DEPARTMENTS

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

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

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

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



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

**MEMORANDUM**

**TO:** Town Board

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

**DATE:** January 4, 2021

**RE:** Petition For Creation of MFR-100 Multifamily Route 100 Zoning Overlay District to Accommodate a Proposed Multifamily Residential Use on Existing R-80 Zoned Property Located at 259 Route 100 TM 28.06-1-15) – Revised Zoning Text

At the Town Board Meeting of December 10, 2020, the Londonderry Group, Inc. applicant provided two revised concept plans for their 24 unit multifamily apartment buildings to be located at 259 Route 100. As part of this application, they had previously submitted a Petition for rezoning of the site from R80 to a new district under the multifamily family districts in Section 170-13 to be known as the Multifamily Route 100 MFR-100 District.

As part of the discussion, Rick Morrissey introduced the idea that a parcel just north of the driveway adjacent and to the north of the subject parcel was being considered to be subdivided to provide a three-acre parcel for relocation of the New York State Police Barracks now located further north on Route 100.

Based on the discussions of the proposed multifamily use and a possible associated zoning text amendment that would permit the State police as a use in the R-80 District, it was determined that the application was not ready for determination of the Town Board to act as intent to be lead agency,

The Planning Director indicated that the applicant needed to supply three revised documents, those being the following:

- Revised Zoning Text for the MFR-100 District that more closely mirrored the language in the existing MFR Districts
- A revised EAF to reflect a revised site plan layout and zoning text

- Indications of required modifications to the Town Comprehensive Plan Update of 2016

There was also discussion regarding the applicant's obligation to provide zoning text and analysis of a future State police use in the as yet to be subdivided parcel to the north within an R80 district.

## **Revised Submissions**

### ***Zoning Text***

The applicant's attorney submitted revised zoning text amendment for the MFR-100 District which more closely mirrors existing MFR District legislation. The Director of Planning has made further revisions that generally include the following and that are seen in the attached document which was formally submitted on December 29, 2020.

The changes are essentially the following:

- On the advice of the Town Attorney, all reference in all MFR Districts to them being a floating zone are deleted. The reason for this is that, as a floating zone, such district must be considered by the Town Board through to rejection or acceptance after thorough review. As a regular, non-floating zone, the Town Board has the option to reject all consideration of the zoning request without carrying out further analysis.
- Minor changes to certain sections as seen in the track changes
- Addition of a recreation and open space section. Whereas the existing sections on these items specify a certain required percentage of site area be allocated as recreation area, in this text, that is left to the discretion of the Planning Board in the case of the MFR-100 district. There is also a guarantee of provision of open space and its maintenance.

### ***EAF***

The EAF has been modified to include additional agencies that have approval authority over the proposals

### ***Comprehensive Plan Modifications***

The applicant submitted suggested amendments to the Town of Somers Comprehensive Plan Update of 2016 on January 4, 2021. Edits were made by the Director of Planning. The proposed changes are identified in an attachment to this memorandum. The Comprehensive Plan changes need to be referred to the Somers Planning Board and the Westchester County Planning Board. Two separate public hearings will need to be scheduled on changes the Comprehensive Plan.

### ***Consideration of Only the Proposed Multifamily Development as the Proposed Action***

It has since been determined that the Applicant's petition for zoning text amendment and development of its proposed multifamily use will be the only action to be considered at this time and that any discussion of the relocation of the police barracks was premature and would be considered at a later date should it move forward in the future.

**SEQR**

Based on the new revised submission, the Town Board should declare itself lead agency for purposes of environmental review and of this project, distribute the proposal and associated documents to other interested and involved agencies.

The Director of Planning and the Town Consultant Engineer are in the process of outlining the list of environmental areas of relevance that will need to be studied as part of the environmental review of this project. It is anticipated that a traffic review element will be undertaken on a consulting basis by Mike Galante of Hardesty & Hanover, formerly FP Clark Associates. A draft of the proposed environmental studies to be performed as part of an Expanded Environmental Assessment document will be compiled and submitted to the Town Board for its review and approval prior to final submittal to the applicant.

### **Next Steps**

The following are the steps that should be taken by the Town Board at its meetings of January 7, 2021 and January 14, 2021.

- Declare itself lead agency and distribute updated submission to all involved and interested agencies.
- Refer proposed zoning text change and changes to the Comprehensive Plan to the Somers Planning Board and Westchester County Planning Board
- Set date for public hearing on the zone change and a separate public hearing for the changes in the Comprehensive Plan for the meeting of February 11, 2021

Cc: Kim DeLucia  
Patricia Kalba  
Roland Baroni  
Linda Whitehead  
Enrico DiNardo

Z:\PE\Site plan files\Highview Court - DiNardo 2020\Town Board Actions January 2021\Town Board Memorandum 01-04-21 Revised Zoning.docx

McGULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

FRANK S. McCULLOUGH, JR.  
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SETH M. MANDELBAUM

AMANDA L. BROSY  
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10605

(914) 949-6400

FAX (914) 949-2510

WWW.McGULLOUGHGOLDBERGER.COM

FRANK S. McCULLOUGH (1905-1998)  
EVANS V. BREWSTER (1920-2005)

December 29, 2020,

Honorable Supervisor Rick Morrissey  
and Members of the Town Board  
Town of Somers  
335 Route 202  
Somers, New York 10589

Re: 259 Route 100, Highview Court  
Zoning Text Amendment

Dear Supervisor Morrissey and Members of the Town Board:

As you are aware, this office represents Londonderry Group, Inc., (hereinafter "Petitioner"), the owner of an approximately 2.28-acre lot identified as 259 Route 100, Town of Somers, County of Westchester, State of New York, shown and designated on the Town of Somers Tax Map as Tax Parcel 28.06-1-15 (hereinafter referred to as the "Property"). We previously submitted a Petition for a Zoning Amendment to add a new Multifamily Residence Route 100 "MFR-100" floating zone and to rezone the Property to the new zone.

Based upon your Board's discussion at your December meetings and our discussions with Syrette Dym, we are submitting to you herewith revised proposed zoning text together with a revised site plan and rendering and updated EAF.

As we have discussed, the Property is ideally located to act as transitional development between the existing commercial and industrial uses in the OB-100 and OLI zoning districts to the south and east, and the single-family residential development to the north and west.

Kindly place this matter on the January 7, 2021 work session agenda and the January 14, 2021 Town Board agenda, in order for the Board to accept the Petition, commence the SEQRA process, and refer the Petition to the Planning Board for its review and recommendation back to the Town Board.

December 29, 2020  
Supervisor and Members of the Town Board  
Page 2

We look forward to continuing our review of this matter with you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Linda B. Whitehead", written in a cursive style.

Linda B. Whitehead

Enclosures

cc: Syrette Dym  
Roland Baroni, Esq.  
Londonderry Group, Inc.



## PROPOSED MODIFICATIONS TO SECTION 170-13

### **Section 170-13 Multifamily Residence MFR Districts**

Multifamily residence districts are hereby established in order to provide suitable opportunities within the Town for the development of housing designed to satisfy the needs of households maintained by the young, the elderly and families earning less than 80% of the county's median income, and to permit a broad array of housing types, dwelling unit sizes and forms of ownership/occupancy. These districts are intended to provide for the construction of multifamily housing on sites determined to be appropriate based upon criteria established in the Town Development Plan and in conformance with the standards recommended therein, which standards are designed to promote the public health, safety and general welfare and to require the development of housing which is responsive to the variety of special size, design, locational and affordability needs of present and future residents of the Town. To help assure the achievement of this goal with proper protection for existing and future neighboring development and infrastructure, all multifamily residence districts shall be established ~~on a floating-zone basis~~, subject to approval by the Town Board and in accordance with an approved preliminary development concept plan, as described and defined herein.

#### **ADD NEW SUBSECTION D. AS FOLLOWS -**

### **170-13 Multifamily Residence MFR Districts**

D. Multifamily Residence Route 100 “MFR-100” District. It is the specific purpose and intent of the Multifamily Route 100 MFR-100 District to provide opportunity for the development of multifamily housing on sites with direct access to New York State Route 100, situated between residential and commercial/industrial zoning districts, so as to create a transitional use between districts, and to provide additional diversity of housing types in the Town. Property with direct access to New York State Route 100 shall be eligible for MFR-100 designation, provided that such property meets all other eligibility requirements of this section. It is the Town’s further objective that the Multifamily Route 100 MFR-100 District include affordable housing. To help achieve these goals, the Town Board shall apply the basic planning standards set forth in §170-13A.(4)(b) above and the following additional planning standards in determining and establishing the specific site and building development controls for multifamily housing within the MFR-100 District:

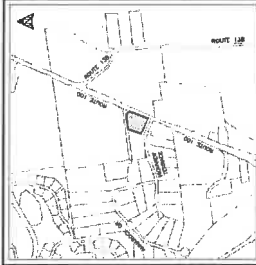
- (1) Eligibility requirements. The MFR-100 District may only be applied to sites previously within an R-80 residential zoning district, with an area of at least 2 acres, with at least 300 feet of frontage on New York State Route 100, and with direct access to Route 100.
- (2) Permitted Uses. All uses permitted in the R-80 residential zoning district shall be permitted in accordance with the requirements of said zoning district. Multifamily residential development shall also be a permitted principal use in the MFR-100 District, subject to the following restrictions:

- (a) Development Density. The average gross density within the MFR-100 District shall not exceed 12 density units, as defined in § 170-12D(1)(a) of this chapter, per acre of net land area. Net land area shall be calculated as set forth in Article XA.
  - (b) Affordable dwelling units. At least 15% of the basic permitted density shall consist of affordable dwelling units as defined in §170-3 of this chapter. All other standards set forth in Article XIA Affordable Housing shall apply.
  - (c) Coverage. Maximum building coverage shall not exceed 10% of the total site area and maximum coverage of all impervious surfaces shall not exceed 40% of the total site area. These percentages shall relate to net land area as set forth in Article XA.
  - (d) Height. Maximum building height shall not exceed 2 1/2 stories or 30 feet.
  - (e) Yard requirements. All buildings must be set back at least 30 feet from a front lot line, 40 feet from a side lot line, and 100 feet from a rear lot line.
- (3) Off-street parking. Off-street parking spaces shall be provided in accordance with the requirements of § 170-12.D.(5).
- (4) Traffic access. Properties within a Multifamily Residence Route 100 MFR-100 District shall have direct frontage on New York State Route 100. No application for a multifamily development in a MFR-100 District shall be granted until and unless the Town Board determines that the relevant portion of Route 100 is capable of accommodating the additional traffic generation or, if not, that the necessary improvements will be made prior to the occupancy of any dwelling units on the MFR-100 District site.
- (5) Drainage. Stormwater drainage systems serving any multifamily development shall be designed so that the rate of runoff from the site during a one-hundred-year storm will not exceed that which would have occurred prior to its construction. The calculation of such runoff rate and the design of the drainage system shall be subject to the approval of the Town Engineer.
- (6) Refuse collection, storage and disposal. Plans for the collection, storage and disposal of refuse within any multifamily development shall be subject to Planning Board approval as part of its review of detailed site development plans. The outside storage of refuse, if permitted, shall be in rodentproof containers conveniently located and enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to principal buildings.

- (7) Underground utilities. All utilities within any multifamily development, including electric, telephone and cable television service, shall be placed underground.
- (8) Fire protection. All site plans for multifamily development shall provide proper access for fire-fighting equipment and personnel and shall provide hydrants in such number and location and with such water supply and pressure as shall be determined adequate by the Bureau of Fire Prevention and approved by the Planning Board as part of its review of final site development plans. Interior fire separation is required.
- (9) Recreation area and open space.
  - (a) Recreation area. Each multifamily development shall include a recreation area, either active or passive, which is designed, improved and maintained for the use of the residents of the development and their guests on a not-for-profit basis. The plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units.
  - (b) Open space. All portions of any multifamily development, including required yards and setback areas, which are not used for one or more of the purposes permitted above, shall be designed and maintained as permanent open space, free of buildings and parking areas, and shall be landscaped or preserved in a natural state in accordance with plans approved by the Planning Board. Notwithstanding the foregoing, parking areas may be permitted within a required side or rear yard setback, subject to Planning Board approval.

REDESIGNATE EXISTING SUBSECTION D AS SUBSECTION E.





NOTES:

1. PROPERTY LINES SHOWN HEREON BASED UPON SURVEY MADE ENTITLED "PROPERTY SURVEY PREPARED FOR THE TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK DATED 10/15/19".
2. TOPOGRAPHY SHOWN HEREON BASED UPON WESTCHESTER COUNTY DE.

ALFONZETTI ENGINEERING, P.C.  
1100 ROUTE 52, CARMEL, N.Y. 10512  
845-228-9800



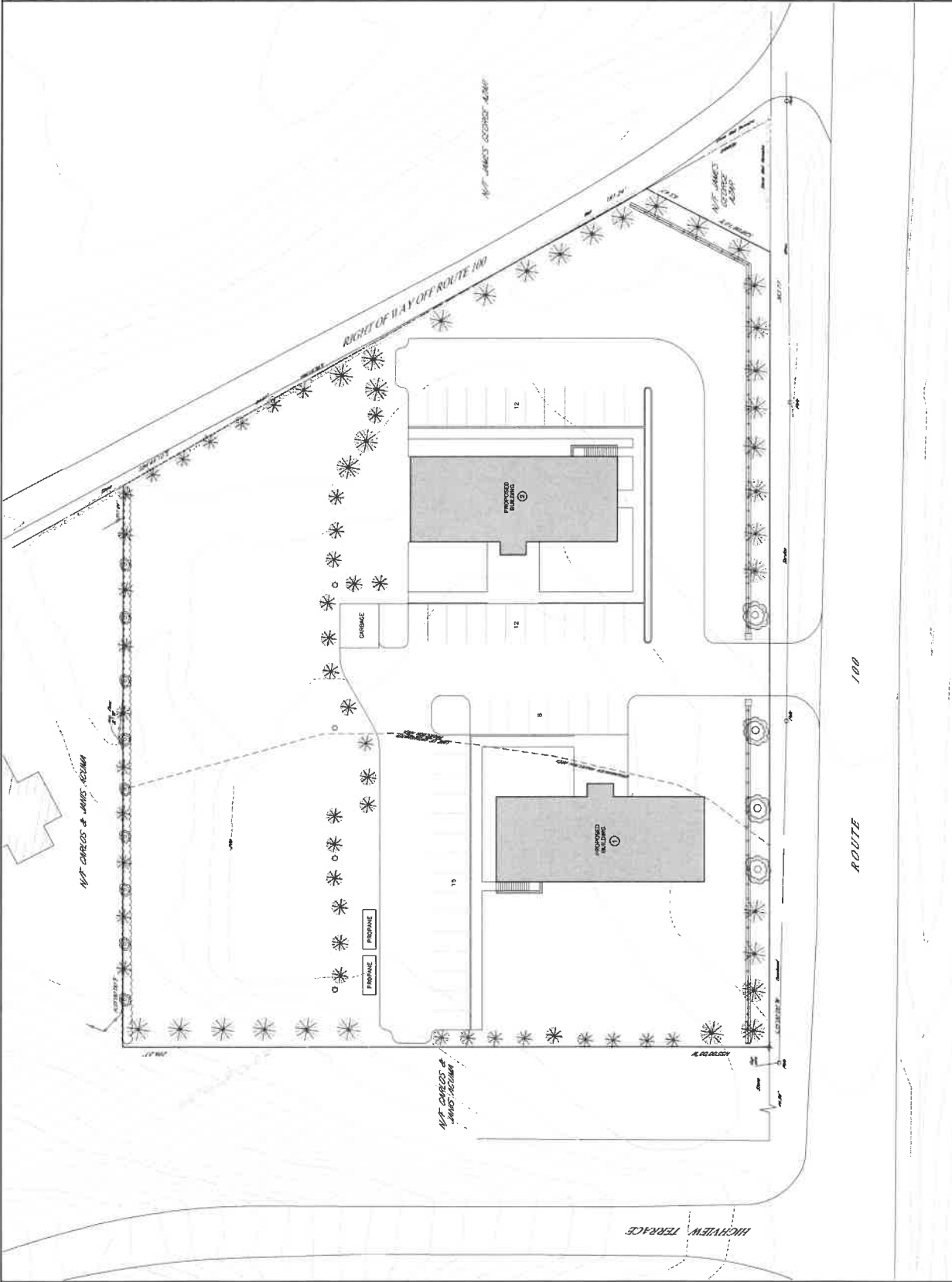
ALFONZETTI ENGINEERING, P.C.  
1100 ROUTE 52, CARMEL, N.Y. 10512  
845-228-9800

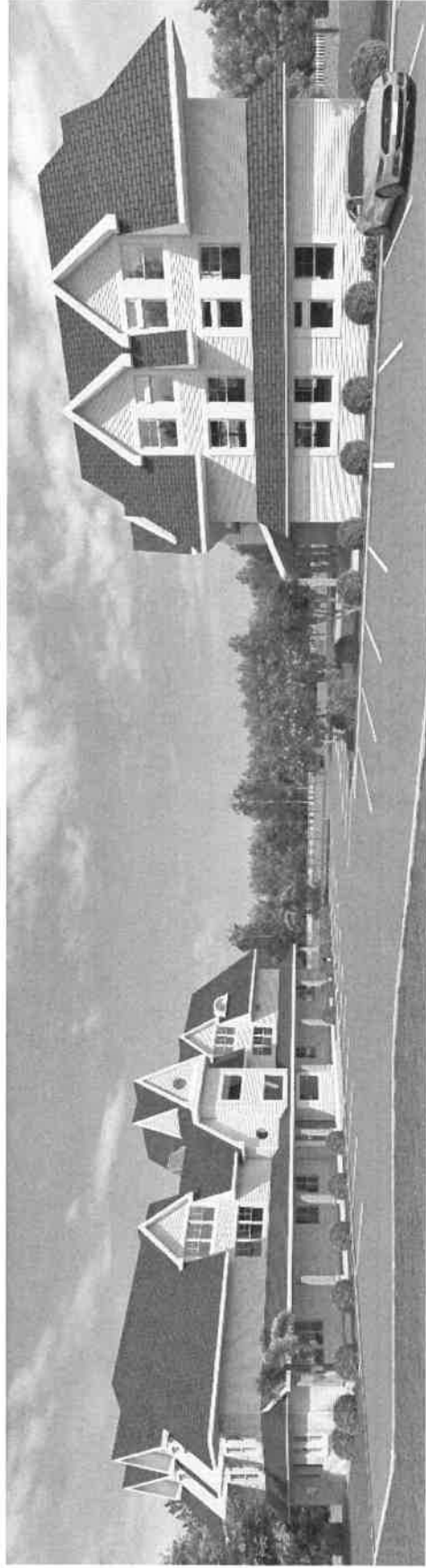
SITE DATA

OWNER: TOWN OF SOMERS  
DESIGNED BY: ALFONZETTI ENGINEERING, P.C.  
DATE: 10/15/19  
SCALE: 1" = 20'

CONCEPTUAL LANDSCAPE PLAN  
DECEMBER 20, 2019

HIGHVIEW COURT  
TOWN OF SOMERS, WESTCHESTER, NEW YORK





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

**Instructions for Completing Part 1**

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

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

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

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

|  |           |  |
|--|-----------|--|
| Name of Action or Project:<br>HIGHVIEW COURT   |           |  |
| Project Location (describe, and attach a general location map):<br>259 ROUTE 100, SOMERS, NY 10589   |           |  |
| Brief Description of Proposed Action (include purpose or need):<br>REMOVAL OF A 1 1/2 STORY DWELLING AND CONSTRUCTION OF TWO NEW APARTMENT BUILDINGS. WITH A TOTAL OF 24 APARTMENTS AND 45 PARKING SPACES. THIS WILL REQUIRE THE ADOPTION OF A ZONING TEXT AMENDMENT TO CREATE A NEW MULTIFAMILY ZONING DISTRICT, AS WELL AS A ZONING CHANGE FOR THE PROPERTY TO THE NEWLY CREATED DISTRICT. |           |  |
| Name of Applicant/Sponsor:<br>LONDONDERRY GROUP INC.   |           | Telephone: 914-715-2370<br>E-Mail: ENRICO@LONDONDERRYGROUP.NET |
| Address: 58 LONDONDERRY LANE   |           |  |
| City/PO: SOMERS  | State: NY | Zip Code: 10594  |
| Project Contact (if not same as sponsor; give name and title/role):  |           | Telephone:<br>E-Mail:  |
| Address:   |           |  |
| City/PO:   | State:    | Zip Code:  |
| Property Owner (if not same as sponsor):   |           | Telephone:<br>E-Mail:  |
| Address:   |           |  |
| City/PO:   | State:    | Zip Code:  |

## B. Government Approvals

### B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

| Government Entity   | If Yes: Identify Agency and Approval(s) Required                  | Application Date (Actual or projected)                              |
|---|---|---|
| a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | TOWN BOARD ZONING AMENDMENT AND REZONING AND UPDATE TO COMP. PLAN | 11/24/20  |
| b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission     | SOMERS PLANNING BOARD SITE PLAN APPROVAL, GP SPECIAL PERMIT       |   |
| c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals                     |   |   |
| d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                   | NYCDEP WELL AND SEPTIC  |   |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  | WCDH WELL AND SEPTIC. WESTCHESTER COUNTY PLANNING REFERRAL.       |   |
| f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No   |   |   |
| g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   | NYS DOT CURB CUT, NYS DEC SPEDES PERMIT.                          |   |
| h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No  |   |   |
| i. Coastal Resources.   |   |   |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?                         |   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?                      |   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iii. Is the project site within a Coastal Erosion Hazard Area?  |   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

## C. Planning and Zoning

### C.1. Planning and zoning actions.

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

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

### C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYC WATERSHED BOUNDARY. GROUNDWATER PROTECTION OVERLAY DISTRICT

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

If Yes, identify the plan(s):



### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
ZONE R80, GROUNDWATER PROTECTION OVERLAY DISTRICT

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

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? MFR-100 (MULTI FAMILY 100)

### C.4. Existing community services.

a. In what school district is the project site located? SOMERS

b. What police or other public protection forces serve the project site?

SOMERS PD

c. Which fire protection and emergency medical services serve the project site?

SOMERS FD

d. What parks serve the project site?

REIS TOWN PARK

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? MULTI-FAMILY RESIDENTIAL

b. a. Total acreage of the site of the proposed action? 2.279 acres

b. Total acreage to be physically disturbed? 1.926 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.279 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Units:

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 24 months

ii. If Yes:

- Total number of phases anticipated

- Anticipated commencement date of phase 1 (including demolition) month year

- Anticipated completion date of final phase month year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

|  |                   |                   |                     |                                       |
|--|-------------------|-------------------|---------------------|---------------------------------------|
| f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> |                   |                   |                     |                                       |
| If Yes, show numbers of units proposed.  |                   |                   |                     |                                       |
|  | <u>One Family</u> | <u>Two Family</u> | <u>Three Family</u> | <u>Multiple Family (four or more)</u> |
| Initial Phase  | 0                 | 0                 | 0                   | 24                                    |
| At completion  |                   |                   |                     |                                       |
| of all phases  | 0                 | 0                 | 0                   | 24                                    |

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

If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

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

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

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

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

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

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

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

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No

(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

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

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

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

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

If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

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

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

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

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

If Yes:

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

\_\_\_\_\_

\_\_\_\_\_

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

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 3,300 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☒ No

If Yes:

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

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

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

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If, Yes:

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

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

NEW WELL TO BE DRILLED ON SITE FOR THE PROJECT.

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ 10 gallons/minute.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 3,300 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

SANITARY WASTEWATER

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☒ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

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|--|--|
| <ul style="list-style-type: none"> <li>Do existing sewer lines serve the project site?</li> <li>Will a line extension within an existing district be necessary to serve the project?</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>  | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No |
| iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes: <ul style="list-style-type: none"> <li>Applicant/sponsor for new district: _____</li> <li>Date application submitted or anticipated: _____</li> <li>What is the receiving water for the wastewater discharge? _____</li> </ul>  |  |
| v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):<br><u>A SUBSURFACE DISPOSAL SYSTEM WILL BE DESIGNED AND APPROVED BY THE COUNTY HEALTH DEPARTMENT, CONSISTING OF OF A SEPTIC TANK, PUMP PIT, AND SEPTIC TRENCHES.</u>   |  |
| vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____<br>NA _____   |  |
| e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes: <ul style="list-style-type: none"> <li>i. How much impervious surface will the project create in relation to total size of project parcel?<br/>               <u>31,799</u> Square feet or <u>0.73</u> acres (impervious surface)<br/>               <u>99,273</u> Square feet or <u>2.279</u> acres (parcel size)</li> <li>ii. Describe types of new point sources. _____</li> <li>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?<br/> <u>ON SITE STORMWATER MANAGEMENT FACILITIES/STRUCTURES (INFILTRATION SYSTEMS)</u></li> </ul>   |  |
| • If to surface waters, identify receiving water bodies or wetlands: _____<br>_____  |  |
| • Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |  |
| iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>   |  |
| f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes, identify: <ul style="list-style-type: none"> <li>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)<br/> <u>HEAVY EQUIPMENT</u></li> <li>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</li> <li>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</li> </ul>   |  |
| g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes: <ul style="list-style-type: none"> <li>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>ii. In addition to emissions as calculated in the application, the project will generate:             <ul style="list-style-type: none"> <li>_____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>_____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>_____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>_____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>_____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>_____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul> </li> </ul> |  |

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| <p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>   |   |  |   |
| <p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>  |   |  |   |
| <p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend<br/> <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> |   |  |   |
| <p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>   |   |  |   |
| <p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 8:00 am - 5:00 pm</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>   |   | <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 8:00 am - 5:00 pm</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> | <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> |
| <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 8:00 am - 5:00 pm</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>  | <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> |  |   |

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| <p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>HEAVY EQUIPMENT DURING CONSTRUCTION (8:00 - 5:00)</p>   |  |
| <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: REMOVAL OF TREES. PROPOSED LANDSCAPING WILL MITIGATE.</p>  |  |
| <p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>LIGHT POSTS IN THE PARKING LOT AND NEAR THE FRONT DOORS OF THE BUILDINGS.</p>   |  |
| <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: REMOVAL OF TREES. PROPOSED LANDSCAPING WILL MITIGATE.</p>  |  |
| <p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p>  |  |
| <p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored PROPANE</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities:</p> <p>TWO 2,000 GALLON PROPANE TANKS.</p>   |  |
| <p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p>   |  |
| <p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>  |  |
| <p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> |  |

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

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

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

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

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

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

#### E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and coverts on the project site.

| Land use or Covert   | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces                               | 0.05            | 0.78                             | +0.73              |
| • Forested   | 2.23            | 0.31                             | -1.92              |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 0               | 1.21                             | +1.21              |
| • Agricultural (includes active orchards, field, greenhouse etc.)                        | 0               | 0                                | 0                  |
| • Surface water features (lakes, ponds, streams, rivers, etc.)                           | 0               | 0                                | 0                  |
| • Wetlands (freshwater or tidal)   | 0               | 0                                | 0                  |
| • Non-vegetated (bare rock, earth or fill)   | 0.02            | 0                                | -0.02              |
| • Other Describe: _____  |                 |                                  |                    |

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| v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |             |
| <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul> |             |
| <b>E.2. Natural Resources On or Near Project Site</b>   |             |
| a. What is the average depth to bedrock on the project site? <span style="float: right;">_____ &gt;6.5 feet</span>  |             |
| b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |             |
| If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %   |             |
| c. Predominant soil type(s) present on project site:  |             |
| Pi  | 96.5 %      |
| CsD   | 3.5 %       |
|   | %           |
| d. What is the average depth to the water table on the project site? Average: _____ >6.5 feet   |             |
| e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: _____ 100 % of site   |             |
| <input type="checkbox"/> Moderately Well Drained: _____ % of site   |             |
| <input type="checkbox"/> Poorly Drained _____ % of site   |             |
| f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ 96.5 % of site  |             |
| <input checked="" type="checkbox"/> 10-15%: _____ 3.5 % of site   |             |
| <input type="checkbox"/> 15% or greater: _____ % of site  |             |
| g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |             |
| If Yes, describe: _____   |             |
| h. Surface water features.  |             |
| i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |             |
| ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>  |             |
| If Yes to either i or ii, continue. If No, skip to E.2.i.   |             |
| iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>  |             |
| iv. For each identified regulated wetland and waterbody on the project site, provide the following information:   |             |
| • Streams: Name _____ Classification _____  | PER MAPPER- |
| • Lakes or Ponds: Name _____ Classification _____   | UNKNOWN     |
| • Wetlands: Name _____ Approximate Size _____   |             |
| • Wetland No. (if regulated by DEC) _____   |             |
| v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  |             |
| If yes, name of impaired water body/bodies and basis for listing as impaired: _____   |             |
| i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |             |
| j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |             |
| k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   |             |
| l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>  |             |
| If Yes:   |             |
| i. Name of aquifer: PRINCIPLE AQUIFER   |             |

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| m. Identify the predominant wildlife species that occupy or use the project site: _____<br><u>TYPICAL SUBURBAN WILDLIFE</u> _____<br><u>(BIRDS, SQUIRRELS, ETC.)</u> _____   |  |
| n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes:<br>i. Describe the habitat/community (composition, function, and basis for designation): _____<br>ii. Source(s) of description or evaluation: _____<br>iii. Extent of community/habitat:<br>• Currently: _____ acres<br>• Following completion of project as proposed: _____ acres<br>• Gain or loss (indicate + or -): _____ acres |  |
| o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br>i. Species and listing (endangered or threatened): _____<br>NORTHERN LONG-EARED BAT  |  |
| p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes:<br>i. Species and listing: _____  |  |
| q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If yes, give a brief description of how the proposed action may affect that use: _____  |  |
| <b>E.3. Designated Public Resources On or Near Project Site</b>  |  |
| a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes, provide county plus district name/number: _____   |  |
| b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>i. If Yes: acreage(s) on project site? _____<br>ii. Source(s) of soil rating(s): <u>USDA SOIL SURVEY</u>  |  |
| c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes:<br>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature<br>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____                              |  |
| d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes:<br>i. CEA name: _____<br>ii. Basis for designation: _____<br>iii. Designating agency and date: _____   |  |

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| <p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site      <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| <p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>PER MAPPER-UNKNOWN   |
| <p>g. Have additional archaeological or historic site(s) or resources been identified on the project site?</p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| <p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?</p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| <p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?</p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?</p>   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |

#### F. Additional Information

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

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

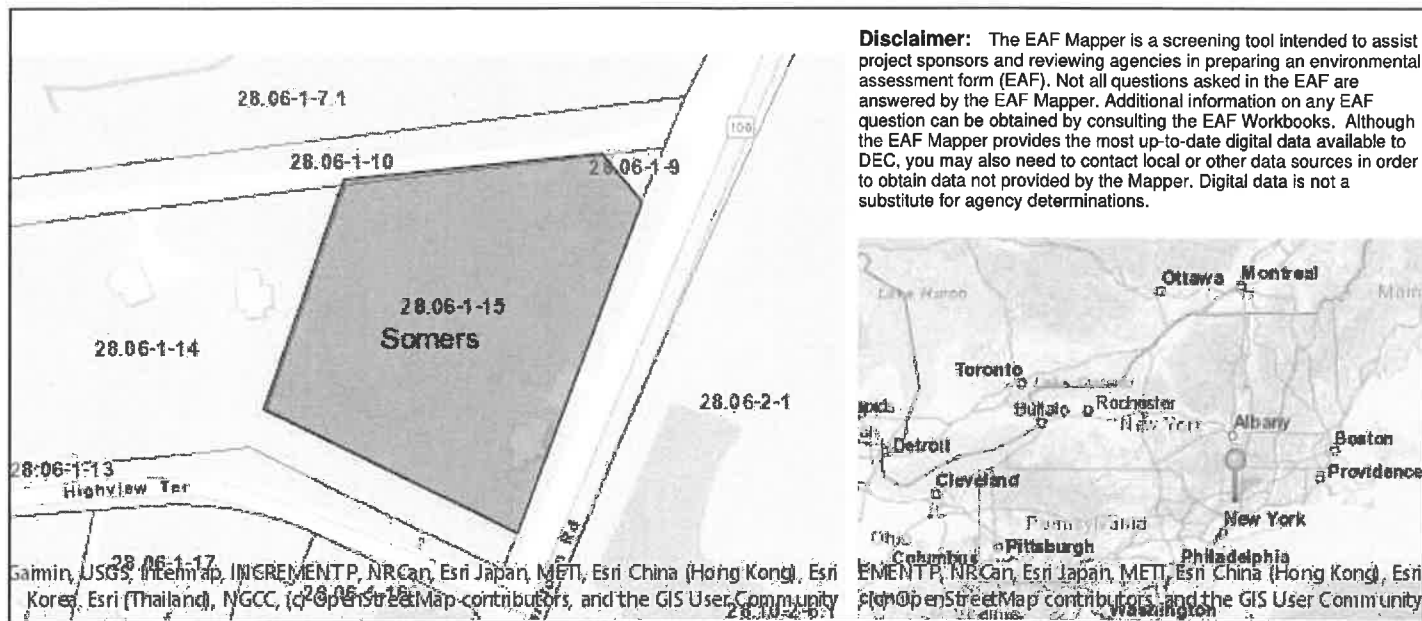
#### G. Verification

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

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**PRINT FORM**



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

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

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

**NOTICE OF SEQR ACTIONS –Application and Petition for Construction of Two Multifamily Apartment Buildings with a Total of 24 Dwelling Units at 259 Route 100 in an Existing R-80 Residence District and Groundwater Protection Overlay District Including Text Amendments to Section 170-13 Multifamily Residence MFR District to Add D. Multifamily Residence Route 100 - MFR-100- District to the Code of the Town of Somers, and Site Plan Approval, and Amendment to Town of Somers Comprehensive Plan Update**

**Notice of Intent to Act as Lead Agency**

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

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

The Town Board of the Town of Somers, Westchester County, declares its intent to act as lead agency as part of a coordinated review for Application and Petition for Construction of Two Multifamily Apartment Buildings with a Total of 24 Dwelling Units at 259 Route 100 in an Existing R-80 Residence District and Groundwater Protection Overlay District including Text Amendments to Section 170-13 Multifamily Residence MFR District to Add D. Multifamily Residence Route 100 – MFR – 100 District to the Code of the Town of Somers, and Site Plan Approval, and Amendment to the Town of Somers Comprehensive Plan Update.

The Somers Town Board at its meeting of January 14, 2021 declared itself to be Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code as part of a coordinated review.

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

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

**TITLE OF ACTION:** Application and Petition for Construction of Two Multifamily Apartment Buildings with a Total of 24 Dwelling Units at 259 Route 100 in an Existing R-80 Residence District and Groundwater Protection Overlay District including Text Amendments to Section 170-13 Multifamily Residence MFR District to Add D. Multifamily Residence Route 100 – MFR – 100 District to the Code of the Town of Somers, and Site Plan Approval, and Amendment to the Town of Somers Comprehensive Plan Update.

**DESCRIPTION OF ACTION:** The action involves text amendment to Section 170-13 Multifamily Residence MFR District to Add D. Multifamily Residence Route 100 – MFR-100 - to facilitate the development of two three-story apartment buildings containing 24 dwelling units in an existing R-80 Residence district. The new district would be mapped on a 2.28-acre site at 259 Route 100 to accommodate the building and associated 45 parking spaces. Amendments to the Town of Somers Comprehensive Plan Update would be required to reflect this new zoning district, mapping and development and new multifamily use. As part of the text amendment, it is proposed tht multifamily district no longer be floating zones.

**LOCATION:** 259 Route 100 (Tax Lot 28.06-1-15) Town of Somers, Westchester County, New York

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

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

Telephone: 914-277-5366

Date of this Notice: January 14, 2021

**SEQR DISTRIBUTION LIST – Application and Petition for Construction of Two Multifamily Apartment Buildings with a Total of 24 Dwelling Units at 259 Route 100 in an Existing R-80 Residence District and Groundwater Protection Overlay District including Text Amendments to Section 170-13 Multifamily Residence MFR District to Add D. Multifamily Residence Route 100 – MFR – 100 District to the Code of the Town of Somers, and Amendment to the Town of Somers Comprehensive Plan Update.**

**Involved Agencies:**

Town Board (Lead Agency)  
335 Route 202  
Somers, New York 10589  
Attn: Rick Morrissey, Supervisor

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

Westchester County Department of Health  
25 Moore Avenue

*Mt. Kisco*, New York 10549  
Attn: Frederick Beck

New York City Department of Environmental Protection 465  
Columbus Avenue  
*Valhalla*, New York 10595  
Attn.: Cynthia Garcia

New York State Department of Environmental Conservation Division  
of Environmental Permits--Region 3  
21 South Putt Corners Road  
*New Paltz*, New York 12561-1620  
Attn.: John Petronella

New York State Department of Transportation Region 8  
Office  
4 Burnett Boulevard  
*Poughkeepsie*, New York 12603  
Attn.: Lance MacMillan, PE, Acting Regional Director

**Interested Agencies**

Town of Somers Open Space Committee  
Somers Town House  
335 Route 202  
*Somers*, New York 10589

Somers Architectural Review Board  
Somers Town House  
335 Route 202  
*Somers*, New York 10589

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

Town of Somers Building Inspector  
Somers Town House  
335 Route 202  
*Somers*, New York 10589

Somers Bureau of Fire Prevention  
Somers Town House  
335 Route 202  
*Somers*, New York 10589

Somers Fire Department  
P.O. Box 272  
Somers NY 10589

Somers Police Department  
Town House  
335 Route 202  
*Somers*, New York 10589

Somers Energy Environment Committee Somers  
Town House  
335 Route 202  
*Somers*, New York 10589



Somers Highway Department  
Town House  
335 Route 202  
Somers, New York 10589

New York State Police Department (Somers)  
295 Route 100  
Somers, NY 10589

Somers Central School District  
250 Route 202  
Somers, NY 10589  
Attn: Superintendent Raymond H. Blanch

Westchester County Planning Board  
432 Michaelian Office Building  
White Plains, New York 10601  
Attn: Norma Drummond, commissioner

NYS Office of Parks, Recreation and Historic Preservation-  
Taconic Region - #7  
P.O Box 308  
9 Old Post Rod  
Staatsburg, NY 12580

**Other- Lead Agency Representatives**

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

Woodard & Curran Engineering P.A P.C. 709  
Westchester Avenue Suite L2  
White Plains, NY 10604  
Attn: Joseph Barbagallo

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

Joe Eriole, Esq.  
P.O. Box 4031  
Kingston, NY 12402

**Other- Project Sponsor Representatives**

McCullough, Goldberger & Staudt  
1311 Mamaroneck Avenue Suite 340  
White Plains, Ny 10605  
Attn: Linda Whitehead

Londonderry Group, Inc.  
58 Londonderry Lane  
Somers, NY 10594  
Attn: Enrico DiNardo

ZONING AMENDMENT TO CREATE NEW MFR-100 ZONING DISTRICT - PROPOSED  
REVISIONS TO TOWN OF SOMERS COMPREHENSIVE PLAN UPDATE ADOPTED  
FEBRUARY 11, 2016

Page 14

### **3.2: Zoning**

Zoning powers are the primary control for development and redevelopment of land. The Town of Somers has 14<sup>3</sup> primary zoning classifications, consisting of four single-family residential districts (R120, R80, R40 and R10), one multifamily residential district (MFR-H/MFR-BP/MFR-DH), three office districts (OB-100, CRO and OLI) and three commercial districts (B-HP, NS and CS).

The single-family residential districts permit homes on minimum lots ranging from 10,000 square feet to 120,000 square feet (3 acres). The highest-density of these zones, R-10, is mapped generally in the northern half of the Town, in Shenorock, Lake Lincolndale, Lincolndale, Amawalk and Lake Purdys (see Figure 4). The lowest-density residential zone, R120, is found throughout Somers, especially along the western and southern portions, and covers major institutional, open space and agricultural resources. The Multifamily Residence Hamlet (MFR-H) zone is mapped on the Willows townhouse complex off Route 202, and the Multifamily Residence Baldwin Place (MFR-BP) zone has been mapped for the Hidden Meadow project at the western end of Route 6. The MFR-DH district was created and mapped to facilitate development of Somers Commons townhouses on Route 100 and the DeCicco's market on Route 202 in the Somers hamlet. This A proposed amendment to the Comprehensive Plan provides for a new Multifamily Route 100 (MFR-100) zone for the multifamily project at 259 Route 100 to act as a buffer between the R-80 single family areas on Highview Terrace and the commercial and industrial districts along Route 100.

Pages 38-39

### **5.3: Expanding Housing Opportunities and Affordable Housing**

While the provision of affordable housing opportunities and a variety of housing options is a challenge for all communities, it is a challenge which Somers is successfully meeting. An implementation of the recommendations of the 1994 Comprehensive Master Plan was the rezoning of approximately 80 acres of land in the Baldwin Place hamlet from General Business "GB" District to a newly created Planned Hamlet "PH" District. The Planned Hamlet District is a mixed-use zone that requires multifamily residential development and envisions townhouses among its uses, both of which must provide 15 percent affordable units.<sup>3</sup> This zone has resulted in The Mews Phase I and II development, with 72 and 75 affordable senior units, respectively. Two additional Multi-Family Residence Districts — the Multifamily Residence Baldwin Place "MFR-BP" District and the Multifamily Residence Hamlet "MFR-H" District — are floating zones that

provide the opportunity for alternative housing types and also require 15 percent affordable units. The MFR-H district was mapped to facilitate The Willows townhouse development, and the MFR-BP District has been mapped to permit the Hidden Meadows townhouse development, and the MFR-100 District is proposed to be mapped to permit transitional multifamily residential development between commercial/industrial and residential districts on Route 100 and will also provide for 15% affordable units. The proposed new MFR-100 district is not proposed as a floating zone, and, as part of this amendment, all multifamily districts will be amended such that all mapping of any future multifamily district will not be as a floating zone.

Page 462

#### **5.4: Issues, Opportunities and Recommendations**

##### **Alternative Residential Development Tools**

###### **Transitional Multifamily Development**

Route 100 (Add After “Somers Hamlet” and before “Whitehall Corners”)

The A – Multifamily Route 100 (MFR-100) District is proposed to be created to accommodate the development of 259 Route 100, which is surrounded by existing single-family residential, office, commercial and light industrial districts. The MFR-100 District allows for the development of multifamily housing to act as a transition use from heavier commercial uses to residential neighborhoods. The resulting development will act as a gateway to the Hamlet area.

Page 47

#### **5.5: Recommended Residential Development Policies and Actions**

##### **Multifamily Housing**

###### ***Policy 1 Multifamily Housing Actions:***

###### **259 Route 100**

- Continue to support multifamily development as a transitional use between commercial and single-family residences.

Sent to:  
TB, TA, TC  
1/11/2021  
KD



Hardesty  
& Hanover

555 Theodore Fremd Ave., Suite C-301 Rye, NY 10580

T: 914.967.6540

[www.hardestyhanover.com](http://www.hardestyhanover.com)

January 8, 2021

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

Subject            **Proposal to Provide Traffic Consulting Services – Peer Review – Proposed Residential Development – Highview Court – 259 Route 100, Somers, New York**

Dear Ms. Dym:

As requested, we are pleased to submit this proposal to assist the Town in a Peer Review of an Application to develop a parcel of land located on the westerly side of NYS Route 100 (Somerstown Turnpike) and north of Highview Terrace. The following sections describe the steps necessary to conduct this Peer Review. In an attached document we provide the Scope of the Traffic Study to be completed by the Applicant.

### **Project Understanding**

Based on information provided by the Applicant the proposal is to construct a multi-family development in two separate buildings in the northwest corner of NYS Route 100 at Highview Terrace. The development comprises 24-units, with on-site parking and access directly to NYS Route 100.

### **Scope of Services**

Our responsibility will be to develop the Scope for the Traffic Report to be prepared by the Applicant and to review the document and Site Plan, as it relates to vehicular access and internal circulation, as well as pedestrian activity and overall safety.

At the completion of our Peer Review we will provide a written report, which will include comments and eventually findings. We will also be available to attend up to two evening public meetings (in person or video), as needed.

### **Schedule and Fee**

Our schedule depends on the timing of the Applicant submitting the Traffic Report to the Town and our office for review. Based on the size and Scope of this proposed development, we will need at least two weeks to conduct a Peer Review, visit the site and prepare our comments and eventually findings. We assume we will have two review letters and, for the purposes of this proposal, assume we will attend (via video) two evening meetings.

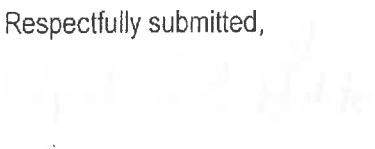
Ms. Syrette Dym, AICP  
Highview Court, 259 Route 100, Somers  
Page 2  
January 8, 2021

Our estimate for fee to conduct this review, as noted above, and attend up to two evening meetings and available for conference calls, is \$5,000, plus out-of-pocket expenses, any additional work that is unforeseen at this time and additional meetings. We will bill for our services on an hourly basis based on our Classified Hourly Rates for 2020/2021 for the Town of Somers, which is attached.

#### AUTHORIZATION TO PROCEED

If you agree with this proposal, please indicate your authorization in the space provided below and return a copy of the signature page to my attention.

Respectfully submitted,

  
**Michael A. Galante**  
**Director of Traffic**  
**Hardesty & Hanover, LLC**

Enclosure

#### ACCEPTANCE

Our fee to complete this Peer Review of a Traffic Report, which is not yet submitted to the Town for review, is estimated to be \$5,000, plus out-of-pocket expenses, additional meetings other than the two noted above and any additional work that may be required by the Town in the future. All work will be completed on an hourly basis based on the attached rates noted above. Any additional work will be considered an extra and billed at the same hourly rates. Hardesty & Hanover, LLC shall not begin any additional without prior written authorization by the Town.

Accepted by \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name and Organization (Required)

\_\_\_\_\_  
Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Email Address



**Town of Somers**

**Schedule of Hourly Charges for Traffic Project  
2020/2021**

|  |       |
|--|-------|
| Michael A. Galante, Director of Traffic: | \$275 |
| Sarah L. Brown, Senior Planner:          | \$185 |
| Steven T. Cipolla Traffic Engineer:      | \$175 |
| Nicole Rawlins, Junior Traffic Engineer: | \$145 |
| Paul Volpicella, Senior CADD Technician: | \$135 |

The above charges are inclusive of all secretarial, clerical and administrative services, local telephone, postage and other customary overhead expenses. Costs of such items as the printing and reproduction of reports and maps, priority mail charges, telecopier services, travel, etc. will be invoiced separately in addition to the above rates at actual cost plus a 15% administrative servicing charge.

Hourly charges for all Depositions and Court appearances to present expert testimony will be 1.5 times those stated above.

Evening public hearings will be invoiced at a minimum of \$750.

## TRAFFIC, TRANSPORTATION, PARKING

1. Description of Roadways – The following roadways should be included in the Traffic Report:
  - a. NYS Route 100;
  - b. NYS Route 138; and,
  - c. Highview Terrace.
2. Traffic Volumes
  - a. All available traffic data should be obtained from the New York State Department of Transportation (NYSDOT) and from the Somers Academy (former IBM site) Traffic Study for the following roadways:
    - NYS Route 100; and,
    - NYS Route 138.
  - b. Hourly and directional volumes should be obtained from NYSDOT for both State Highways noted above for a pre-pandemic condition.
  - c. All available turning movement volumes should be obtained from NYSDOT or Traffic Studies completed by other Applications at the following intersections (if available):
    - NYS Route 100 at NYS Route 138 (signalized); and,
    - NYS Route 100 at Highview Terrace.
  - d. The available traffic data for the NYS Route 100/NYS Route 138 signalized intersection for both the following time periods should be used as a baseline conditions and used to adjust traffic volumes to be obtained at the NYS Route 100/Highview Terrace intersection if from prior to the pandemic is not available.
  - e. Any new turning movement counts necessary should be conducted during the following time periods:
    - Weekday morning – 7:00 to 9:00 A.M.; and,
    - Weekday afternoon – 4:00 to 6:00 P.M.
  - f. All peak hour volumes and hourly volumes should be graphically illustrated, as appropriate at the two intersections noted and for NYS Route 100 and NYS Route 138, as necessary.
3. Future No-Build Traffic Volumes
  - a. Expand the adjusted 2021 baseline traffic volumes noted to reflect a future design year anticipated for completion of the proposed development and graphically illustrated volumes for the two intersections and two peak hours noted above. Volumes should include a growth rate determined by NYSDOT or others and other developments.
4. Estimation for Site-Generated Traffic
  - a. Estimates for site traffic for the proposed development should be based on trip generation rates provided by the Institute of Transportation Engineers (ITE) in "Trip Generation," 10<sup>th</sup>

Edition, published in 2017. This information should be provided in a table format for the weekday morning and weekday afternoon peak hours and daily.

5. Distribution and Assignment of Site-Generated Traffic

- a. Based on current traffic patterns and estimates developed by the Applicant, distribution patterns should be graphically illustrated for the two intersections and proposed site driveway.

6. Build Traffic Volumes

- a. Develop and graphically illustrated build traffic volumes for the two intersections noted above and the proposed site access drive for the weekday morning and weekday afternoon peak hours.

7. Capacity Analysis Procedures

- a. Capacity analyses should be completed following the 2016 Highway Capacity Manual (HCM) and a SYNCHRO computer model. It should be completed for existing, no-build and build conditions. Results should be provided in a table format and all capacity analysis worksheets should be included in the Appendix of the Traffic Report.

8. Accident History

- a. Accident history should be obtained from the NYSDOT and/or Town Police for the most recent three-years, excluding all of 2020. Data should be summarized and any high accident locations should be identified.

9. Site Access Considerations

- a. Required and available intersection sight distance (ISD) should be determined based on Speed Studies and criteria followed by NYSDOT for the proposed access drive.

10. Internal Site Access Layout

- a. Provide a discussion and evaluation of all vehicular access and internal circulation.
- b. Evaluate all truck deliveries and emergency access.
- c. Evaluate pedestrian circulation and a connection to NYS Route 100, including placement of sidewalks and crosswalks.

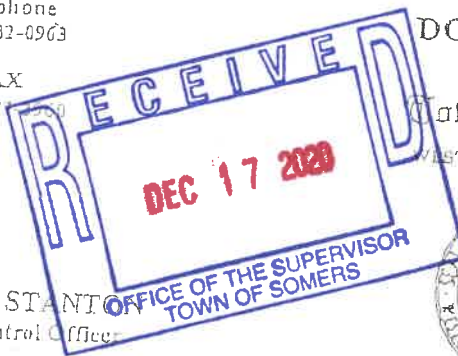
11. Mitigation

- a. Based on the results of the analyses any appropriate and needed mitigation should be described and include responsibility, timing and permits needed.



Telephone  
(914) 232-0963

FAX  
(914) 271-2350



DOG CONTROL

Town of Somers  
WESTCHESTER COUNTY, N.Y.



HELGA STANTON  
Dog Control Officer

Sent to:  
TB, TA, TC  
1/8/2021  
KV

TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589

DECEMBER 1, 2020

REF:

RESIGNATION FROM THE POSITION OF  
PART TIME DOG CONTROL OFFICER IN THE TOWN  
CLERKS OFFICE - EFFECTIVE DECEMBER 31, 2020

EFFECTIVE DECEMBER 31, 2020, I AM RESIGNING  
MY POSITION AS PART-TIME DOG CONTROL OFFICER  
IN THE TOWN CLERKS OFFICE.

I APPRECIATE THE OPPORTUNITY I WAS GIVEN  
TO ASSIST THE RESIDENTS OF THE TOWN OF SOMERS  
FOR 25 YEARS.

IT HAS BEEN A JOY AND A REAL PRIVILEGE  
TO WORK WITH PATRICIA KALBA, LINDA VERDERAME,  
ANN GARRITY AND THE STAFF IN THE TOWN OF  
SOMERS.

SINCERELY,

Helga Stanton

Sent to:  
TB, TA, TC  
1/8/2020  
KD

OFFICE OF THE SUPERVISOR

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

Telephone  
(914) 277-3637  
Fax  
(914) 276-0082

SOMERS TOWN HOUSE  
335 ROUTE 202  
SOMERS, NY 10589



**RICK MORRISSEY**  
SUPERVISOR

December 16, 2020

Ms. Kathy Cucchiarella

Dear Ms. Cucchiarella, *R*

Your term as Chairperson and member of the Partners in Prevention Committee expires December 31, 2020. We sincerely appreciate your service on behalf of the Town of Somers.

If you are interested in being considered for reappointment as Chairperson for a new term extended through December 31, 2021 and as a member for a new term extended through December 31, 2023 please notify me at your earliest convenience.

Again, thank you for your continued dedication and for the many contributions you have made to the Town of Somers as Chairperson of the Partners in Prevention Committee.

Very truly yours, *<*

A handwritten signature of Rick Morrissey in dark ink.

Rick Morrissey  
Supervisor

RM/kd

C: Town Board

Z:\Supervisor\kdelucia\Boards and Committees\Board Letters\_20201216.docx

1/5/2021  
Spoke with K  
She would like  
continue as Chairperson  
member,  
KD

Sent to:  
TB, TA, TC  
1/8/2021  
KD

Highway Department

# Town of Somers

WESTCHESTER COUNTY, N.Y.

250 RT. 100  
P.O. BOX 281

TELEPHONE  
(914) 232-4848  
FAX  
(914) 232-0150

NICHOLAS DEVITO  
Superintendent of Highways

THOMAS DEAGAN  
Deputy Supt. of Highways



Memo To: Supervisor  
Town Board

From: Nicholas DeVito  
Supt. of Highways

Date: December 29, 2020

Re: Jose Reinaldo Yanza Jr. – Full Time Employee/ Highway Dept.

Please be advised that I am hiring Jose Reinaldo Yanza Jr. Full Time (replacing Frank Rende) at the Highway Department as a Road Maintainer effective January 4, 2021 contingent upon the successful results of a physical, drug test, reference, background and NYS driver's license checks. 2021 Starting Salary (Until Union Contract Determination) \$48,766.00 at (90%) of \$54,184.00 with an hourly rate of (\$23.4450) for the first six months then after the 26 weeks 95% upon completion of one year of service the employee shall receive the full (100%) salary rate of pay.

If you should have any questions please feel free to contact me at any time.

Yours truly,

Nicholas DeVito  
Supt. of Highways

Cc: Finance Dept  
Town Clerk

Sent to:  
TB, TA, TC  
1/5/2021  
KO

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](http://www.somersny.com)

Steven Woelfle  
Principal Engineering Technician  
[swoelfle@somersny.com](mailto:swoelfle@somersny.com)



Syrette Dym, AICP  
Town Planner  
[sdym@somersny.com](mailto:sdym@somersny.com)

**Date:** December 7, 2020  
**To:** Town Board  
**From:** Steven Woelfle *SW*  
Engineering Department  
**Re:** **The Mews II Pump Station**  
**TM: 4.20-1-18**  
**Release of Erosion Control Bond**  
**Check Received July 1, 2014**

---

This Office has no objection to the return of the Erosion Control Bond in the amount of \$5,000.00. Please return to:

Ken Kearny  
Kearney Group  
57 Route 6, Suite 207  
Baldwin Place, NY 10505

SW/wg

cc: Town Clerk  
Director of Finance  
Ken Kearney



KEARNEY  
— G R O U P —

57 Route 4, Suite 207  
Baldwin Place, New York, 10505  
Phone: 845-306-7705  
Fax: 845-306-7707

December 3, 2020

Mr. Steven Woelfle  
Town of Somers Engineering  
335 Route 202  
Somers, NY 10589


Re. The Mews II at Baldwin Place – Bond

Hi Steve;

We would like to request that the bond in the amount of \$5000 previously provided to The Town of Town of Somers for the sewer pump station for the above-mentioned property be released.

Thank you for your attention to this matter.

Sincerely yours,

  
Ken Kearney

Ok Bond release  
D  
12/4/20

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](http://www.somersny.com)

Steven Woelfle  
Principal Engineering Technician  
[swocflc@somersny.com](mailto:swocflc@somersny.com)


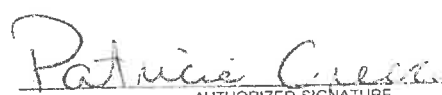


Syrette Dym, AICP  
Town Planner  
[sdym@somersny.com](mailto:sdym@somersny.com)

Date: July 1, 2014  
To: Director of Finance T10(914)  
From: Wendy Getting *WJG*  
Senior Office Assistant  
RE: Erosion Control Bond  
The Mews II Pump Station  
TM: 4.20-1-18

Attached is a TD Bank check in the amount of \$5,000 posted by Ken Kearney, Kearney Realty & Development Group, 1777 Route 6, Carmel, NY 10512 in payment of an Erosion Control Bond for **The Mews II Pump Station**.

Att.  
cc: Town Board  
Town Clerk

|  |                  |
|--|------------------|
| <b>OFFICIAL CHECK</b>  |                  |
|  <b>Bank</b>              |                  |
| RE: SOMERS II SENIOR LLC   | DATE: 06/27/2014 |
| 52-0133<br>112   |                  |
| TOWN OF SOMERS   | \$5,000.00       |
| Five Thousand AND 00/100   |                  |
| DRAWER: TD BANK, N.A.  |                  |
| <br>AUTHORIZED SIGNATURE |                  |

Sent to:  
TB, TA, TC  
11/5/2021  
KCO

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  
Town Planner  
sdym@somersny.com

**Date:** December 7, 2020  
**To:** Town Board  
**From:** Steven Woelfle *SW*  
Principal Engineering Technician  
**RE:** **Towne Centre at Somers Amended Site Plan**  
**Resolution No. 2017-13**  
**TM: 17.15-1-13**  
**Release of Erosion Control Bond**  
**Received Check January 30, 2018**

This Office has no objection to the return of the Erosion Control Bond in the amount of \$7,194.00. Please return to:

Urstadt Biddle Properties Inc.  
321 Railroad Avenue  
Greenwich, CT 06830

SW/wg  
cc: Town Clerk  
Director of Finance  
Joanne Phillips, UBP

## Steve Woelfle

**From:** Joanne Phillips <jphillips@ubproperties.com>  
**Sent:** Friday, December 4, 2020 10:31 AM  
**To:** Steve Woelfle  
**Cc:** Andrew Albrecht; Brian McCaffrey  
**Subject:** Towne Centre at Somers Erosion Control Bond Res. #2017-13  
**Attachments:** img003.pdf; Copy of check for erosion control bond STC.pdf

Good morning Mr. Woelfle,

Thank you for the attached letter and this email serves as our request for the return of the bond funds. Urstadt Biddle Properties Inc. is still the owner of the property and the bank account on the attached check is still a valid account.

Andrew Albrecht, Vice President and Director of Management & Construction at UBP, and Brian McCaffrey, Property Manager for Somers Towne Centre, are both copied on this email if you need any additional information.

Best,

**JOANNE PHILLIPS**  
SENIOR MANAGEMENT ADMINISTRATOR  
MANAGEMENT & CONSTRUCTION



☎ **203.863.8267**  
✉ [JPHILLIPS@UBPROPERTIES.COM](mailto:jphillips@ubproperties.com)  
ATTENDING EMERGENCY NUMBER  
**1-800-787-6155**  
321 RAILROAD AVENUE  
GREENWICH, CT 06830  
[WWW.UBPROPERTIES.COM](http://WWW.UBPROPERTIES.COM)  
in [social media icons]

Confidentiality Notice: This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated. Additional Notice: Unless specifically set forth herein, (i) the transmission of this email is not intended to be a legally binding electronic signature, (ii) no offer, commitment or assent is expressed or implied by the sending of this email, or any attachments hereto, and (iii) nothing in this email, or any attachments hereto, shall be deemed evidence of an offer, commitment or assent.

Oh bond release  
A memo  
12/4/20



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  
Town Planner  
sdym@somersny.com

Date: January 30, 2018  
To: Director of Finance T10(914)  
From: Wendy Getting *wg*  
Senior Office Assistant  
RE: Erosion Control Bond  
Towne Centre at Somers Site Plan  
TM: 17.15-1-13

Attached is a check in the amount of \$7,194 posted by Urstadt Biddle Properties Inc.,  
321 Railroad Avenue, Greenwich, CT 06830 in payment of an Erosion Control Bond.

Att.  
cc: Town Board  
Town Clerk

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

**Urstadt Biddle Properties Inc.**

321 Railroad Avenue  
Greenwich, CT 06830

The Bank Of New York  
One Wall Street  
New York, NY 10001

TO THE  
ORDER OF

\*\*\*\* SEVEN THOUSAND ONE HUNDRED NINETY FOUR AND 00/100 DOLLARS

Town of Somers  
Somers Town House  
335 Route 202  
Somers, NY 10589

01/26/2018

\$7,194.00\*\*\*\*

*James T. Hammer*

Sent to:  
TB, TA, TC  
1/8/2021  
KO

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  
swoeffle@somersny.com



Syrette Dym, AICP  
Town Planner  
sdym@somersny.com

Date: January 8, 2021

To: Town Board

From: Steven Woelfle *SW*  
Engineering Department

**RE:      Getty Service Station – Route 6 Site Plan  
             Resolution No. 2007-12  
             TM: 4.16-1-1  
             Erosion Control Bond – Transfer to General Fund**

---

This office has been in the process of notifying applicants to request the return of their outstanding erosion control bonds that the Town has in the Trust and Agency Account. The Town attempted to contact Joseph T. Granchelli of Diamond Getty Inc. however, the letter has been returned and unable to forward.

Therefore, this office believes that we have exhausted our attempts to locate the individual and suggests that the bond in the amount of \$842.00 be transferred to the General Fund.

Please be aware that in the event a payee does contact the Town at a future date for the return of the bond, it is my understanding that the bond can still be returned.

SW/wg  
Enc.

cc: Town Clerk  
Town Attorney  
Director of Finance

Z:\PE\Financial\ECB\ECB to General Fund 1.7.2021.doc

*Sent to:  
TB, TA, TC  
1/5/2021  
KD*

**Somers Department of Parks & Recreation**  
PO Box 46 Somers, New York 10589


OFF: (914)-232-8441  
FAX: (914)-232-8548  
Email: [parks@somersny.com](mailto:parks@somersny.com)  
WEB: [www.somersny.com](http://www.somersny.com)



**Steven Ralston**  
Superintendent

December 24, 2020

To: Town Board

From: Steven Ralston   
Superintendent of Parks and Recreation

Re: Request for Approval

Request permission to adopt the attached 2021 fee schedule for programs and services.

Request permission to include Day Camp trip vouchers on the pre-pay list.

Request permission for the Supervisor to execute the 2021 North East Special Recreation Inc. interagency agreement.

C: Director of Finance  
Town Clerk  
Park Board

# PARKS & RECREATION 2020 FEE SCHEDULE

## PARK USE

### PERMIT

| SESSION DURATION  |        | 2020 FEE(S)  | 2021 FEE(S)  | LAST INCREASE |
|---|--------|--|--|---------------|
| Pavilion Use  | Daily  | March - November                                   |  |               |
| • Groups up to 100 people                                 |        |  | *\$78.00   | 2017          |
| • Groups larger than 100 people                           |        |  | *\$129.00  | 2017          |
| • Company/Corporate rate                                  |        |  | *\$225.00  | 2017          |
| • Security Deposit<br>Includes Pavilion Key               |        |  | \$150.00   | 2010          |
|   |        | *Increase to cover new Credit Card processing fees |  |               |
| Van Tassell   | Daily  | January - December                                 | \$0.00   | N/A           |
| Pony/JR/Softball Field Lights<br>for non-sanctioned teams | Hourly | April - November                                   | \$125.00   | N/A           |
| Dog Park  | Yearly | January 1<br>December 31                           | \$40.00 resident<br>\$25.00 after<br>July 1<br>\$100.00 non-<br>resident | 2014          |

## CAMPS

### PROGRAM

| SESSION DURATION                               |        | 2020 FEE(S)                 | 2021 FEE(S)  | LAST INCREASE |
|--|--------|-----------------------------|--|---------------|
| Day Camp K-6                                   | Summer | 6 wks                       | \$650.00   | 2020          |
| Day Camp PK                                    | Summer | 6 wks                       | \$700.00 after 5/2<br>\$350.00 1/2 Day                             | 2020          |
| • Extended Day PK-6                            | Summer | 8-9 a.m.                    | \$400.00 after 5/3<br>\$150.00                                     | 2020          |
| • Extended Day K-6                             | Summer | 3-6 p.m.                    | \$225.00   | 2020          |
| Additional T-shirt<br>All Camps                | Summer |                             | \$10.00  | 2020          |
| Teen Travel                                    | Summer | 6 weeks                     | Three two-week sessions<br>\$550.00 per session                    | 2020          |
| Tennis   | Summer | 1 week - 5,<br>1 hr lessons | Three two-week sessions<br>\$575 per session after 5/2<br>\$100.00 | 2020          |
| Summer Camps, run by<br>outside organizations. | Summer | 1-2 weeks                   | 20% of total gross<br>registration fee                             | N/A           |
| SYSO Sports Camps                              | Weekly | Seasonal                    | 20% of total gross<br>registration fee                             | N/A           |

## YOUTH PROGRAMS

| PROGRAM                               | SESSION              | DURATION               | 2020 FEE(S)                         | 2021 FEE(S)                         | LAST INCREASE |
|---------------------------------------|----------------------|------------------------|-------------------------------------|-------------------------------------|---------------|
| After School/Pre School Instructional | Spring, Fall, Winter | 6/7 - 1-1 ½ hr classes | \$65.00-\$150.00                    | \$50.00-\$150.00                    | 2020          |
| After School/Pre School Instructional | Spring, Fall, Winter | 6/7 - 1-1 ½ hr classes | 20% of total gross registration fee | 20% of total gross registration fee | N/A           |
| Tennis Lessons                        | Spring & Fall        | 5 - 1 hr lessons       | \$90.00                             | \$90.00                             | 2017          |

## ADULT PROGRAMS

| PROGRAM                                | SESSION              | DURATION           | 2020 FEE(S)                         | 2021 FEE(S)                         | LAST INCREASE |
|--|----------------------|--------------------|-------------------------------------|-------------------------------------|---------------|
| Basketball                             | Spring, Fall, Winter | 1.5hr/wk, Oct- May | \$85.00                             | \$85.00                             | 2018          |
| Tennis Lessons                         | Spring & Fall        | 5 - 1½ hr lessons  | \$95.00                             | \$95.00                             | 2017          |
| Women's Tennis Team                    | Spring               | 12 weeks           | \$30.00                             | \$40.00                             | 2017          |
| Men's Softball                         | Spring-Fall          | 24 games           | \$1,100 team                        | \$1,200 team                        | 2020          |
| Programs run by outside organizations. | Summer               | 4-8 weeks          | 20% of total gross registration fee | 20% of total gross registration fee | N/A           |



North East Westchester Special Recreation, Inc.

63 Bradhurst Avenue

Hawthorne, NY 10532

Phone: 914-347-4409 | Fax: 914-347-5054

[www.northeastsspecialrec.org](http://www.northeastsspecialrec.org)

## NORTH EAST WESTCHESTER SPECIAL RECREATION, INC. INTERAGENCY AGREEMENT

This agreement made on the (1st.) day of (January), (2021), by and between North East Westchester Special Recreation Inc., a NFPC organized pursuant to laws of State of New York and the Town of Mount Pleasant, a municipal corporation of the State of New York, the Town of New Castle, a municipal corporation of the State of New York, the Town of Bedford, a municipal corporation of the State of New York, the Town of Somers, a municipal corporation of the State of New York, the Town of Lewisboro, a municipal corporation of the State of New York, the Town of North Castle, a municipal corporation of the State of New York, the Village-Town of Mount Kisco, a municipal corporation of the State of New York, the Village of Sleepy Hollow, a municipal corporation of the State of New York, the Village of Pleasantville, a municipal Corporation of the State of New York, The Town of North Salem, a municipal corporation of the State of New York, The Town of Pound Ridge, a municipal corporation of the State of New York, The Village of Briarcliff Manor, a municipal Corporation of the State of New York; shall enable said municipalities the opportunity to provide a collective program of Therapeutic Recreation services for individuals with disabilities through participation in (North East Westchester Special Recreation Inc.)

Now, therefore, the parties hereto agree as follows:

- FIRST: The parties shall jointly operate a therapeutic recreation program for individuals with disabilities residing or domiciled within the corporation limits of their respective municipalities irrespective of age or degree of the disabling condition.
- SECOND: The program shall be funded through each municipality in accordance with a schedule of fees attached hereto and made part hereof establishing respective local shares which shall be in addition to any third-party sources of funding. Additionally, the parties agree to help with fund raising events in support of North East Westchester Special Recreation Inc. Said local share shall be paid to North East Westchester Special Recreation in two installments; the first before the last day of February, and the second on the last day of July in any calendar year in which this agreement shall be operative.
- THIRD: The substantive program policy shall be the joint responsibility of all the parties; but shall be carried out administratively by North East Westchester Special Recreation, Inc.; in the manner as any other programs for which said municipality



**North East Westchester Special Recreation, Inc.**

63 Bradhurst Avenue

Hawthorne, NY 10532

Phone: 914-347-4409 | Fax: 914-347-5054

[www.northeastsspecialrec.org](http://www.northeastsspecialrec.org)

would otherwise individually be responsible. Administrative services include, but are not limited to, accounting, payroll, legal, personnel, insurance, and risk management. In addition, the agency on behalf of the program may apply and receive grants and other third-party sources of revenue and may further enter into agreements on behalf of the program with other governmental agencies and non-profit organizations providing full or partial support of any program or activity to be provided hereunder.

- FOURTH:** The Board of Directors, consisting of the Recreation Department Chief Administrator from each of the parties shall have policy making power for the program and which shall further have the power to adopt rules, regulations and procedures for the governing of the program affairs in a manner consistent herewith.
- FIFTH:** North East Westchester Special Recreation shall procure and maintain liability insurance at its own cost and expense relating to all activities sponsored by and performed by the program, which insurance shall protect the interest of the parties hereto as named insured. Members of the North East Board of Directors shall be indemnified should suit be brought against them. A copy of the insurance coverage is submitted herewith naming North East Westchester Special Recreation, Inc. as the insured party to the benefit of the individual municipality.
- SIXTH:** The chief fiscal officer of North East Westchester Special Recreation shall be the Treasurer.
- SEVENTH:** Programs shall be held throughout the participating municipalities, utilizing existing community facilities.
- EIGHTH:** North East Westchester Special Recreation shall provide services for residents of participating communities and will accommodate non-resident participants in accordance with agency guidelines currently enforced.
- NINTH:** This agreement shall be effective for the calendar year and upon further agreement of the parties, may be amended and/or extended from year to year thereafter.



**North East Westchester Special Recreation, Inc.**

63 Bradhurst Avenue  
Hawthorne, NY 10532  
Phone: 914-347-4409 | Fax: 914-347-5054  
[www.northeastsspecialrec.org](http://www.northeastsspecialrec.org)

**December 2020**

Steve Ralston  
Town of Somers  
P.O. Box 46  
Somers, NY 10589

Dear Steve,

As per our North East Westchester Special Recreation Interagency Agreement, your Per Capita match for 2021 is \$9,100.02. Please remit payment for this amount by January 31<sup>st</sup> 2021.

The following is an explanation of how the Municipal Match is done, 6 decimals are used on all figures:

**2021 Municipality Match**

**Per Capita .4453372**

*(amount needed for the year divided by total population, this number is then multiplied by specific municipality's population based on most recent Census)*  
 $\$67,852.47/152,362*(2010\ Census)$


**Per Participant \$172.36**

*(amount needed for the year divided by total participants, this number is then multiplied by specific municipality's 3-year average of participants)*  
 $\$67,220.40/390*(3\text{-year average})$

| Municipality   | 2010<br>Census | 2021<br>3-Yr Average | Per Capita<br><i>(Due January 31<sup>st</sup> 2021)</i> | Per Participant<br><i>(Due June 30<sup>th</sup> 2021)</i> | Total Due   |
|----------------|----------------|----------------------|---|---|-------------|
| Town of Somers | 20,434         | 58                   | \$9,100.02  | \$9,996.88  | \$19,096.90 |

Please sign and return a copy of the enclosed Interagency Agreement for 2021, if you have any questions please let us know.

Stay well,

  
Ellie Arnemann  
Executive Director





**North East Westchester Special Recreation, Inc.**

63 Bradhurst Avenue

Hawthorne, NY 10532

Phone: 914-347-4409 | Fax: 914-347-5054

[www.northeastspecialrec.org](http://www.northeastspecialrec.org)

**TENTH:** This Agreement may be executed by the separate signatures of the parties hereto on any number of counterpart copies hereof, and each of said executed copies shall become effective when so executed by North East Westchester Special Recreation, Inc. and each particular municipality, and only after all of the municipalities to this Interagency Agreement have been signed, which would then bind all parties thereto.

Each counterpart signed copy shall be deemed an original, but all of which together shall constitute one instrument.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date appearing next to their signature below.

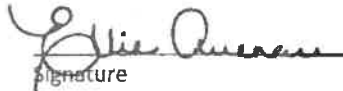
**NORTH EAST WESTCHESTER SPECIAL RECREATION, INC.**

12/22/2020

Date

Ellie Arnemann

Printed Name



Signature

Executive Director

Title

**MUNICIPALITY/TOWN/VILLAGE OF:** \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Sent to:  
TB, TA, TC 1/5/2021  
KD

**Kim DeLucia**

---

**From:** Denise Schirmer  
**Sent:** Tuesday, January 5, 2021 11:50 AM  
**To:** Kim DeLucia  
**Cc:** Tom Tooma  
**Subject:** RE: January Town Board Agenda Item

Hi Kim,

It is a plumbing permit fee which would be a minimum of \$135 depending on how many gas tanks they install.

Denise

**From:** Kim DeLucia <kdelucia@somersny.com>  
**Sent:** Tuesday, January 5, 2021 11:07 AM  
**To:** Denise Schirmer <dschirmer@somersny.com>  
**Subject:** RE: January Town Board Agenda Item

Denise,

Is it a building permit fee and what is the amount?

Thanks,

*Kim*

**Kim DeLucia**  
Executive Assistant to  
Rick Morrissey, Town Supervisor  
TOWN OF SOMERS  
335 ROUTE 202  
SOMERS, NY 10589  
Phone: 914-277-3637  
Fax: 914-276-0082  
[WWW.SOMERSNY.COM](http://WWW.SOMERSNY.COM)

**From:** Denise Schirmer <dschirmer@somersny.com>  
**Sent:** Tuesday, December 22, 2020 11:41 AM  
**To:** Kim DeLucia <kdelucia@somersny.com>  
**Subject:** January Town Board Agenda Item  
**Importance:** High

Hi Kim,

At the request of Tom, can you place the following on the January Town Board agenda:

Waive the fee for the Heritage Hills Society to replace the generator at the activities center.

Thank you.

Denise

Sent to:  
TB, TA, TC  
12/17/2020  
KD

## **Sterling Appraisals Inc.**

81 Pondfield Road – Suite 7  
Bronxville, New York 10708

Tel: (914) 961-3144

e-mail: bob@sterling-appraisals.com

VIA EMAIL

(RBaroni@sbrllaw.com)

December 16, 2020

Town of Somers c/o  
Roland Baroni, Jr., Esq.  
Stephens, Baroni, Reilly & Lewis LLP  
175 Main Street – Suite 800  
White Plains, New York 10601

**Re: Property of 294 Route 100 LLC**  
**Part of former IBM property**  
**Tax Map # 17.19-1-1**  
**Town of Somers, NY (Town)**

Dear Mr. Baroni:

As you requested, I am submitting a proposal for preparing an appraisal of the above-captioned property for the assessment years 2017, 2018 and 2019.

The property to be appraised comprises 1,087,000± square feet of office and meeting space in five-interconnected buildings on 723± acres of land.

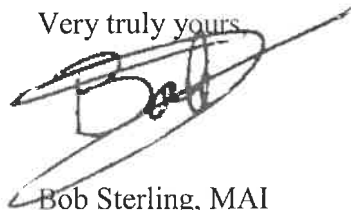
Earlier this year we appraised part of this property with all the buildings as if occupied under a certain lease for a school. Now the appraisal must ignore the lease and includes 378± acres of additional land, the value of which will be addressed in the appraisal. The property is zoned "OB-100," which allows office development and development of detached, single-family dwellings.

The fee for a restricted/"preliminary" appraisal is \$6,750, which reflects that some work (inspection and property descriptions) were completed in the prior appraisal. The fee to upgrade to a trial appraisal from the restricted/"preliminary" appraisal is an additional \$3,500.

My fee for time at court is billed at the rate of \$1,850 per day. Other pre-trial consulting work (appraisal critiques, consultations, etc.) are billed at \$185 per hour.

Thank you for the opportunity of providing this proposal. I look forward to working with you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bob Sterling', with a long horizontal flourish extending to the right.

Bob Sterling, MAI

Sent to:  
TD, TA, TC  
1/9/2021  
KO

Highway Department

Town of Somers

WESTCHESTER COUNTY, N.Y.

250 RT. 100  
P.O. BOX 281

TELEPHONE  
(914) 232-4848  
FAX  
(914) 232-0150

NICHOLAS DEVITO  
Superintendent of Highways

THOMAS DEAGAN  
Deputy Supt. of Highways



MEMO TO: SUPERVISOR  
TOWN BOARD

FROM: NICHOLAS DEVITO  
SUPT. OF HIGHWAYS

DATE: DECEMBER 31, 2020

RE: ANNUAL BONUS BASED ON ATTENDANCE 2020

As per the Union Contract under Section 5 Sick Leave/Workers' Compensation Leave Usage Bonus. The following employees will be entitled to an annual bonus based on their attendance.

| <u>Name</u>      | <u>Number of Sick Days Taken</u> | <u>Amount of Bonus</u> |
|------------------|----------------------------------|------------------------|
| Michal Bilinski  | -2-                              | \$500.00               |
| Nicholas DiMarco | -1-                              | \$600.00               |
| Carl Furu        | -4-                              | \$300.00               |
| Jose Yanza       | -4-                              | \$300.00               |

  
\_\_\_\_\_  
Nicholas DeVito  
Supt. Of Highways

Cc: FINANCE DEPT.