OFFICE OF THE SUPERVISOR

Telephone
(914) 277-3637
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Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

RICK MORRISSEY
SUPERVISOR

SOMERS TOWN BOARD
WORK SESSION 7:00PM
THURSDAY, NOVEMBER 4, 2021
www.somersny.com

6:30PM – Executive Session

A. ***PLEDGE OF ALLEGIANCE:***

B. ***PUBLIC HEARING:***

PUBLIC COMMENT
Please limit your comments to no more than 3 minutes.

C. ***TOWN BOARD:***

1. Town of Somers Covid-19 – Update
2. The Town Clerk presents the 2022 Tentative Budget to the Town Board.
3. 265 Route 202 – Petition for Zoning Amendment - Discussion
4. Authorize the Supervisor to execute the renewal contract for office/building cleaning services for another two years with a 2% increase in the amount of $46,147.00 with Kencal Maintenance Corporation per memo dated October 28, 2021 from Thomas J. Tooma Jr., Building Inspector.

5. Authorize waiver of the $150 Zoning Board Application fee in order for Heritage Hills to get a variance to bury two additional propane tanks for the new generator to be installed at the Heritage Hills Activity Center / Town of Somers Emergency Shelter per memo dated October 29, 2021 from Thomas J. Tooma, Jr., Building Inspector.

6. Double Utility Pole Legislation – Discussion

7. Updated Community Choice Aggregation Memorandum of Understanding (MOA) and the Electric Service Agreement (ESA) with Sustainable Westchester, Inc. – Discussion

D. PARKS & RECREATION: No additional business.

E. FINANCIAL: No additional business.

F. HIGHWAY: No additional business.

G. PERSONNEL:

1. **Current Vacancies:**
   a. Affordable Housing Board (1- 2-year term ending 7/11/2023.)
   b. Assessment Board of Review (1- 5-year term ending 9/30/2026.)
   c. Partners in Prevention (2- 3-year terms ending 12/31/2022.)
   d. Partners in Prevention (3- 3-year terms ending 12/31/2023.)

2. **Upcoming Vacancies - Terms Expiring in 2021:**
   a. Planning Board (1- 7-year term ending 12/31/2021.)
   b. Zoning Board of Appeals (1- 5-year term ending 12/31/2021.)

3. Authorize the appointment of Lauren Johnson to the Somers Partners In Prevention Committee to fill an un-expired three-year term ending December 31, 2023

4. Authorize the hiring of Victoria Durso as Part-Time Availability (PTA) Chauffeur for the Somers Senior Services Department at an hourly rate of $17.50 per memo dated October 12, 2021 from Barbara Taberer, Seniors and Nutrition Program Director effective October 15, 2021.

5. Authorize the hiring of Mario Classi as Part-Time Availability (PTA) Chauffeur for the Somers Senior Services Department at an hourly rate of $17.50 per memo dated October 13, 2021 from Barbara Taberer, Seniors and Nutrition Program Director effective October 18, 2021.

6. Authorize the promotion of David Burpee from Police Officer to the rank of Sergeant of the Town of Somers Police Department at an hourly pay rate equivalent to 85% of the current Sergeant rate per memo dated October 6, 2021 from Brian Linkletter, Police Chief, effective October 9, 2021.

7. Authorize the hiring of Adam Donofrio as a Part-time Police Officer of the Town of Somers Police Department to work no more than 20 hours per week at an hourly pay rate equivalent to 80% of the current police officer's rate per memo dated October 29, 2021 from Brian Linkletter, Police Chief, effective November 6, 2021.

H. PLANNING & ENGINEERING: No additional business.

I. POLICE: No additional business.

***J. PROPOSED CONSENSUS AGENDA*:**

1. Authorize the return of the following Bonds per October 13, 2021 and October 25, 2021 memos from Steven Woelfle, Engineering Department:
   a. $599.00 Erosion Control Bond – Villani/Somers Development LLC Wetland Permit #AW2016-44, TM: 16.05-1-1
   b. $500.00 Erosion Control Bond – Boniello Steep Slope/Tree Permit #AST2004-127, 149 Pines Bridge Road, TM: 58.08-1-3.1

SOMERS TOWN BOARD
WORK SESSION 7:00PM
THURSDAY, NOVEMBER 4, 2021
www.somersny.com

2021 Calendar

November 4, 2021	7:00pm	Town Board Work Session
November 18, 2021	7:00pm	Town Board Regular Meeting
December 2, 2021	7:00pm	Town Board Work Session
December 9, 2021	7:00pm	Town Board Regular Meeting

2022 Calendar

January 6, 2022	7:00pm	Town Board Work Session
January 13, 2022	7:00pm	Town Board Regular Meeting
February 3, 2022	7:00pm	Town Board Work Session
February 10, 2022	7:00pm	Town Board Regular Meeting
March 3, 2022	7:00pm	Town Board Work Session
March 10, 2022	7:00pm	Town Board Regular Meeting

11/1/2021 11:15 AM
Z:\Supervisor\kdelucia\TB Agendas\2021\Nov 4 2021 Work Session.docx

The 2022 Tentative Budget is available on the Town's Website at SOMERSNY.COM under the News section.

Sent to:
TB, TA, TC
10/29/2021
KD

ZARIN & STEINMETZ

David S. Steinmetz ▪
david@zarin-steinmetz.com
▪ Also admitted in DC

October 27, 2021

Via Email & Overnight Mail

Hon. Rick Morrissey
Supervisor of the Town of Somers
and Members of the Town Board
Town of Somers
335 Route 202
Somers, NY 10589

Re: Petition for Zoning Text Amendment
265 Route 202, Somers, New York
Tax Lot 17.11-1-21 (the "Property")

Dear Supervisor Morrissey and Members of the Town Board:

We represent 265 Route 202, LLC ("Petitioner") in connection with the above-referenced Property.

Enclosed please find for your Board's consideration a Verified Petition for a Zoning Text Amendment, with Exhibits ("Petition"). The Petition seeks a Zoning Text Amendment to, *inter alia*, permit "coffee shops and ice cream parlors" as permitted uses in the Town's Business Historic Preservation (B-HP) District, and to allow such uses with drive-in service in the B-HP District, subject to a special permit ("Text Amendment").

The proposed Text Amendment would facilitate the adaptive reuse of the Property as a Starbucks coffee shop with drive-in service in the long-vacant, former bank portion of the building ("Project"). As Petitioner will demonstrate, and as set forth in the enclosed materials, the Text Amendment, as well as the Project, are consistent with the visual and historic character of the B-HP District and the Comprehensive Plan. Pursuant to our discussions, we are also enclosing a check in the amount of $10,000.00 to establish an escrow account for review of the Project.

Petitioner respectfully requests to be placed on your Board's November 4, 2021 work session agenda to discuss the Petition and the Project. Petitioner respectfully requests that at that time, this Board accept the Petition, declare itself Lead Agency in connection with the review of the proposed Action (i.e., the Text Amendment and Project) under the New York State

Environmental Quality Review Act, and refer this matter to the to the Town of Somers Planning Board for a report and recommendation, including referral to the B-HP District Technical Committee pursuant to Section 170-18.2 of the Zoning Code.

We look forward to appearing before you to answer any questions you may have. Please do not hesitate to contact us if you have any questions in the interim.

Respectfully submitted,

ZARIN & STEINMETZ

By: _____
David S. Steinmetz
Jody T. Cross

cc: (via email)
Roland Baroni, Esq. (rbaroni@sbrllaw.com)
David B. Smith, Consultant Planner (directorofplanning@somersny.com)
265 Route 202, LLC (dsettanni@dxeproperties.com; jeitingon@dxeproperties.com)
Mr. Edward Glackin (ed@glackinrealty.com)

TOWN BOARD OF THE TOWN OF SOMERS
WESTCHESTER COUNTY, STATE OF NEW YORK

In the Application of	:	
265 ROUTE 202, LLC	:	**VERIFIED PETITION FOR A ZONING TEXT AMENDMENT**
For a Text Amendment to the Zoning Code of the Town of Somers	:	

Petitioner **265 ROUTE 202, LLC** ("Petitioner"), by its attorneys, Zarin & Steinmetz, 81 Main Street, Suite 415, White Plains, New York 10601, as and for its Verified Petition requesting an Amendment ("Text Amendment," Exhibit "A") to the Town of Somers ("Town") Zoning Code ("Zoning Code"), respectfully alleges as follows:

POINT I.

INTRODUCTION

1. Petitioner 265 ROUTE 202, LLC is a domestic limited liability company, with offices c/o DXE Properties, LLC, 4910 Merrick Road. #33, Massapequa Park, New York 11762.

2. Petitioner is the owner of certain real property, comprised of ±4.03 acres, known as 265 Route 202, Town of Somers, New York, and also known on the Town Tax Maps as parcel 17.11-1-12 ("Petitioner's Property").

3. Petitioner's Property is in the Town's Business Historic Preservation (B-HP) District.

4. Petitioner's Property is improved with a ±4,500 sf structure ("Building"), presently comprised of three (3) commercial tenants: a dry-cleaning drop-off service, a deli, and a vacant/former bank.

5. Petitioner is seeking a Zoning Text amendment to, *inter alia*, allow "coffee shops and ice cream parlors" as principal permitted uses in the B-HP District, and to further allow such uses with drive-in service[1] as special exception uses in the B-HP District.

POINT II.

PROPOSED PROJECT AND TEXT AMENDMENT

6. Petitioner is seeking the instant Zoning Text Amendment to facilitate the development of a Starbucks coffee shop with drive-in service as an adaptive reuse of the existing ±2,405 sf portion of the Building on Petitioner's Property that had previously served as a bank ("Project"). (See Conceptual Site Plan, prepared by Stonefield Engineering & Design ("Stonefield"), last revised September 14, 2021, Exhibit "B").

7. The Building on Petitioner's Property was constructed in 1960, prior to the establishment of the B-HP District. While it was designed in the retail strip architectural vernacular of its time, its style certainly does not contribute to the historical context of the B-HP District. The Project thus also includes proposed building and façade design alterations, which would enhance and elevate the Building's aesthetic consistency with its historic surroundings and would make the Building more contextual with the adjacent Elephant Hotel in particular. (See Architectural Drawings, prepared by Hoffman Grayson Architects, LLP ("Hoffman Grayson"), last revised Aug. 18, 2021, included in the Visual & Historic Character Analysis, prepared by Hoffman Grayson Architects, LLP ("Hoffman Grayson"), Exhibit "C").

8. "Restaurants, taverns and ice cream parlors" are presently permitted uses in the B-HP District. See Zoning Code § 170-15.1(A)(14).

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[1] As discussed, *infra*, Petitioner is proposing a coffee shop with what is colloquially referred to as a "drive-thru" window. Petitioner, however, has incorporated the phase "drive-in service" to be consistent with other existing sections of the Zoning Code.

9. "Restaurant" is a defined term in the Zoning Code, but neither "tavern" nor "ice cream parlors" is a defined term.

10. Petitioner submits that a "coffee shop" is a restaurant-type use that is substantially similar to "ice cream parlors" in terms of land use impacts, and thus would be a permitted principal use in the B-HP District. Notwithstanding, Petitioner's Text Amendment is proposing the addition of a new defined term for clarity, i.e., "coffee shop or ice cream parlor." (See Exhibit "A").

11. In addition, Section 170-15.1(A)(14) of the Zoning Code presently expressly prohibits in the B-HP District restaurants with "drive-in service," as well as "fast-food establishments."

12. The prior bank use of the Building included a drive-in window for customer banking purposes.

13. The Project contemplates utilizing the pre-existing drive-in window for the convenience of its clientele.

14. The proposed Text Amendment would permit the adaptive reuse of existing drive-in infrastructure for coffee shops and ice cream parlors in the B-HP District, subject to the applicant obtaining a special exception use permit from the Planning Board. The proposed Text Amendment sets forth specific criteria that must be met prior to the issuance of a special exception use permit, including that:

A. Drive-in service shall only be permitted where drive-in infrastructure already exists as part of an existing building. No newly constructed drive-in services shall be permitted. Alteration of any such pre-existing drive-in infrastructure shall be permitted;

B. No drive-in service in the B-HP District shall be permitted within 1,000 feet of another coffee shop or ice cream parlor with drive-in service also located within the B-HP District.

C. Any site with drive-in service shall have frontage on and access from a state road; and

D. No less than 25% of the site on which a coffee shop or ice cream parlor with drive-in service is located shall be preserved as natural open space.

(See Exhibit "A").

15. In addition, although "fast-food establishment" is a defined term in the Zoning Code, as presently drafted, the definition is overbroad, and could be interpreted to include otherwise permitted restaurant-type uses, such as coffee shops or ice cream parlors.

16. The Text Amendment thus proposes an amended definition of "fast-food establishment," which is consistent with the intent of the Zoning Code, as well as the zoning codes of other municipalities in the vicinity.

17. Lastly, the Text Amendment proposes a parking ratio for "coffee shops or ice cream parlors" of 1 parking unit for each 3 seats or 150 sf gross floor area (whichever is greater).

POINT III.

PROPOSED TEXT AMENDMENT IS CONSISTENT WITH THE INTENT OF THE B-HP DISTRICT AND COMPREHENSIVE PLAN

18. As set forth in the Visual and Historic Character Narrative ("Narrative") prepared by Hoffman Grayson, Petitioner's proposed Text Amendment is consistent with the visual and historic character of the B-HP District and the Town Comprehensive Plan Update, Feb. 2016 ("Comprehensive Plan"). (See Narrative, annexed to Exhibit "C").

19. The Text Amendment permitting "coffee shops and ice cream parlors" in the B-HP District is consistent with the stated purpose of the B-HP District, which is:

> [T]o maintain the historic development patterns of the Somers hamlet, including the size and spacing of structures and open spaces,

> to encourage the protection and enhancement of the features of the Somers hamlet that have a special historical, architectural, cultural, aesthetic or other similar special interest or value as well as to allow the reasonable use of land and buildings as appropriate to strengthen the historic function of the Somers hamlet as the community and government center of the Town in a manner that encourages the creation of an economically healthy, functionally efficient, environmentally sound and visually attractive mixed-use area of small-scale business, residential and public uses.

Zoning Code § 170-14.

20. The B-HP, including Petitioner's Property, is also in the Somers Hamlet Area, which is classified by the Town as a "Townwide Business Area." (See Comprehensive Plan at 60; see also id. at 51). It is the Town's expressed goal that development in the Hamlet should "respect its historic character, while permitting it to grow responsibly and function as a thriving business community center." (Id. at 63).

21. Petitioner's Property is in the area recommended to be developed as a "Hamlet center mixed use area." (Id. at 67 (referring to lands in the B-HP District that "front[] along the north side of Route 202 between Heritage Hills Drive on the west and the Elephant Hotel on the east"). As proposed, the Project would make available to travelers and residents a variety of commercial uses, including retail (deli), personal service (dry-cleaner), and now a restaurant-type use (proposed Starbucks coffee shop with drive-in service).

22. As discussed in greater detail in the Narrative, the Project is consistent with the historical commercial development that is prominent in the Somers Hamlet Area, particularly at the crossroads of US-202 and NY-100. Uses like the proposed Starbucks coffee shop are typically located in areas with well-travelled thoroughfares to provide travelers and residents with places to stop along the way.

23. The Project would also vastly improve the aesthetics of the Building through the proposed façade alterations, as well as proposed landscaping and other aesthetic improvements proposed as part of the Project. This will allow Petitioner's Property to "conform to the historic nature of the Somers Hamlet Historic District, this important commercial intersection, as well as is entirely consistent with the intent of the B-HP District regulations and design guidelines." (Narrative, annexed to Exhibit "C").

24. Accordingly, the proposed Text Amendment, which would facilitate the Starbucks coffee shop with drive-in service on Petitioner's Property, is consistent with the visual and historic character of the B-HP District and the Comprehensive Plan.

POINT IV.

SEQRA

25. In accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed action is a Type I Action. See 6 N.Y.C.R.R. § 617.4(b)(1); Town Code § 92-6(A)(8). Accordingly, Petitioner submits herewith a Full Environmental Assessment Form ("EAF"). (See EAF, Exhibit "D").

26. In anticipation of concerns regarding traffic, Petitioner also submits herewith a preliminary Traffic Assessment Report ("TAR"), prepared by Stonefield, dated September 22, 2021. (See TAR, Exhibit "E"). The TAR provides initial collision and trip generation analyses, as well as a preliminary scope of study in anticipation of the submission of traffic counts and Level of Service/Capacity analyses at a later date.

27. Petitioner submits that all relevant areas of environmental concern will be identified, analyzed, and where appropriate, mitigated.

POINT V.

REQUESTED RELIEF

28. In order to accommodate the Project, Petitioner respectfully requests that the Town Board:

(i) Accept this Petition, declare itself Lead Agency in connection with the review of the proposed Action (i.e., the Text Amendment and Project), and refer this matter to the to the Town of Somers Planning Board for a report and recommendation, including referral to the B-HP District Technical Committee pursuant to Section 170-18.2 of the Zoning Code;

(ii) Schedule, notice and conduct a public hearing on the Petition at the earliest possible date;

(iii) Adopt a negative declaration pursuant to SEQRA in connection with the proposed Action; and

(iv) Resolve to adopt the Text Amendment annexed hereto as Exhibit "A."

WHEREFORE, it is respectfully requested the instant matter be placed on the earliest possible agenda of the Town Board for referral to the Planning Board and B-HP District Technical Committee, and that the relief sought herein be, in all respects, granted.

Dated: September 29, 2021
White Plains, New York

Respectfully Submitted,

ZARIN & STEINMETZ

By: _____

David S. Steinmetz
Jody T. Cross
Attorneys for Petitioner
81 Main Street, Suite 415
White Plains, New York 10601
(914) 682-7800

VERIFICATION

STATE OF NEW YORK)
) s.s.:
COUNTY OF WESTCHESER)

Donato Settanni, hereby deposes and says that he is the Authorized Representative of **265 ROUTE 202, LLC**, Petitioner, and says that he has reviewed the foregoing Petition and authorizes Zarin & Steinmetz to submit the foregoing Petition to the Town Board of the Town of Somers on Petitioner's behalf.

DONATO SETTANNI

Sworn to before me this
28th day of September 2021.

Notary Public

JESSICA MOORE
Notary Public, State of New York
No. 02MO6244634
Qualified in Suffolk County
Commission Expires July 11, 2023

EXHIBIT A

§ 170-3. Definitions

FAST-FOOD ESTABLISHMENT

~~A business primarily engaged in the rapid retail sale of pre-prepared or quickly prepared food and beverages served in disposable containers and where a substantial portion of sales is by customers ordering and picking up food at a counter with limited table service. "Fast-food establishment" shall not include bakeries, food markets, delicatessens or other nonrestaurant businesses engaged in the sale of food that have a seating capacity, as defined by the Building Inspector in accordance with applicable codes, of not more than 10.~~

An establishment primarily engaged in the sale of ready-to-consume food and beverages, generally served in disposable or prepackaged containers or wrappers, in which patrons usually select their orders from a posted menu offering a limited number of specialized items such as but not limited to hamburgers, chicken, fish and chips, pizza, tacos and hot dogs; these items are prepared according to standardized procedures for consumption either on or off the premises in a facility where a substantial portion of the sales to the public is by drive-in or stand-up service and primary cleanup is generally performed by the customer. The term "fast-food establishment" shall not be considered to include restaurants, bakeries, delicatessens, grocery stores, coffee shops or ice cream parlors.

RESTAURANT

An enterprise primarily engaged in preparing and serving food and beverages intended to be consumed on the premises by patrons seated and served at tables or counters, but not including a fast-food establishment.

COFFEE SHOP OR ICE CREAM PARLOR

An enterprise primarily engaged in the rapid retail sale of coffee, ice cream, frozen yogurt, and/or other confectionary desserts and beverages, from a counter or display case where the food is sold primarily for consumption off the premises but may also include the sale of food and beverages for consumption on premises. The incidental sale of other food items or beverages shall be permitted. The term "coffee shop or ice cream parlor" shall not include restaurants, bakeries, delicatessens, grocery stores, or fast-food establishments.

§ 170-15.1. Principal uses.

A. In a B-HP District, no building, structure or premises, in whole or in part, shall be used and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved except for the following purposes or as herein elsewhere specifically provided, together with the accessory uses specified in § **170-15.2** herein:

* * * *

(13) Restaurants, taverns, coffee shops and ice cream parlors located in any portion of a building that was in existence on the effective date of this provision, but excluding fast-food establishments. ~~and d~~Drive-in service is permitted in connection with coffee shops and ice cream parlors subject to approval of a special exception use permit by the Planning

Board in accordance ~~or curbside service.~~ with the provisions of Articles **XI**, **XIIA**, and **XVIII** of this chapter. No other drive-in service shall be permitted. No curbside service shall be permitted. ~~Such~~ Restaurants, taverns, coffee shops and ice cream parlors ~~uses~~ **shall also be permitted in any new floor area constructed on the upper level of such existing building subsequent to that date, provided that the upper level floor area in existence on the effective date of this provision represents at least 30% of the lower level floor area in existence on such date and the total floor area on the upper level after it has been enlarged does not exceed 100% of the floor area of the lower level of such building. Such uses shall also be permitted in a new building constructed after the effective date of this provision, provided that all such uses are located only on the lowest level at grade that faces the major roadways of U.S. Route 202, N.Y. Route 100 or N.Y. Route 116 and residential uses are established on the upper level(s) of such building.**

§ 170-40 Required number of off-street parking and loading units.

* * * *

B. Business Historic Preservation B-HP, Neighborhood Shopping NS, Community Shopping CS, Planned Hamlet PH, and Office and Light Industry Districts.

Kind of Use	**Required Parking Units (PU)**	**Required Loading Units (LU)**
Coffee Shop or ice cream parlor with drive-in service Each 3 seats or each 150 square feet of gross floor area (whichever is greater)	1	

Article XIIA – Special Exception Uses in Business Historic Preservation District

* * * *

§ 170-82.2 Coffee shops or ice cream parlors with drive-in service.

A special exception use permit may be granted, after public hearing, by the Planning Board for the establishment of a coffee shop or ice cream parlor with drive-in service, subject to the conditions set forth below and pursuant to the standards set forth in § 170-106 of this chapter:

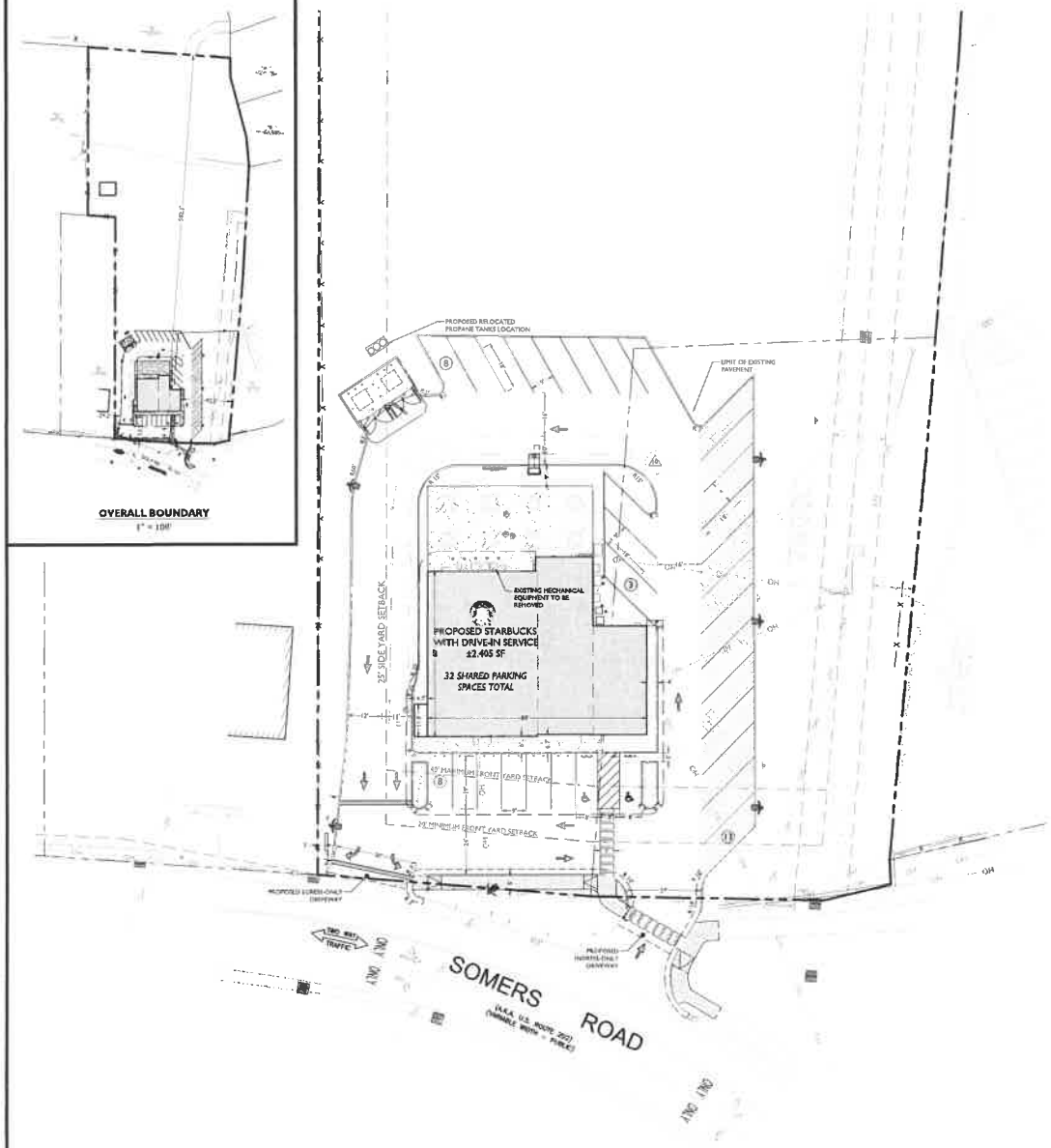
A. Drive-in service shall only be permitted where drive-in infrastructure already exists as part of an existing building. No newly constructed drive-in services shall be permitted. Alteration of any such pre-existing drive-in infrastructure shall be permitted.

B. No drive-in service in the B-HP District shall be permitted within 1,000 feet of another coffee shop or ice cream parlor with drive-in service also located within the B-HP District.

C. Any site with drive-in service shall have frontage on and access from a state road.

D. No less than 25% of the site on which a coffee shop or ice cream parlor with drive in service is located shall be preserved as natural open space.

EXHIBIT B



LAND USE AND ZONING

SECTION 17.11, BLOCK 1, LOT 21

BUSINESS HISTORIC PRESERVATION DISTRICT (B-H-P)

PROPOSED USE			
COFFEE SHOP (*)	PERMITTED USE		
DRIVE-IN FACILITY (*)	SPECIAL EXCEPTION USE		
ZONING REQUIREMENT	**REQUIRED**	**EXISTING**	**PROPOSED**
MINIMUM LOT AREA	12,000	575,339 SF	NO CHANGE
MINIMUM LOT WIDTH	100 FT	308 FT	NO CHANGE
MAXIMUM SITE COVERAGE	40% (76,143 SF)	33.1% (24,454 SF)	(41% (54,795 SF)
MAXIMUM BUILDING COVERAGE	10% (17,535 SF)	3.58% (4,498 SF)	NO CHANGE
MAXIMUM FLOOR AREA RATIO	0.08	0.02	NO CHANGE
MAXIMUM BUILDING FOOTPRINT	7,000 SF	4,498 SF (EXs)	NO CHANGE
MINIMUM BUILDING HEIGHT	1.5 STORIES/ 15 FT	1 STORY (EXs)	NO CHANGE
MAXIMUM BUILDING HEIGHT	2.5 STORIES/ 35 FT	1 STORY	NO CHANGE
MINIMUM FRONT YARD SETBACK	20 FT	51.3 FT	NO CHANGE
MAXIMUM FRONT YARD SETBACK	45 FT	51.3 FT	NO CHANGE
MINIMUM SIDE YARD SETBACK (WEST)	25 FT	29.2 FT	NO CHANGE
MINIMUM SIDE YARD SETBACK (EAST)	25 FT	92.3 FT	NO CHANGE
MINIMUM REAR YARD SETBACK	50 FT	582.1 FT	NO CHANGE

(*) THE PROPOSED ACTION INCLUDES A PETITION TO THE TOWN BOARD TO AMEND THE TEXT OF THE TOWN OF SOMERS ZONING CODE TO ADD "COFFEE SHOPS AND ICE CREAM PARLORS" AS PRINCIPAL PERMITTED USES IN THE APPLICABLE BUSINESS HISTORIC PRESERVATION (B-H-P) DISTRICT, AS WELL AS PERMITTING SUCH USES WITH DRIVE-IN SERVICE AS SPECIAL EXCEPTION USES IN THE B-HP DISTRICT.

OFF-STREET PARKING REQUIREMENTS

CODE SECTION	REQUIRED	EXISTING	PROPOSED
§ 170-10(B)	REQUIRED PARKING: EXISTING USES: BANK: 1 PER 200 SF OF GFA 2,455 SF * (1/200 SF) = 12.3 SPACES PERSONAL SERVICE ESTABLISHMENT (DRY CLEANER): 1 PER 200 SF OF GFA 772 SF * (1/200 SF) = 3.9 SPACES RETAIL (EXs): 1 PER 200 SF OF GFA 1,318 SF * (1/200 SF) = 6.6 SPACES TOTAL REQUIRED: 23 SPACES PROPOSED USES: COFFEE SHOP OR ICE CREAM PARLOR WITH DRIVE-IN SERVICE (STARBUCKS) (*): 1 PER 150 SF OF GFA 2,405 SF * (1/150 SF) = 16.1 SPACES PERSONAL SERVICE ESTABLISHMENT (DRY CLEANER): 1 PER 200 SF OF GFA 772 SF * (1/200 SF) = 3.9 SPACES RETAIL (EXs): 1 PER 200 SF GFA 1,318 SF * (1/200 SF) = 6.6 SPACES TOTAL REQUIRED: 27 SPACES	36 SPACES	32 SPACES

(*) PROPOSED PARKING RATIO FOR COFFEE SHOP / ICE CREAM PARLOR DRIVE-IN SERVICE

SYMBOL	DESCRIPTION
	PROPERTY LINE
	SETBACK LINE
	PROPOSED CURB
	PROPOSED FLUSH CURB
	PROPOSED SIGNS / BOLLARDS

GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK, (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK, THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC PRIOR TO THE START OF CONSTRUCTION.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
3. ALL CONTRACTORS WILL TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC AND ITS SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
4. THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
5. THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
6. THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK, WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
7. THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTORS EXPENSE.
8. CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC. WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET.
9. THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
10. THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
11. THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES.
12. SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC. BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.

GRAPHIC SCALE IN FEET
1" = 20'

ISSUE	DATE	BY	DESCRIPTION
01	09/19/2025	BR	ISSUED FOR REVIEW

NOT APPROVED FOR CONSTRUCTION

STONEFIELD engineering & design
Rutherford, NJ · New York, NY · Boston, MA
Princeton, NJ · Tampa, FL · Detroit, MI
www.stonefielding.com
584 Broadway, Suite 310, New York, NY 10012
Phone 718.666.8305

SITE PLANS

265 ROUTE 202, LLC
PROPOSED STARBUCKS WITH DRIVE-THRU

SECTION 17.11, BLOCK 1, LOT 21
265 ROUTE 202
TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK

ZACHARY BENJAMIN, P.E.
LICENSED PROFESSIONAL ENGINEER
STATE OF NEW YORK

STONEFIELD engineering & design

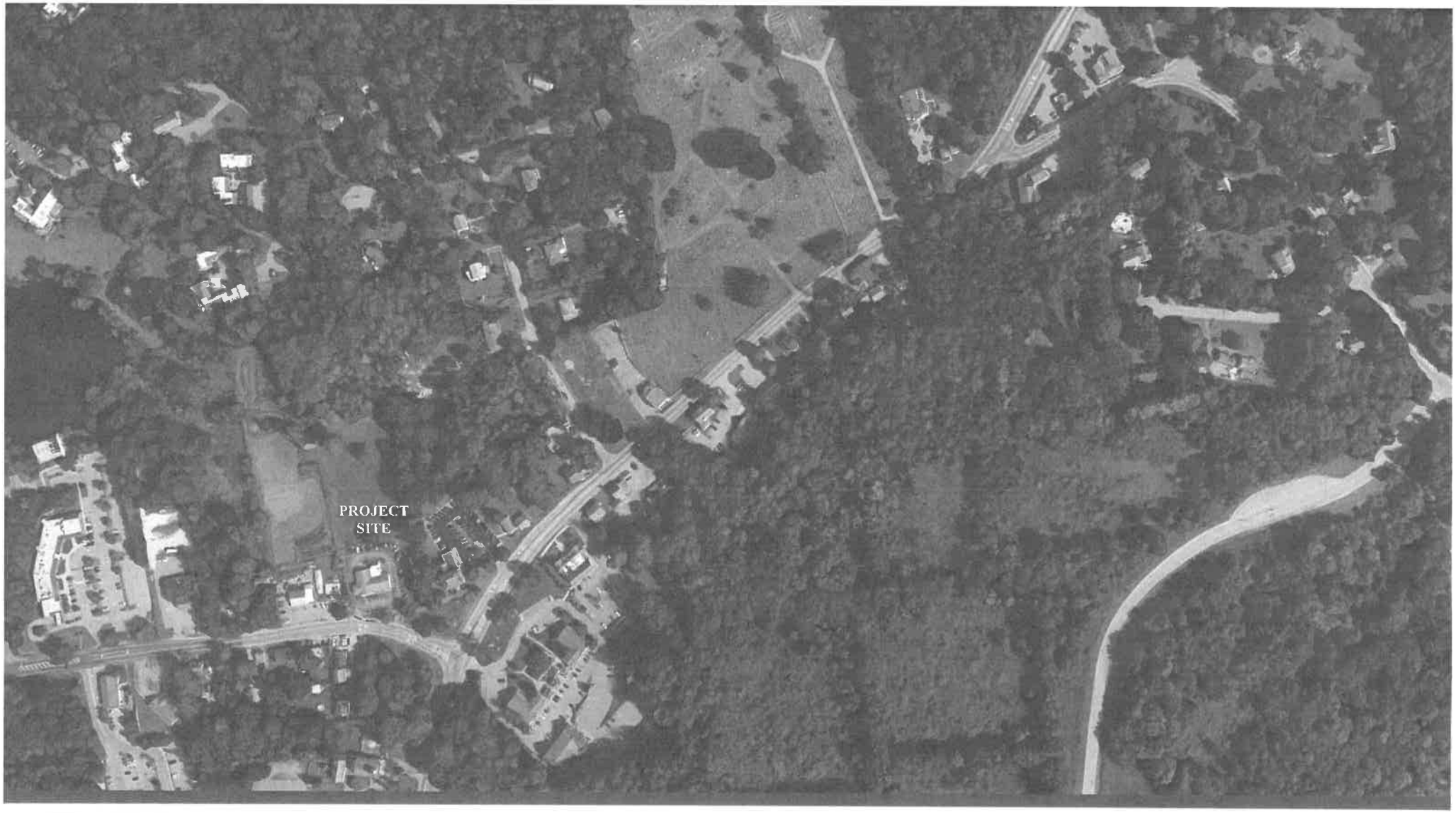
SCALE: 1" = 20' PROJECT ID: E-19117

TITLE: SITE PLAN

DRAWING: 1 OF 1

X:\JOBS\19\E-19117 ROUTE 202 SOMERS\DWG\LDP\E-19117 SITE PLAN.DWG

EXHIBIT C



HOFFMAN GRAYSON ARCHITECTS, LLP

REDEVELOPMENT OF EXISTING RETAIL CENTER:

265 ROUTE 202
SOMERS, NEW YORK

EXISTING STRUCTURE

265 ROUTE 202
SOMERS, NEW YORK

ADJACENT STRUCTURE

ELEPHANT HOTEL
335 ROUTE 202
SOMERS, NEW YORK

ADJACENT STRUCTURE

ST. LUKES CHURCH
331 SOMERSTOWN TPKE
SOMERS, NEW YORK

ADJACENT STRUCTURE

COLDWELL BANKER
355 SOMERSTOWN TPKE
SOMERS, NEW YORK

358 SOMERSTOWN TPKE

366 SOMERSTOWN TPKE

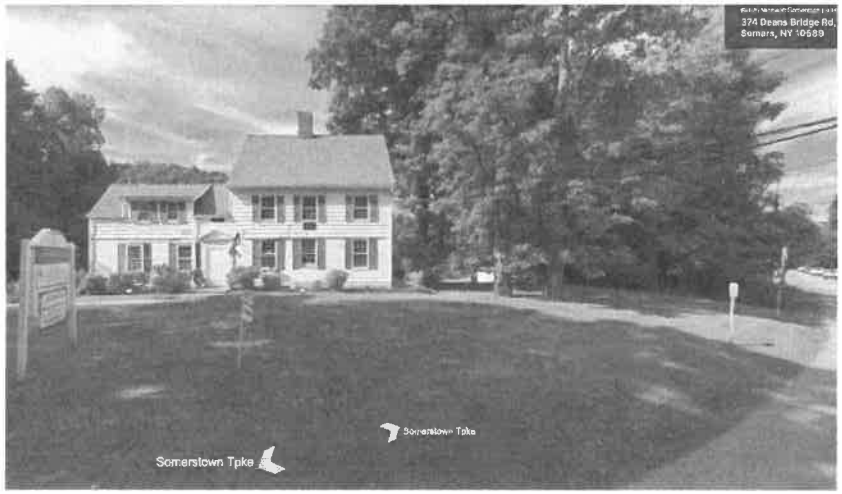
353 SOMERSTOWN TPKE

333 SOMERSTOWN TPKE

OTHER STRUCTURES IN DISTRICT

343 SOMERSTOWN TPKE

337 SOMERSTOWN TPKE



374 SOMERSTOWN TPKE

339 SOMERSTOWN TPKE

OTHER STRUCTURES IN DISTRICT

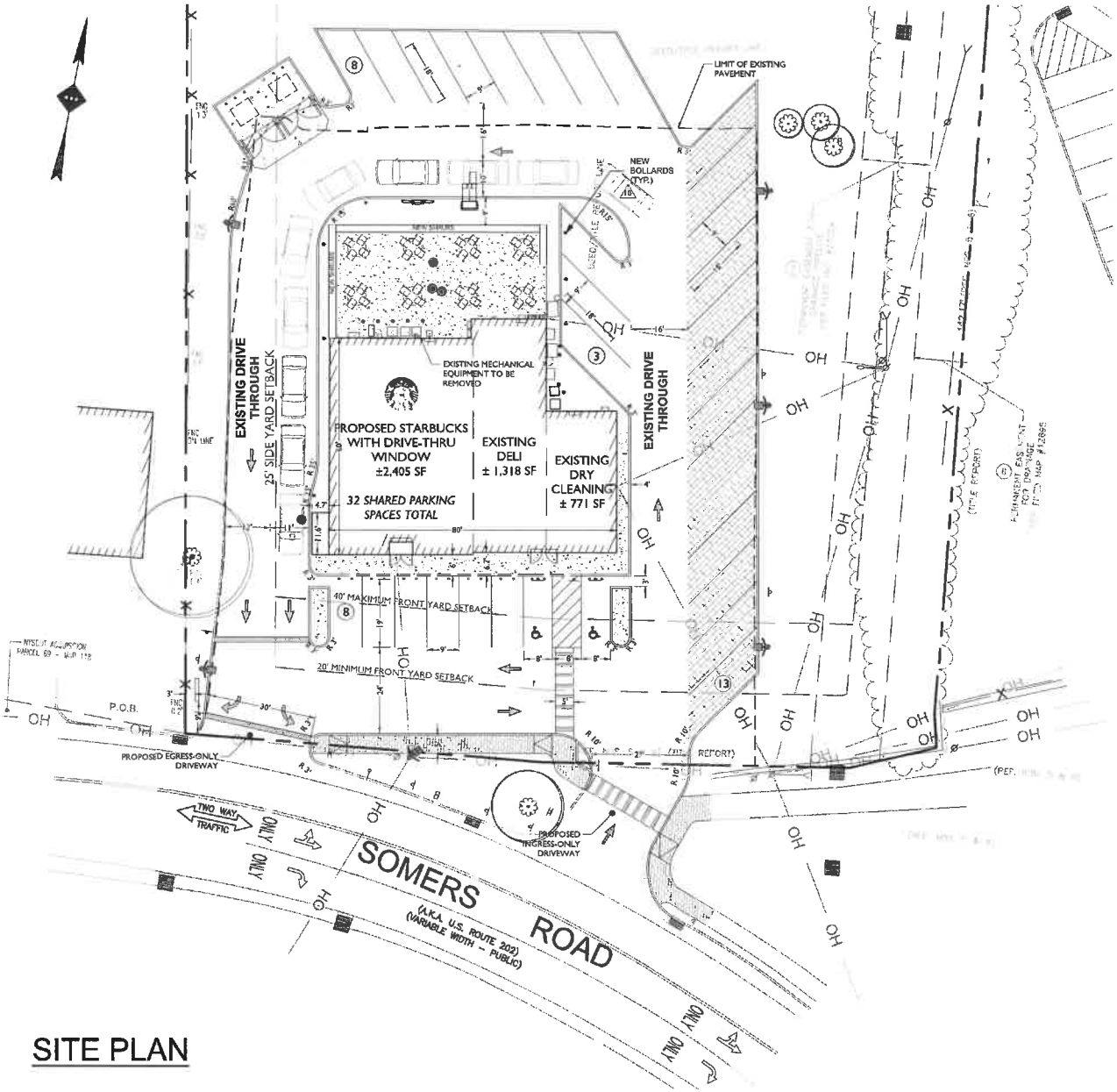
337 SOMERSTOWN TPKE

353 SOMERSTOWN TPKE

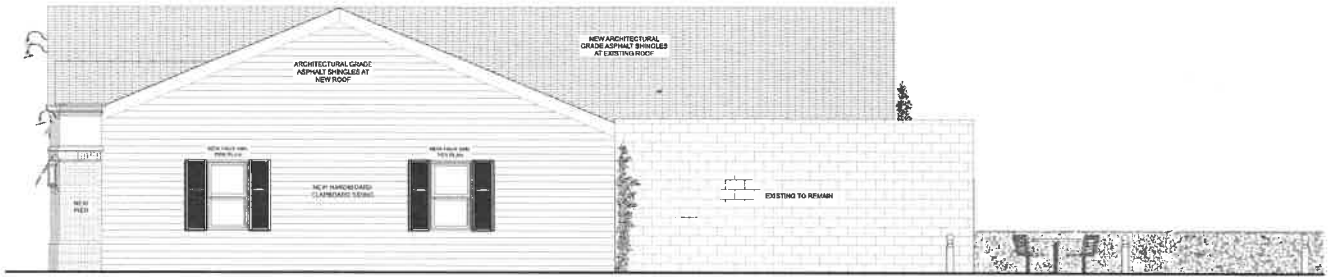
288 ROUTE 202

339 SOMERSTOWN TPKE

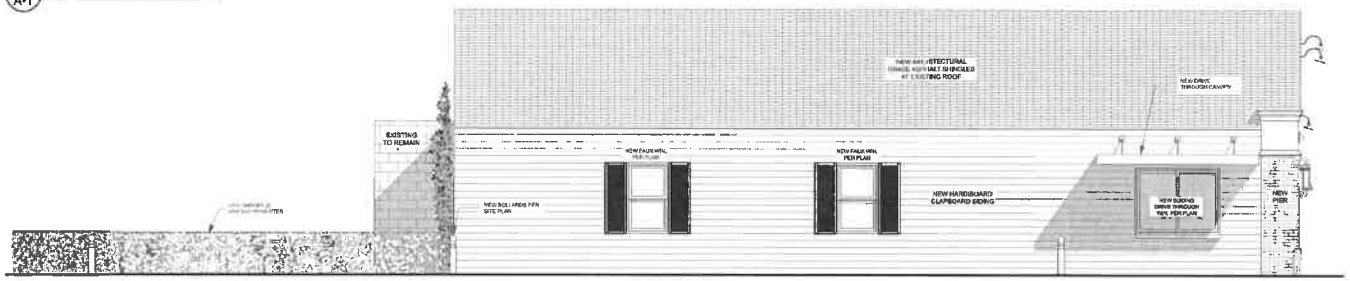
OTHER STRUCTURES IN DISTRICT


LIMIT OF EXISTING PAVEMENT
NEW BOLLARDS (TYP.)
EXISTING MECHANICAL EQUIPMENT TO BE REMOVED
EXISTING DRIVE THROUGH
25' SIDE YARD SETBACK
PROPOSED STARBUCKS WITH DRIVE-THRU WINDOW ±2,405 SF
EXISTING DELI ± 1,318 SF
EXISTING DRY CLEANING ± 771 SF
32 SHARED PARKING SPACES TOTAL
EXISTING DRIVE THROUGH
40' MAXIMUM FRONT YARD SETBACK
20' MINIMUM FRONT YARD SETBACK
P.O.B.
PROPOSED EGRESS-ONLY DRIVEWAY
TWO WAY TRAFFIC
ONLY
ONLY
SOMERS ROAD
(A.K.A. U.S. ROUTE 202)
(VARIABLE WIDTH - PUBLIC)
PROPOSED INGRESS-ONLY DRIVEWAY
ONLY
ONLY
OH

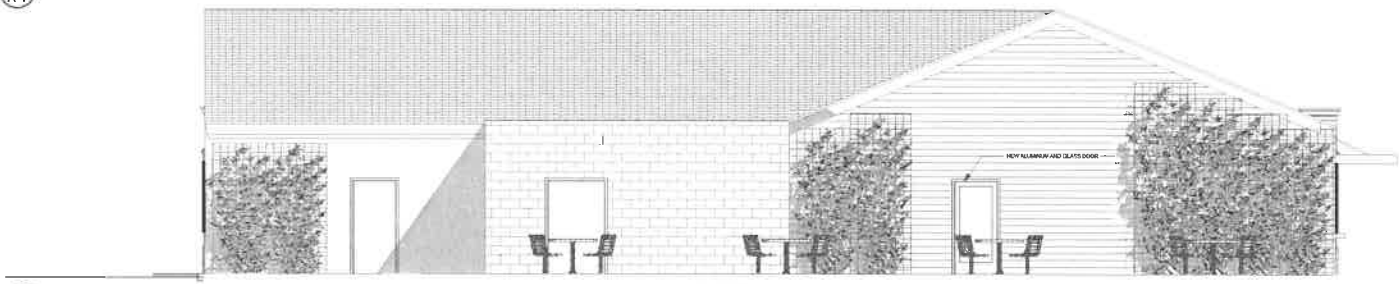
SITE PLAN



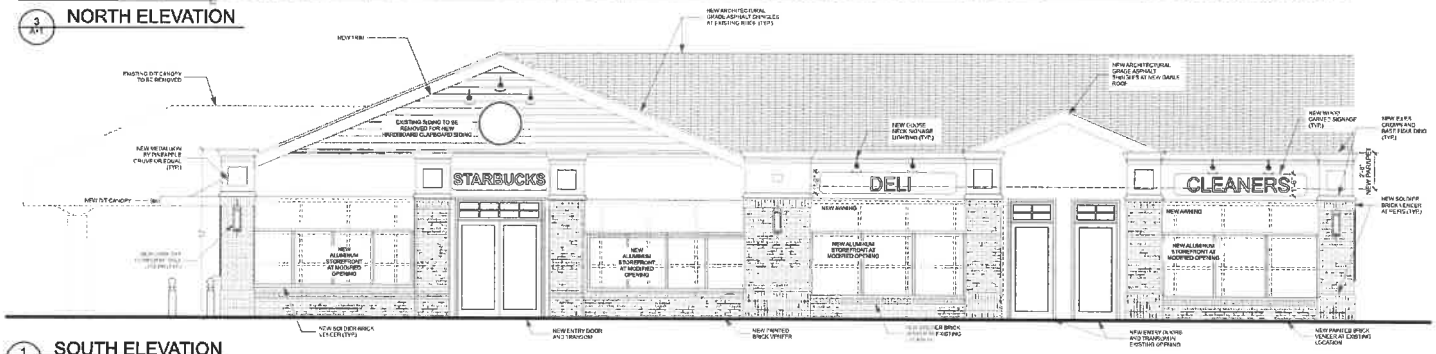
4 A•1 EAST ELEVATION



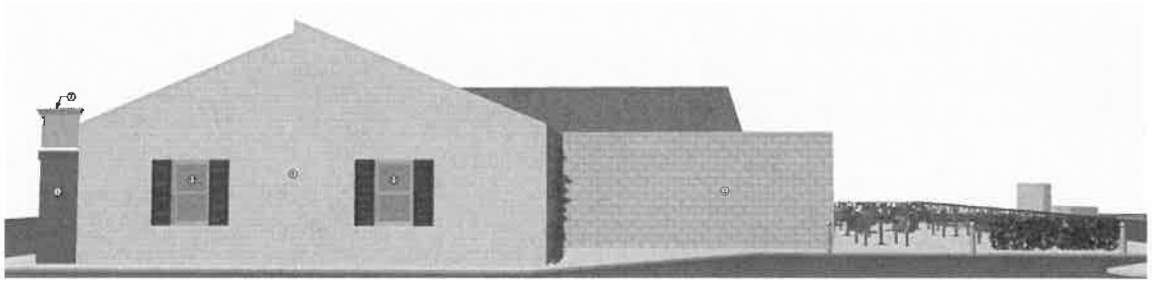
3 A•1 WEST ELEVATION



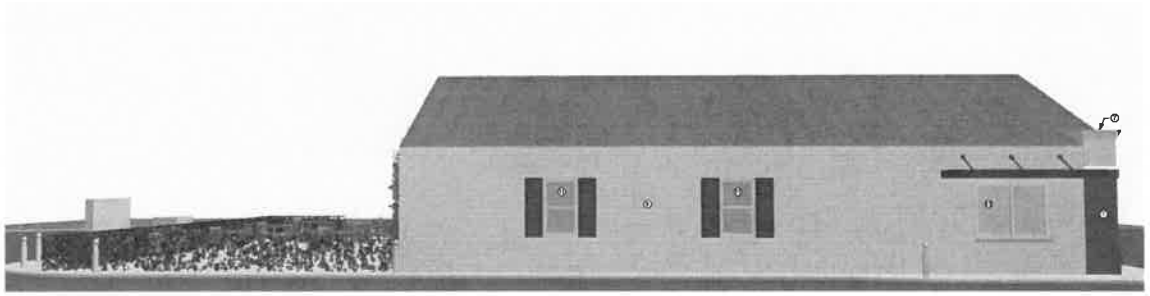
3 A•1 NORTH ELEVATION



1 A•1 SOUTH ELEVATION



EAST ELEVATION



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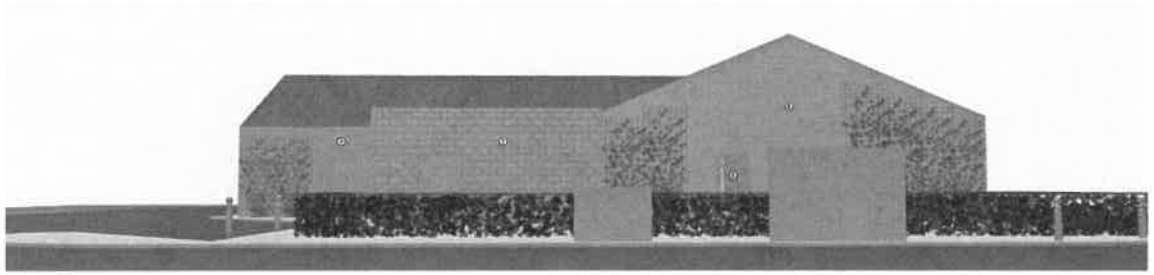
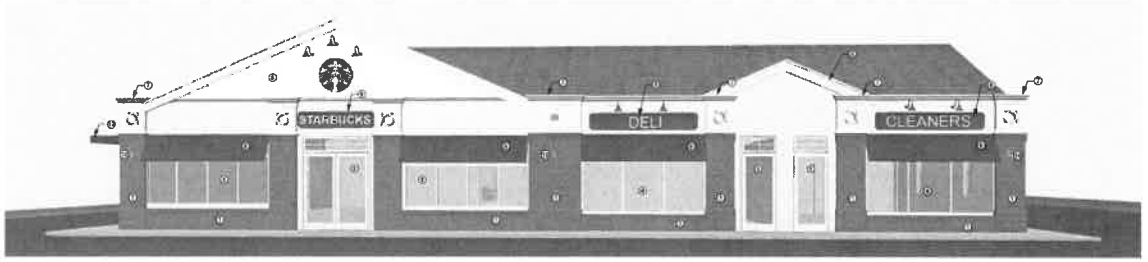
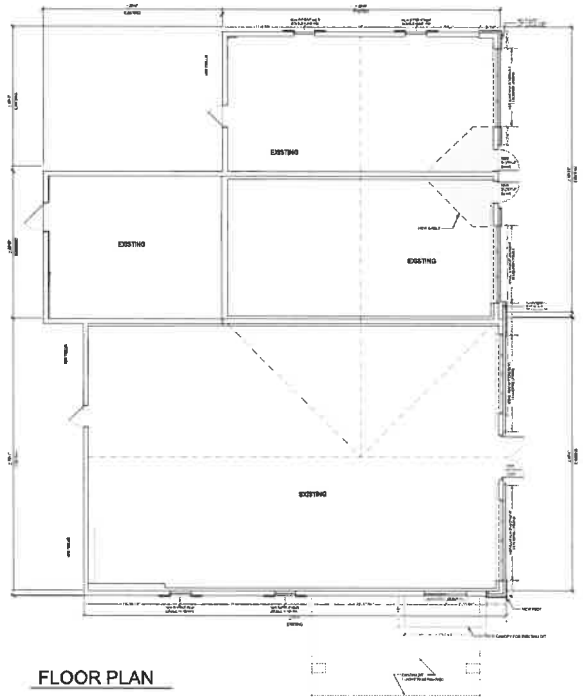


NORTH ELEVATION



SOUTH ELEVATION



FLOOR PLAN

KEY

1. NEW FACE BRICK COMPATIBLE WITH THE ELEPHANT HOTEL.
2. ALTER PORTION OF EXISTING ROOF TO CREATE NEW GABLE IN FEDERAL STYLE, CHARCOAL COLORED ARCHITECTURAL GRADE ASPHALT SHINGLES.
3. EXISTING MATERIAL TO REMAIN
4. NEW ALUMINUM AND GLASS STOREFRONT, TRADITIONAL RAISED BULKHEAD HEIGHT AT STARBUCKS SIDE.
5. NEW ALUMINUM AND GLASS DOORS
6. NEW SIMULATED CARVED WOOD SIGNAGE, WITH EXTERNAL GOOSI NECK LIGHTING.
7. NEW EXTENDED PARAPET TO ALLOW FOR MORE TRADITIONAL FACADE WITH EIFS CROWN MOULDING, AND PIER DETAILS
8. NEW HARDIBOARD CLAPBOARD SIDING AT SIDES, REAR, AND STARBUCKS GABLE.
9. NEW CANVAS AWNINGS.
10. NEW PERIOD APPROPRIATE COPPER WALL LANTERNS.
11. NEW FAUX WINDOWS
12. NEW DRIVE-THROUGH & CANOPY

STARBUCKS
DELI
CLEANERS
HOFFMAN
GRAYSON
ARCHITECTS, LLP

HOFFMAN
GRAYSON
ARCHITECTS, LLP

Hoffman Grayson
Architects, LLP
90 High Street
Huntington
New York 11743
T 631 549 4060
F 631 549 4975

hoffmangrayson.com

VISUAL AND HISTORIC CHARACTER NARRATIVE
265 Route 202, Somers, New York

Hoffman Grayson Architects, LLP ("Hoffman Grayson") respectfully submits this Visual and Historic Character Narrative in support of the building and façade alterations and improvements proposed for the existing structure ("Building"), located at 265 Route 202, Somers, New York ("Subject Property"). This Narrative is submitted in connection with the Application of 265 Route 202, LLC ("Applicant") to internally reconfigure the existing Building to continue its use for retail, and personal service use (existing dry cleaner), and adaptively reuse the vacant portion of the building as a Starbucks Coffee shop with drive-in service ("Project"). The project also proposes to renovate the façade in a manner consistent with the purpose and intent of the Town of Somers ("Town") Business Historic Preservation (B-HP) District, as well as the design guidelines, standards, and criteria for the B-HP District ("Project").

Relevant Historical Background

The Subject Property is located in the Somers Hamlet Area, which has been classified by the Town as a "Townwide Business Area." (Town Comprehensive Plan Update, Feb. 2016 ("Comprehensive Plan") at 60; see also id. at 51 (recognizing the Hamlet as "a unique business center")). The Town's goal, as expressed in its Comprehensive Plan, is that development in the Hamlet should "respect its historic character, while permitting it to grow responsibly and function as a thriving business and community center." (Id. at 63).

The Subject Property is also located in the Town's B-HP District. The stated purpose of the B-HP District is:

> [T]o maintain the historic development patterns of the Somers hamlet, including the size and spacing of structures and open spaces, to encourage the protection and enhancement of the features of the Somers hamlet that have a special historical, architectural, cultural, aesthetic or other similar special interest or value as well as to allow the reasonable use of land and buildings as appropriate to strengthen the historic function of the Somers hamlet as the community and government center of the Town in a manner that encourages the creation of an economically healthy, functionally efficient, environmentally sound and visually attractive mixed-use area of small-scale business, residential and public uses.

Town Zoning Code § 170-14.

The B-HP District largely encompasses the 56-acre Somers Hamlet Historic District, which was is listed on the National Register of Historic Places in 2004. (See Comprehensive Plan at 124; see also http://www.nationalregisterofhistoricplaces.com/ny/westchester/districts.html)). Although the Subject Property is located in the Somers Hamlet Area (see Comprehensive Plan, Figure 12), based upon a review of the CRIS database on the NYS Park, Recreation and Historic Preservation website, it is directly adjacent to, but not located in, the Nationally-listed Somers Hamlet Historic District. The boundary lines of the Somers Hamlet Historic District are coterminous with the Subject Property's eastern property boundary (adjacent to the Elephant Hotel) and southern property boundary (across the street from Bailey Park).

The Somers Hamlet Historic District is located along US 202 in the Somers Hamlet Area of the Town. It includes the stretch of highway between the junctions with NY 100 and NY 116, including small portions of both highways. Forty-six of the 57 buildings, sites and structures within the district are considered contributing properties. According to the Somers Historical Society: "The Somers Hamlet built up in the early nineteenth century as a turnpike center, and the historic district, is aligned along the highway (US Route 202). A town center was created at the western intersection where the Peekskill-Danbury Turnpike (US Route 202) coming in from the west, and the Croton Turnpike (NY Route 100), coming in from the south, merged." Brief History of the Town of Somers, http://www.somershistoricalsoc.org/somershistory.html.

The Elephant Hotel, a Federal-style National Landmark and one of the most historically significant structures in the area, is the cornerstone of the District's architectural, economic, and cultural history. St. Luke's Episcopal Church, south of the Subject Property, and various residences north of the Elephant Hotel along US-202 that have been mostly converted for commercial uses, also contribute to the inventory of historic structures. A number of contemporary structures have been infilled along US 202.

A 1975 painting by Somers artist O.J. Denny, which depicts the Elephant Hotel as it was in 1839, shows a stagecoach arriving in front of the building. As noted on the Historical Treasures of Westchester County website: "Hachaliah Bailey, who founded the original traveling menagerie in 1807, built a stagecoach inn at the intersection of the Croton and Peekskill turnpikes [which was] completed in 1825...." Historical Treasures of Westchester County, https://westchesterarchives.com/ht/muni/somers/elephantHotel.htm.

Bailey, who had been a farmer and drover, used these roads to deliver his goods to nearby cities. A stagecoach, or a drover, would need places to stop along the way, the same as we do today. Today's restaurants and coffee shops are common fixtures on well-traveled roads.

As an original primary road through Westchester County, US 202 is itself an historic element. As noted by the Somers Historical Society: "Though primarily agricultural, the rural economy also supported a varied population of weavers, preachers, merchants, cabinetmakers, doctors, lawyers, teachers and servants. A good system of roads was maintained and some operated as commercial toll roads." Brief History of the Town of Somers, http://www.somershistoricalsoc.org/somershistory.html.

Thus, the Somers Hamlet Area has historically accommodated commerce and travelers, and the roads now known as US 202 and NY 100 were major thoroughfares during the period of significance, i.e., the mid- to late-1800s, just as they continue to be important thoroughfares through the Town today.

Certainly the Taconic and Saw Mill River parkways and Interstate 284 have replaced these rural roads as major through routes, but there are generally no services along those roads. It is a benefit to the Town to have vibrant commercial areas, which provide travelers the historic road experience, as well as brings commerce to the area.

The Subject Property

As noted above, the Subject Property is located in the Town's B-HP District, and is at the edge of the Somers Hamlet Historic District. Because the adjacent Elephant Hotel is the apparent centerpiece of the District, the small commercial center to the west along Route 202, which includes the Subject Property, can and should be respectful to the Hotel's architectural style, as well as the historic context of the entire Somers Hamlet Historic District.

The existing one-story commercial Building on the Subject Property was constructed in 1960, which was prior to the establishment of either the Town's B-HP in 1978, or the listing of the Somers Hamlet Historic District on the National Register of Historic Places in 2004. The Building was designed in the retail strip vernacular of its time, with little context to the surrounding historic structures, except in its scale. It lacks historical significance, and does not contribute to the Somers Hamlet Historic District, which is presumably why it was not incorporated into the National Register listing.

The intent of the proposed design of the Building is thus to incorporate materials and facade changes that will alter the 1960s façade to be more contextual with its historic surroundings, and maintain its use as a traveler and resident convenience stop a previous tenant – a drive thru bank has vacated the premises. A new Starbucks Coffee shop with drive-in service is proposed. It cannot be denied that the proposed coffee shop use is compatible with the B-HP district, both historically and in the context of the current surrounding uses. This location has for centuries been a location for commercial activities for travelers and residents.

Our proposed design elevates the façade of the building in conformance with the intent of the District regulations and applicable design guidelines, standards, and criteria.
As illustrated in the enclosed architectural drawings prepared by Hoffman Grayson, the Applicant proposes to alter the building and façade in several meaningful ways, including:

1. Removal of the drive up canopy.

2. Alter existing gable roof to be more sympathetic to the adjacent Elephant Hotel hip roof, and provide a lower profile at that side elevation.

3. Maintenance of the existing traditional gable roof form façade gable as compatible and harmonious architectural features in the district.
   and addition of small gable roof detail as per architectural guidelines to give individual identity to each store or building unit as well as to help achieve the planned pedestrian scale.

4. Replacement of the storefront doors and windows with new aluminum and glass storefront elements that improve functionality but maintain existing appearance.

5. Raising the bulkhead for a more traditional height.

6. Incorporation of new charcoal colored architectural grade asphalt shingles to enhance the overall appearance of the building.

7. Incorporating of new Hardi clapboard siding at sides, rear, and facade gable to harmonize with traditional siding type found throughout the district.
8. Usage of simulated carved wood signage with goose neck downward facing lighting to minimize impact on the surrounding area

9. Installation of new canvas awnings.

10. Replacement of existing wall sconces with traditional copper wall sconces to add detail to the brick piers.

11. Addition of Patio for outdoor seating.

Conclusion. In our professional opinion, these proposed façade alterations to the Building, together with the landscaping and other aesthetic improvements proposed by the Applicant to the Subject Property, conform to the historic nature of the Somers Hamlet Historic District, this important commercial intersection, as well as is entirely consistent with the intent of the B-HP District regulations and design guidelines.

About Hoffman Grayson

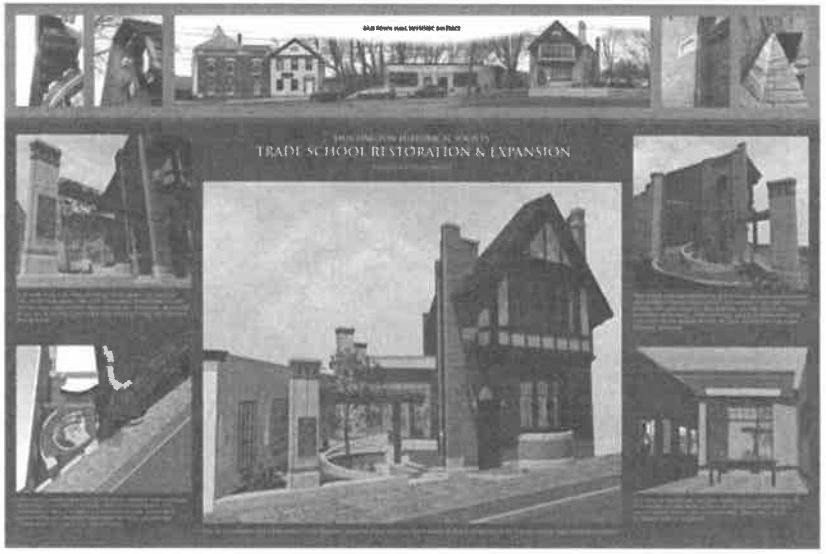
Hoffman Grayson Architects, LLP, located in of Huntington NY, was founded by Neal Hoffman and Glen Grayson in 1981. Opening an office in an area which was already 90% built out, we knew that renovation and repurposing of existing buildings would be a strong segment of the real estate development market. Many of these commercial, institutional, and residential structures are historically important, which requires research and coordination with historic committees and consultants before any improvements or alterations could be made to the structures. Annexed below are representative photographs, drawings, and renderings of some of the historic renovation designs spearheaded by Hoffman Grayson.

By way of example, in a recent notable project, Hoffman Grayson's design was selected by the Huntington Historical Society from a group of six submissions for an addition to, and restoration and renovation of, the Historical Society's existing facility. The building was constructed in the early twentieth century as a trade school for the large immigrant influx of that era. The building was subsequently purchased by the Town of Huntington for its own use, and then donated by the Town to the Historical Society. When the Historical Society's collection became unmanageable, both in volume and accessibility to the Society and the community, it sought out proposals for an historically appropriate expansion and renovation. The new addition, which was funded by private donations and a grant from New York State Department of Parks Recreation and Historic Preservation, added archival storage space, a reading room, provided handicap accessibility to the building, and exterior and interior restoration to the existing building. Hoffman Grayson received an Archi Award for the project from the Long Island Chapter of the AIA.

Other notable and relevant renovation projects include three live theater venues in various Village downtowns. One had been built as a movie theater, the others had been built as live vaudeville theaters. Each had been altered beyond historical recognition into multi-use, or multiscreen movie theater buildings. All three projects received community recognition for Hoffman Grayson's historically appropriate designs.

Hoffman Grayson also recently completed a new 30,000 square foot fitness center for the Huntington YMCA. The project was built just outside the Town's Village Green Historic District, but was endorsed by the Town Historian.

For the subject Project in Somers, Hoffman Grayson consulted with Zachary Studenroth, an Architectural Historian. Mr. Studendroth is the former director of the Huntington Historical Society and is currently the Town Historian for the Town/Village of Southampton, NY. He brought to this Project his vast experience garnered from providing consulting services and historical expert testimony involving Historic districts throughout Long Island and the Region.


TRADE SCHOOL RESTORATION & EXPANSION

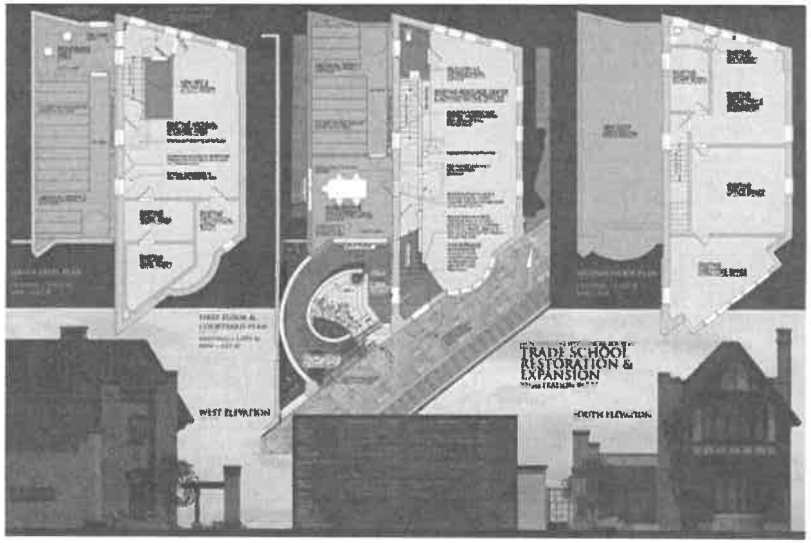

TRADE SCHOOL
RESTORATION &
EXPANSION
WEST ELEVATION

EXHIBIT D

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Starbucks with Drive-Thru		
Project Location (describe, and attach a general location map): 265 Somers Road (U.S. Route 202), Somers, New York		
Brief Description of Proposed Action (include purpose or need): The applicant is proposing a change of use and site plan modifications at the site designated Section 17.11, Block 1 and Lot 21, commonly known as 265 Somers Road (U.S. Route 202). The proposed improvements consists of 2,405 SF of the existing building to be converted into a Starbucks coffee shop with a drive-in while keeping the existing 771 SF dry-cleaning drop off service and the existing 1,318 SF deli. Additional site improvements include lighting, landscaping,outdoor seating, and parking modifications. To facilitate the Starbucks coffee shop with drive-in service the proposed action also includes a petition to the Town Board to amend the text of the Town of Somers Zoning Code to add "coffee shops and ice cream parlors" as principal permitted uses in the applicable Business Historic Preservation (B-HP) District, as well as permitting such uses with drive-in service as special exception uses in the B-HP District.		
Name of Applicant/Sponsor: 265 Route 202, LLC	Telephone: (516) 359 - 9484 E-Mail: dsettani@dxeproperties.com	
Address: c/o DXE Properties, LLC, 4910 Merrick Road, #33		
City/PO: Massapequa Park	State: New York	Zip Code: 11762
Project Contact (if not same as sponsor; give name and title/role): Zachary Chaplin	Telephone: (718) 606-8305 E-Mail: zchaplin@stonefieldeng.com	
Address: 584 Broadway, Suite 310		
City/PO: New York	State: NY	Zip Code: 10012
Property Owner (if not same as sponsor):	Telephone: 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, or Village Board of Trustees ☑Yes ☐No	Zoning Text Amendment	September 2021
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	See * note at the bottom of this page.	TBD
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	Building Department	TBD
e. County agencies ☑Yes ☐No	County planning (GML Notification)	TBD
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	New York State Department of Transportation; State Historic Preservation Office	TBD
h. Federal agencies ☐Yes ☑No		

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

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):
NYC Watershed Boundary

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

If Yes, identify the plan(s):

* - Site plan and special exception use permit within groundwater protection overlay district. Special exception use permit will also be needed for "coffee shop with drive-in service."

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?
Town of Somers Zoning Ordinance - Business Historic Preservation District (B-HP)

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? B-HP designation to remain. Zoning text change required to permit use.

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
Somers Police Department / New York State Police Department

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

d. What parks serve the project site?
Somers Parks and Recreation Department

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)? Commercial

b. a. Total acreage of the site of the proposed action? 4.03 acres
b. Total acreage to be physically disturbed? 0.62 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.03 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: 3 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? ☐Yes ☑No

If Yes, show numbers of units proposed.

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

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

If Yes,

i. Total number of structures _____

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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No

If Yes:

i .What is the purpose of the excavation or dredging? _____

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: 800 gallons/day

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

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

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

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

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

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

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

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

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

i. Total anticipated liquid waste generation per day: 800 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

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

If Yes:

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

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

If Yes:

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

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

The sanitary wastewater will be treated via the existing on-site septic system.

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

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

If Yes:

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

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

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)?

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

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

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

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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

If Yes:

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

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

_____

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

If Yes:

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

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

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

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

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

_____

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

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

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

_____

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

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

i. During Construction:

- Monday - Friday: Per Local Requirements
- Saturday: Per Local Requirements
- Sunday: Per Local Requirements
- Holidays: Per Local Requirements

ii. During Operations:

- Monday - Friday: 24 Hours
- Saturday: 24 Hours
- Sunday: 24 Hours
- Holidays: 24 Hours

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

If yes:

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

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

Describe:

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

If yes:

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

Four (4) wall mounted lights and six (6) pole mounted area lights are proposed on site, as well as maintaining one (1) pole mounted area light. All fixtures have been positioned and aimed to minimize light spillage onto neighboring lots.

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

Describe:

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

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

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

If Yes:

i. Product(s) to be stored

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

iii. Generally, describe the proposed storage facilities:

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: 1 tons per year (unit of time)
- Operation : 10 tons per year (unit of time)

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

- Construction: Per local, county, and state requirements
- Operation: On-site storage provided (trash & recycling enclosure)

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

- Construction: Per local, county, and state requirements
- Operation: On-site storage provided (trash & recycling enclosure)

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 covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.61	0.57	+0.04
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Vegetated (grass / landscape / permeable pavers)	3.42	3.46	-0.04

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

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

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

If Yes:

i. Dimensions of the dam and impoundment:

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

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

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

If Yes:

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

- If yes, cite sources/documentation: _____

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

_____

_____

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

_____

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

If Yes:

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

_____

_____

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

If Yes:

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

☑ Yes – Spills Incidents database — Provide DEC ID number(s): 2004392

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

☐ Neither database

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

_____

_____

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

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

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

_____

_____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? >80 feet

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

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

Charlton fine sandy loam (ChB)	100 %
	%
	%

d. What is the average depth to the water table on the project site? Average: >80 feet

e. Drainage status of project site soils:

☑ Well Drained:	100 % of site
☐ Moderately Well Drained:	% of site
☐ Poorly Drained	% of site

f. Approximate proportion of proposed action site with slopes:

☑ 0-10%:	100 % of site
☐ 10-15%:	% of site
☐ 15% or greater:	% of site

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

h. Surface water features.

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

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

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

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

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

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... 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? ☐ Yes ☑ No

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

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

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

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

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

i. Name of aquifer: Principal Aquifer

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

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐No
If Yes:
i. Species and listing (endangered or threatened):
Least Bittern, Northern Long-eared Bat

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

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No
If yes, give a brief description of how the proposed action may affect that use:

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

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

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

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

If Yes:

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

ii. Name: Somers Hamlet Historic District, Somers Town House (Elephant Hotel)

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

Historic former hotel which today serves as Town Hall

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

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.

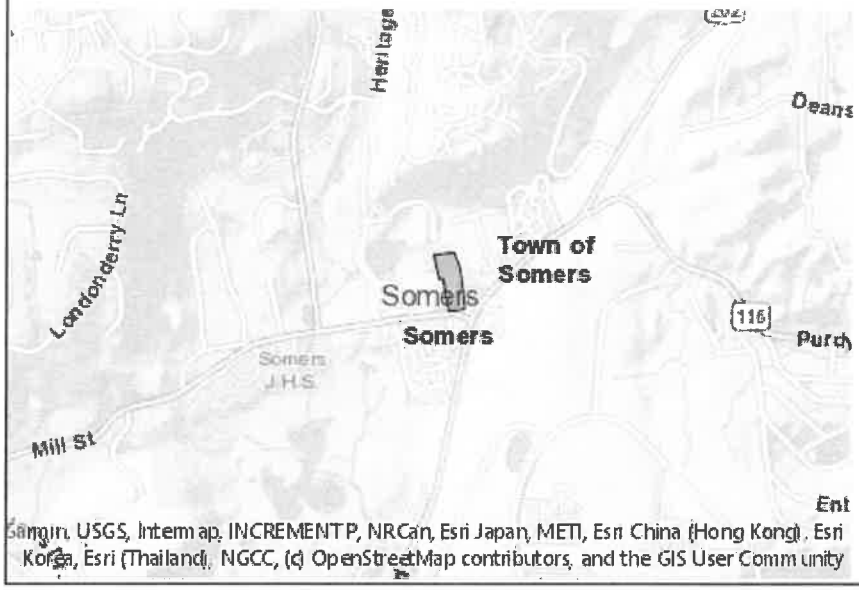
Applicant/Sponsor Name Zachary Chaplin Date August 20, 2020

Signature Title Senior Project Manager

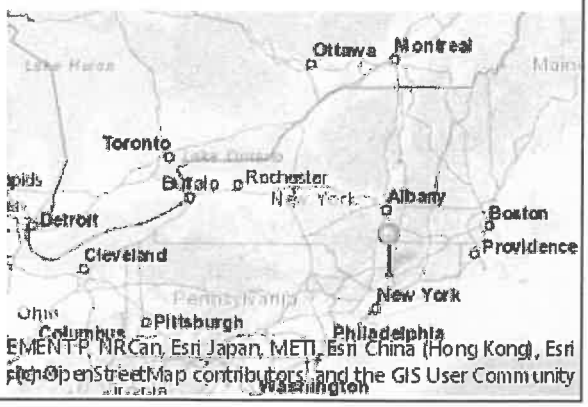
PRINT FORM

EAF Mapper Summary Report

Tuesday, August 31, 2021 2:54 PM



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



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

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Least Bittern, 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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Somers Hamlet Historic District, Somers Town House (Elephant Hotel)
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

EXHIBIT E

STONEFIELD

September 22, 2021

Town of Somers
Town Board
335 Route 202
Somers, NY 10589
Attn: Rick Morrissey, Supervisor

RE: Traffic Assessment Report
Proposed Starbucks with Drive-In Service
265 Somers Road (US Route 202)
Town of Somers, Westchester County, New York
SE&D Job No: K-19167

Dear Supervisor Morrissey and Board Members:

Stonefield Engineering and Design ("Stonefield") has prepared this assessment to identify the potential traffic and parking impacts of the proposed Starbucks with drive-in service on the adjacent roadway network. The proposed Starbucks will have what is commonly referred to as a 'drive-through window.' The Town Zoning Code refers to such as 'drive-in service.' The subject property is located along Somers Road (US Route 202) in the Town of Somers, Westchester County, New York. The subject property is designated as Section 17.11, Block 1, Lot 21 on the Town of Somers Tax Map. The existing site contains a multi-tenant building previously comprised of a 2,405-square-foot Chase Bank with drive-in service, a 1,318-square-foot retail deli, and a 771-square-foot dry-cleaning drop-off service. The existing access is provided via one (1) ingress-only driveway and one (1) egress-only driveway along Somers Road.

Under the proposed development project, the existing Chase Bank will be redeveloped into a 2,405-square-foot Starbucks coffee shop with drive-in service. Please note that the existing building footprint will be maintained, and the retail deli and dry-cleaning drop-off service will remain. Access is proposed to be maintained via one (1) ingress-only driveway and one (1) egress-only driveway along Somers Road.

Existing Roadway Conditions

The subject property is located along Somers Road (US Route 202) in the Town of Somers, Westchester County, New York. The site has approximately 140 feet of frontage along Somers Road. Land uses in the area are predominantly commercial and residential.

Somers Road (US Route 202) is classified as a minor arterial roadway, has a general northeast-southwest orientation and is under jurisdiction of the New York State Department of Transportation (NYSDOT). The roadway generally provides one (1) lane in each direction, with additional turning lanes provided at key intersections, and has a posted speed limit of 35 mph. Along the site frontage, curbs and sidewalks are intermittently provided along the northerly side of the roadway, shoulders are provided along both sides of the roadway, and on-street parking is not permitted along either side of the roadway. The pavement surface and roadway striping appear to be in fair condition. Somers Road provides northeast-southwest connection to Somerstown Turnpike (NYS Route 100) for primarily commercial and residential uses.

NYS Route 100 is classified as a minor arterial roadway, has a general north-south orientation, and is under jurisdiction of the NYSDOT. The roadway generally provides one (1) lane in each direction, with additional turning lanes provided at key intersections, and has a posted speed limit of 45 mph. Curbs and sidewalks are

provided intermittently along the westerly side of the roadway, shoulders are provided along both sides of the roadway, and on-street parking is not permitted along either side of the roadway. The pavement surface and roadway striping appear to be in fair condition. NYS Route 100 provides north-south mobility throughout Westchester County for primarily commercial uses and access to other residential roads.

Somers Road intersects NYS Route 100 to form a signalized four (4)-leg intersection. The eastbound approach of Somers Road provides one (1) shared left-turn/through lane and one (1) exclusive right-turn lane. Please note that the westbound approach to the intersection operates as a driveway to the Somers Pharmacy and various medical office uses and provides one (1) shared left-turn/through/right-turn lane. The northbound approach of NYS Route 100 provides one (1) exclusive left-turn lane and one (1) shared through/right-turn lane. The southbound approach of U.S. Route 202 provides one (1) shared left-turn/through lane and one (1) exclusive right-turn lane. Crosswalks and pedestrian signals are provided along the north and west legs of the intersection.

Motor Vehicle Collision Analysis

In order to assess the safety of the intersection of Somers Road and NYS Route 100, the four (4) most recent years of available motor vehicle collision data were obtained from the NYSDOT. The study time period spans from September 1, 2015 to August 31, 2019 which is unaffected by COVID-19. **Table 1** provides a summary of the manner and severity of the motor vehicle collisions reported at or near the study intersection.

TABLE 1 – MOTOR VEHICLE COLLISION ANALYSIS SUMMARY

Location	Collision Type	Number of Collisions	Collisions Resulting in Injury	Collisions Resulting in Fatality
US Route 202 and NYS Route 100	Rear End	5	0	0
	Left Turn (Against Other Car)	5	2	0
	Overtaking	4	0	0
	Collision with Parked Vehicle	3	0	0
	Right Angle	2	1	0
	Left Turn (With Other Car)	1	0	0
	Sideswipe	1	0	0
	Total	**21**	**3**	**0**

As shown in **Table 1**, a total 21 collisions were reported at the study intersections over the 48-month period; this equates to approximately two (2) collisions every five (5) months. Based on a review of the data, five (5) of the 21 reported collisions at the study intersections were rear end collisions, which is a common collision type at a signalized intersection. It is important to note that zero (0) fatalities occurred as a result of the reported motor vehicle collisions in the study intersection.

Based on historic data published by NYSDOT, the intersection of Somers Road and NYS Route 100 experienced approximately 41.26 million entering vehicles over the four (4)-year study period and has a calculated collision rate of 0.51 collisions per million entering vehicles. According to average accident rate data published by the NYSDOT, a four-legged signalized intersection with 1-4 lanes has an average rate of 0.54 per million entering vehicles. Therefore, the accident rate at the study intersection is generally consistent with the statewide average accident rate. Accident rates at the study intersection are not anticipated to be adversely impacted due to the proposed development.

Trip Generation

Trip generation projections for the proposed development were prepared utilizing the ITE Trip Generation Manual, 10th Edition. Trip generation rates associated with Land Use 937 "Coffee/Donut Shop with Drive-Through Window" were cited for the proposed 2,405-square-foot Starbucks coffee shop with drive-in service. **Table 2** provides the weekday morning and weekday evening peak hour trip generation volumes associated with the proposed development.

TABLE 2 – PROPOSED TRIP GENERATION

Land Use	Weekday Morning Peak Hour			Weekday Evening Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
2,405 SF Coffee/Donut Shop with Drive-Through Window *ITE Land Use 937*	109	105	214	52	52	104

It is important to note that the property was previously developed with a 2,405-square-foot bank with drive-in facility which generated vehicular traffic to and from the subject site. Therefore, the net increase in vehicular trip generation was analyzed to quantify the impact of the proposed redevelopment. Trip generation rates associated with Land Use 912 "Drive-In Bank" were cited for the existing bank facility. As the existing 1,318-square-foot retail deli and 771-square-foot dry-cleaning drop-off service will be maintained in the proposed project, it is reasonable to assume a net of zero (0) site-generated trips associated with these uses on the property. **Table 3** shows the net vehicular trip generation of the existing development and the proposed development during the weekday morning and weekday evening peak hours.

TABLE 3 – NET TRIP GENERATION

Land Use	Weekday Morning Peak Hour			Weekday Evening Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Existing 2,405 SF Drive-In Bank *ITE Land Use 912*	13	10	23	24	25	49
Proposed 2,405 SF Coffee/Donut Shop with Drive-Through Window *ITE Land Use 937*	109	105	214	52	52	104
Net Trips	**+96**	**+95**	**+191**	**+28**	**+27**	**+55**

Additionally, please note that the subject site was previously considered to be redeveloped with a 2,870 square foot 7-Eleven convenience store. The convenience store development was also anticipated to generate an increase in trips to and from the site and therefore it is relevant to examine the difference in projected trips between the two developments. Trip generation rates associated with Land Use 851 "Convenience Store" were cited for the 2,870 square foot 7-Eleven convenience store. **Table 4** shows the trip generation comparison of the proposed Starbucks coffee shop and previously proposed 7-Eleven convenience store at the subject site.

TABLE 4 – TRIP GENERATION COMPARISON

Land Use	Weekday Morning Peak Hour			Weekday Evening Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Previously Considered 2,870 SF Convenience Store *ITE Land Use 851*	89	90	179	72	69	141
Proposed 2,405 SF Coffee/Donut Shop with Drive-Through Window *ITE Land Use 937*	109	105	214	52	52	104
Difference	**+20**	**+15**	**+35**	**-20**	**-17**	**-37**

As shown in **Table 4** above, the proposed Starbucks would generate nominally more trips during the weekday morning peak hour and less trips during the weekday evening peak hour in comparison to the previously considered 7-Eleven convenience store.

As stated within Chapter 10 of ITE's Trip Generation Handbook, 3rd Edition, there are instances when the total number of trips generated by a site is different from the amount of new traffic added to the street system by the generator. Coffee shops with drive-through offerings are specifically located on or adjacent to busy streets to attract motorists already on the roadway. Therefore, the proposed site will be expected to attract a portion of its trips from the traffic passing the site on the way from an origin to an ultimate destination. These trips do not add new traffic to the adjacent roadway system and are referred to as pass-by trips.

Please note that ITE does not publish pass-by data for Land Use 937 "Coffee/Donut Shop with Drive-Through Window." However, it is expected that a portion of the trips generated by the proposed Starbucks with drive-through service will be comprised of pass-by trips. Therefore, the pass-by rates for similar Land Use 934 "Fast-Food Restaurant with Drive-Through Window" were utilized solely for the purpose of estimating the anticipated pass-by traffic of the proposed development. Based upon the published ITE data for Land Use 934, 49% of the site-generated traffic during the weekday morning peak hour and 50% of the land use generated traffic during the weekday evening peak hour will be comprised of pass-by traffic. **Table 5** provides the weekday morning and weekday evening trip generation volumes associated with the proposed development in terms of newly generated and pass-by trips.

TABLE 5 – PROJECTED TRIP GENERATION – NEW & PASS-BY TRIPS

Land Use	Weekday Morning Peak Hour			Weekday Evening Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
"New" Trips	50	49	99	15	14	29
"Pass-By" Trips	46	46	92	13	13	26
Total	**96**	**95**	**191**	**28**	**27**	**55**

As shown in **Table 5**, 99 total "new" trips will be generated in the weekday morning peak hour and 29 total "new" trips will be generated in the weekday evening peak hour. Based on Transportation Impact Analysis for Site Development published by ITE, a trip increase of less than 100 vehicle trips would likely not change the level of service of the roadway system or appreciably increase the volume-to-capacity ratio of an intersection

approach. Therefore, the proposed site improvements are not anticipated to have a significant adverse impact on the adjacent roadway network.

Please note that in connection with pursuing the necessary land use approvals for the Starbucks coffee shop with drive-in service, traffic counts and Level of Service/Capacity analyses will be conducted as part of the application. A preliminary scope of study is outlined below:

- Route 202 and Route 100
- Route 202 and Route 116
- Route 202 and Heritage Hills Drive
- Towne Centre at Somers Driveway along Route 100
- Towne Centre at Somers Driveway along Route 202
- Two (2) existing site driveways along Route 202

The applicant's team will coordinate with the Town of Somers to confirm the appropriate scope of study as discussions with the NYSDOT progress. The aforementioned data and analysis will be provided under separate cover at a future date.

Site Circulation/Parking Supply

A review was conducted of the proposed Starbucks with drive-in service using the Conceptual Site Plan prepared by Stonefield, dated September 14, 2021. In completing this review, particular attention was focused on the site access, circulation, and parking supply.

Access is proposed to be maintained via one (1) ingress-only driveway and one (1) egress-only driveway along Somers Road. The existing multi-tenant building located on the center of the property will be maintained. Parking will be provided at the northeast corner of the building, along the southerly façade of the building, and in the northerly and easterly portions of the property. Vehicular circulation on the site will be facilitated via a 24-foot-wide two-way drive-aisle along the southerly portion of the property and a 16-foot-wide one-way drive aisle along the easterly portion of the property. A drive-through lane and by-pass lane will be constructed in the northerly and westerly portions of the site. The drive-through throat length will provide adequate space to support the drive-through queue without impacting on-site circulation or parking maneuverability. The trash enclosure will be constructed in the northwest corner of the site.

Regarding the parking requirement, the Town of Somers Zoning Code requires one (1) parking stall per 200 square feet of ground floor area for retail stores and personal service shops. Based on proposed zoning amendments to the Town of Somers Zoning Code, coffee shops would be required to provide one (1) parking stall per each three (3) seats or 150 square feet of ground floor area, whichever is greater. For the existing 771-square-foot dry cleaning service, existing 1,318-square-foot deli, and proposed 2,405-square-foot Starbucks coffee shop with drive-in service, this equates to a total of 28 required stalls for the subject site. The site will provide 32 total parking stalls, inclusive of two (2) ADA accessible parking stalls which meets the parking requirement. The stalls will be a minimum of nine (9) feet wide by 18 feet deep in accordance with industry standards.

The parking supply was evaluated with respect to data published within the ITE's Parking Generation, 5th Edition, for Land Use 937 "Coffee/Donut Shop with Drive-Through Window." The average parking demand rate on a weekday for Land Use 937 "Coffee/Donut Shop with Drive-Through Window" is 5.22 vehicles per 1,000 square-feet of gross floor area. For the proposed 2,405-square-foot Starbucks coffee shop with drive-in service, this equates to 13 parking spaces. As such, the proposed zoning amendments to the Town of Somers Zoning Code for coffee shops, which calculated a requirement of 16 parking spaces for the Starbucks tenant is

appropriate. The combined parking supply of 32 parking spaces is anticipated to be sufficient to support the parking demand of the site.

Conclusions

This preliminary report was prepared to examine the potential traffic and parking impact of the proposed Starbucks with drive-in service within the multi-tenant retail building. The analysis findings, which have been based on industry standard guidelines, indicate that the proposed development would not have a significant impact on the traffic operations of the adjacent roadway network. Please note that traffic counts and Level of Service/Capacity analyses will be conducted as part of this application and provided under separate cover at the appropriate time. The site driveways and on-site layout have been designed to provide for effective access to and from the subject property and the parking supply will meet the proposed requirements for a coffee shop.

Please do not hesitate to contact our office if there are any questions.

Best regards,

Andrew J. Villari, PE
Stonefield Engineering and Design

Matthew J. Seckler, PE, PP, PTOE
Stonefield Engineering and Design

cc: Donato Settani – 265 Route 202, LLC c/o DXE Properties
Edward Glackin – Black Diamond Equity, LLC.

K:\2019\K-19167 Black Diamond Equity, LLC - 265 Route 202, Somers, NY\Calculations & Reports\Traffic\Reports\2021-09\2021-09 TAR.docx

Sent to: TB, TA, TC
10/29/21
KD

Telephone
(914) 277-3539

FAX
(914) 277-3790

Thomas J. Tooma, Jr.
Building Inspector

BUILDING DEPARTMENT
Town of Somers
WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

MEMO TO: Rick Morrissey, Town Supervisor

FROM: Thomas J. Tooma, Jr., Building Inspector

RE: Cleaning Contract

DATE: October 28, 2021

The current two-year contract issued in August 2019 for cleaning services with Kencal has expired.

There is a clause in the contract allowing the Town to reserve the right to extend the contract for up to an additional two (2) years with no more than a 2% increase per year.

The owner of Kencal has indicated that he is interested in renewing his contract for another 2 years with a 2% increase.

cc: Town Clerk

Telephone
(914) 277-3539

FAX
(914) 277-3790

Thomas J. Tooma, Jr.
Building Inspector

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

BUILDING DEPARTMENT
Town of Somers
WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

MEMO TO: Town Board

FROM: Thomas J. Tooma, Jr.
Building Inspector

RE: Generator at Heritage Hills – Zoning Board Application

DATE: October 29, 2021

Heritage Hills has to re-apply to the Zoning Board of Appeals to get a variance to bury two additional propane tanks for the new generator to be installed at the Heritage Hills Activity Center as they are in the groundwater protection overlay.

I respectfully request that the fee of $150.00 for submitting that application be waived.

Sent to: TB, TA, TC

Kim DeLucia 10/29/2021 KD

From: Dan Welsh <dan@sustainablewestchester.org>
Sent: Tuesday, October 26, 2021 11:27 AM
To: Janine Kourakos; Kevin Hansan; Kim DeLucia; Mary Hafter; MaryAnn Carr; Nicole Engel; Peter Parsons; Phyllis Cohen; Rick Morrissey; Warren Lucas
Cc: Nina Orville; Nick Tedrow; Paul Presendieu
Subject: Updated Westchester Power MOU
Attachments: 2021-10-22_MOU_NYSEG.docx; 2021-10-22_MOU_NYSEG - markup from 7-12.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Supervisors:

Attached please find an updated Westchester Power MOU. The differences between this and our previously executed 7/12 version are highlighted in the markup copy, and include:

- A modification to the Default Product definition to provide for selection of 100% Renewable or Standard for your town's default. We actually had this mechanism in the Municipal Responsibilities section in some earlier iterations, but it somehow dropped out of the 7/12 version. We thought it was more clear to put here. You'll need to circle your default and initial.
- Price target (in Compliant Bid definition) - 10.2 cents as discussed.
- And the various dates, of course. We anticipate a March start here, but left a little adjustment room with "on or about" in the event some opportunity comes which says a month earlier or later is best.

While we had discussed a national renewable energy certificate option for the green product, you'll recall this was rejected by the Dept of Public Service, so we are basing this on NYS-based NYGATS-registered RECs as in our current contract.

Communications to residents will be important as we move through the exit back to NYSEG and then the new Westchester Power notification. We're working on that plan and will update soonest.

Sooner is better than later for execution, since prices are still under pressure upwards. I hope you can schedule this for the soonest convenient Board session, and keep us advised. Of course we are ready to attend those sessions and support as may be helpful.

- Dan

Dan Welsh
Program Director
Westchester Power
A Program of Sustainable Westchester
914-242-4725

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between:
Sustainable Westchester, Inc., a New York non-profit corporation ("Sustainable Westchester"), and the City/Town/Village of _____ (the "Municipality"), a local government member of Sustainable Westchester (each a "Party" and collectively, the "Parties").

1. **Background:**
   a. In February 2015, the New York Public Service Commission issued an Order for Case 14-M-0564 as follows: "The Petition of Sustainable Westchester is granted to the extent that its municipal members are authorized to undertake a Community Choice Aggregation demonstration project consistent with the discussion in the body of this Order…"
   b. The PSC subsequently issued an Order for Case 14-M-0224 on April 21, 2016, which authorized Community Choice Aggregation ("CCA") throughout New York State (the "CCA Order") and on November 15, 2018 issued the "Order Approving Renewal of the Sustainable Westchester Community Choice Aggregation Program" reauthorizing the Sustainable Westchester CCA program under a Master Implementation Plan.
   c. Sustainable Westchester's CCA Program enrolled Participating Customers from an initial group of 20 participating municipalities in April 2016. Since then, eight additional municipalities have joined and several other municipalities are actively working towards participation.
   d. For participating municipalities in the New York State Electric and Gas ("NYSEG") utility territory, the current Electric Service Agreement for the Sustainable Westchester CCA Program will terminate on November 30, 2021.
   e. In compliance with the PSC CCA Orders, the **Municipality** has adopted local legislation to enable Community Choice Aggregation.
   f. As a member of Sustainable Westchester in good standing and participant in the Sustainable Westchester CCA Program, the **Municipality** wishes to continue to engage the services of Sustainable Westchester as the Program Manager for Community Choice Aggregation for the Operation and Maintenance of the Program.

2. **Definitions**:
   a. **Eligible Customers** – Customers of electricity and/or natural gas eligible to participate in the CCA Program, either on an Opt-out or Opt-in basis, as delineated in the CCA Framework Order. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality and served by the Distribution Utility, as such boundaries exist on the Effective Date of the 2022 ESA.
   b. **Default Product** – The product selected by the Municipality for supply to its Eligible Customers upon enrollment, unless they take action to select a different product or opt out. The Default Product for the Municipality shall be (1) the 100% Renewable Clean Power Product or (2) the Standard Product [select one and initial].
   c. **Community Choice Aggregation Program or CCA Program or Program**– A municipal energy procurement program, which replaces the incumbent utility as the

default supplier for all Eligible Customers within the Participating Municipality, as defined in the PSC CCA Orders.

d. **Competitive Supplier:** An entity duly authorized to conduct business in the State of New York as an energy service company ("ESCO") that procures electric power for Eligible Customers in connection with this CCA Program.
e. **Compliant Bid:** Electric power supply bid from a Competitive Supplier that meets the requirements specified in this MOU and the 2022 ESA. A Compliant Bid price must be inclusive of fees owed to Program Manager and be less than:
    i. Residential accounts: 10.20 cents/kwh;
    ii. Small commercial accounts: 10.20 cents/kwh
f. **Distribution Utility:** Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission in the Participating Municipality.
g. **Electric Service Agreement ("ESA")**: An agreement that implements a CCA Program and contains all the terms and conditions of the Program.
h. **2020 ESA**: The ESA which implemented the Sustainable Westchester CCA Program during the period from December 1, 2020 to November 30, 2021.
i. **2022ESA:** The ESA which will implement Sustainable Westchester CCA Program commencing on or about March 1, 2022 for the NYSEG service territory. The 2022 ESA shall have substantially the same terms outlined in the attached 2022 ESA Template (Attached as Exhibit 1). The 2022 ESA Template tracks as closely as possible to the 2020 ESA in its content, with only minor clarifying changes to better align the 2022 ESA Template with the CCA Orders and the Program's existing practices.
j. **CCA Orders**: Collectively, the February 26, 2015 "Order Granting Petition in Part" issued by the PSC in Case 14-M-0564; the April 21, 2016 "Order Authorizing Framework for Community Choice Aggregation Opt-out Program" issued by the PSC in Case 14-M-0224 (the "CCA Framework Order"), which sets forth the requirements, terms, and conditions under which CCA programs can proceed through implementation; and the November 15, 2018 "Order Approving Renewal of the Sustainable Westchester Community Choice Aggregation Program" issued by the PSC in Case 14-M-0564, which reauthorizes the Sustainable Westchester CCA program under a Master Implementation Plan.
k. **Qualifications Review**: A verification of the status of the Competitive Supplier as an electricity supplier in the Distribution Utility's service territory. A precondition for attaining such status is that Competitive Supplier has met the credit requirements established by the New York Independent Systems Operator.
l. **Participating Municipality**: A dues-paying municipal member of Sustainable Westchester, which has adopted the applicable local legislation for the Community Choice Aggregation Program.
m. **Participating Customers**: Eligible Customers enrolled in the Program, including Opt-out Eligible Customers who have been enrolled subsequent to the opt-out process and other customers who have opted in.
n. **Opt-out Eligible Customers**: Eligible Customers that are eligible for Opt-out treatment as delineated in the CCA Framework Order. For the avoidance of doubt,

Opt-out Eligible Customers shall not include customers that have previously opted-out of the Program.

o. **Program Manager:** Sustainable Westchester, a non-profit corporation of which the Municipality is a member.

p. **Public Service Commission ("PSC")**: The New York State Public Service Commission or the New York State Department of Public Service acting as staff on behalf of the Public Service Commission.

3. **Purpose**: The purpose of the Memorandum of Understanding is as follows:
   a. To establish participation by **the Municipality (hereafter, the "Participating Municipality")** in a Community Choice Aggregation Program (hereafter, the "Program") that will be managed on its behalf by **Sustainable Westchester, (hereafter, the "Program Manager")** under the 2022 ESA.
   b. To affirm that the Participating Municipality and Program Manager agree to adhere to the terms and conditions of the 2022 ESA in the event they execute it.
   c. To affirm that the Participating Municipality and Program Manager agree to execute the 2022 ESA, subject to the conditions of review and approval outlined in 4(c) and 5(a), below.
4. **Roles and responsibilities of the Program Manager**: As Program Manager, Sustainable Westchester agrees to perform all duties outlined in the 2022 ESA and, prior to execution of that agreement, Program Manager agrees to:
   a. Provide the involved agencies and parties to the PSC CCA Orders, including, but not limited to, the Public Service Commission and Distribution Utility, requested information about and documentation of the actions undertaken by the Participating Municipality in furtherance of enabling participation in the Program;
   b. Manage the energy procurement bidding process including:
      i. the identification and notification of potential firms seeking to be the Competitive Supplier,
      ii. the management of the Request for Proposals ("**RFP**") process from preparation of the content to the publication of the RFP and management of firms responding to the RFP,
      iii. the preparation of the 2022 ESA that will be included in the RFP,
      iv. the acceptance, secure opening, and review of the responses to the RFP, and
      v. the organization of the Qualifications Review and bid evaluation and selection of a Competitive Supplier, all in a manner that is consistent with this MOU and transparent to the Participating Municipality and firms seeking to be the Competitive Supplier;
   c. Sign the 2022 ESA for the Default Product selected by the Participating Municipality in a timely fashion subject to the conditions that:
      i. the Competitive Supplier is deemed qualified for the duration of the 2022 ESA by the Qualifications Review, and
      ii. such Competitive Supplier's response to the RFP is deemed by the Program Manager to be a Compliant Bid as defined in Section 2 above.
   d. Fulfill any other responsibilities as may reasonably adhere to facilitating the implementation of the Program, subject to the Program Manager's inherent and original role as an organization driven by the deliberated priorities of its constituent member municipalities.

5. **Roles and responsibilities of the Participating Municipality**: the Participating Municipality agrees to:
    a. Sign the 2022 ESA for the Default Product selected by the Participating Municipality in a timely fashion subject to the conditions that:
        i. the Competitive Supplier is deemed qualified for the duration of the 2022 ESA by the Qualifications Review, and
        ii. such Competitive Supplier's response to the RFP is deemed by the Program Manager to be a Compliant Bid as defined in Section 2 above.
6. **Term and Termination**: This Memorandum of Understanding shall expire on the earlier of December 30, 2021 or the date on which the 2022 ESA is signed by the Participating Municipality, the Program Manager, and the selected Competitive Supplier. Participating Municipality shall have the right to terminate this Memorandum of Understanding for any of the reasons set forth in the Termination section of the ESA attached hereto as Exhibit 1.
7. **Prior Agreement:** This Memorandum of Understanding shall supersede the prior Memorandum of Understanding between the Participating Municipality and the Program Manager dated July 12, 2021 (the "July MOU"). The July MOU shall be null and void upon the execution of this Memorandum of Understanding.

IN WITNESSETH WHEREOF, the Parties have signed this MEMORANDUM OF UNDERSTANDING on the day and year appearing below their respective signatures.

City/Town/Village of _____

Authorized Official Name and Title: _____

Signature: _____

Address: _____

Telephone(s): _____

E-Mail Address: _____

Address for Notices: _____

Sustainable Westchester, Inc.

Authorized Official Name and Title: Nina Orville, Executive Director

Signature: _____

Address: 40 Green Street, Mount Kisco, NY 10549

Telephone(s): (914) 242-4725

E-Mail Address: nina@sustainablewestchester.org

Address for Notices: 40 Green Street, Mount Kisco, NY 10549

Attachments: Exhibit 1, 2022 ESA Template (2021-08-28_ESA_NYSEG_Rev1.docx)

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between:
Sustainable Westchester, Inc., a New York non-profit corporation ("Sustainable Westchester"), and the City/Town/Village of _____ (the "Municipality"), a local government member of Sustainable Westchester (each a "Party" and collectively, the "Parties").

1. **Background:**
   a. In February 2015, the New York Public Service Commission issued an Order for Case 14-M-0564 as follows: "The Petition of Sustainable Westchester is granted to the extent that its municipal members are authorized to undertake a Community Choice Aggregation demonstration project consistent with the discussion in the body of this Order…"
   b. The PSC subsequently issued an Order for Case 14-M-0224 on April 21, 2016, which authorized Community Choice Aggregation ("CCA") throughout New York State (the "CCA Order") and on November 15, 2018 issued the "Order Approving Renewal of the Sustainable Westchester Community Choice Aggregation Program" reauthorizing the Sustainable Westchester CCA program under a Master Implementation Plan.
   c. Sustainable Westchester's CCA Program enrolled Participating Customers from an initial group of 20 participating municipalities in April 2016. Since then, eight additional municipalities have joined and several other municipalities are actively working towards participation.
   d. For participating municipalities in the New York State Electric and Gas ("NYSEG") utility territory, the current Electric Service Agreement for the Sustainable Westchester CCA Program will terminate on November 30, 2021.
   e. In compliance with the PSC CCA Orders, the **Municipality** has adopted local legislation to enable Community Choice Aggregation.
   f. As a member of Sustainable Westchester in good standing and participant in the Sustainable Westchester CCA Program, the **Municipality** wishes to continue to engage the services of Sustainable Westchester as the Program Manager for Community Choice Aggregation for the Operation and Maintenance of the Program.

2. **Definitions**:
   a. **Eligible Customers** – Customers of electricity and/or natural gas eligible to participate in the CCA Program, either on an Opt-out or Opt-in basis, as delineated in the CCA Framework Order. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Municipality and served by the Distribution Utility, as such boundaries exist on the Effective Date of the ~~this~~ 2022 ESA.
   b. **Default Product** – The product selected by the Municipality for supply to its Eligible Customers upon enrollment, unless they take action to select a different product or opt out. The Default Product for the Municipality shall be (1) the 100% Renewable Clean Power Product or (2) the Standard Product [select one and initial].
   c. **Community Choice Aggregation Program or CCA Program or Program**– A municipal energy procurement program, which replaces the incumbent utility as the

default supplier for all Eligible Customers within the Participating Municipality, as defined in the PSC CCA Orders.

d. **Competitive Supplier:** An entity duly authorized to conduct business in the State of New York as an energy service company ("ESCO") that procures electric power for Eligible Customers in connection with this CCA Program.
e. **Compliant Bid:** Electric power supply bid from a Competitive Supplier that meets the requirements specified in this MOU and the 2022~~1~~ ESA. A Compliant Bid price must be inclusive of fees owed to Program Manager and be less than:
    i. Residential accounts: 10.20~~8.70~~ cents/kwh;
    ii. Small commercial accounts: 10.20~~8.70~~ cents/kwh
f. **Distribution Utility:** Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission in the Participating Municipality.
g. **Electric Service Agreement ("ESA")**: An agreement that implements a CCA Program and contains all the terms and conditions of the Program.
h. **2020 ESA**: The ESA which implemented the Sustainable Westchester CCA Program during the period from December 1, 2020 to November 30, 2021.
i. **2022~~1~~ ESA:** The ESA which will implement Sustainable Westchester CCA Program commencing on or about March~~December~~ 1, 2022~~1~~ for the NYSEG service territory. The 2022 ESA~~2021 ESA~~ shall have substantially the same terms outlined in the attached 2022 ESA~~2021 ESA~~ Template (Attached as Exhibit 1). The 2022 ESA~~2021 ESA~~ Template tracks as closely as possible to the 2020 ESA in its content, with only minor clarifying changes to better align the 2022 ESA~~2021 ESA~~ Template with the CCA Orders and the Program's existing practices.
j. **CCA Orders**: Collectively, the February 26, 2015 "Order Granting Petition in Part" issued by the PSC in Case 14-M-0564; the April 21, 2016 "Order Authorizing Framework for Community Choice Aggregation Opt-out Program" issued by the PSC in Case 14-M-0224 (the "CCA Framework Order"), which sets forth the requirements, terms, and conditions under which CCA programs can proceed through implementation; and the November 15, 2018 "Order Approving Renewal of the Sustainable Westchester Community Choice Aggregation Program" issued by the PSC in Case 14-M-0564, which reauthorizes the Sustainable Westchester CCA program under a Master Implementation Plan.
k. **Qualifications Review**: A verification of the status of the Competitive Supplier as an electricity supplier in the Distribution Utility's service territory. A precondition for attaining such status is that Competitive Supplier has met the credit requirements established by the New York Independent Systems Operator .
l. **Participating Municipality**: A dues-paying municipal member of Sustainable Westchester, which has adopted the applicable local legislation for the Community Choice Aggregation Program.
m. **Participating Customers**: Eligible Customers enrolled in the Program, including Opt-out Eligible Customers who have been enrolled subsequent to the opt-out process and other customers who have opted in.
n. **Opt-out Eligible Customers**: Eligible Customers that are eligible for Opt-out treatment as delineated in the CCA Framework Order. For the avoidance of doubt,

Opt-out Eligible Customers shall not include customers that have previously opted-out of the Program.

o. **Program Manager:** Sustainable Westchester, a non-profit corporation of which the Municipality is a member.

p. **Public Service Commission ("PSC"):** The New York State Public Service Commission or the New York State Department of Public Service acting as staff on behalf of the Public Service Commission.

3. **Purpose**: The purpose of the Memorandum of Understanding is as follows:
   a. To establish participation by **the Municipality (hereafter, the "Participating Municipality")** in a Community Choice Aggregation Program (hereafter, the "Program") that will be managed on its behalf by **Sustainable Westchester, (hereafter, the "Program Manager")** under the 2022 ESA~~2021 ESA~~.
   b. To affirm that the Participating Municipality and Program Manager agree to adhere to the terms and conditions of the 2022 ESA~~2021 ESA~~ in the event they execute it.
   c. To affirm that the Participating Municipality and Program Manager agree to execute the 2022 ESA~~2021 ESA~~, subject to the conditions of review and approval outlined in 4(c) and 5(a), below.
4. **Roles and responsibilities of the Program Manager**: As Program Manager, Sustainable Westchester agrees to perform all duties outlined in the 2022 ESA~~2021 ESA~~ and, prior to execution of that agreement, Program Manager agrees to:
   a. Provide the involved agencies and parties to the PSC CCA Orders, including, but not limited to, the Public Service Commission and Distribution Utility, requested information about and documentation of the actions undertaken by the Participating Municipality in furtherance of enabling participation in the Program;
   b. Manage the energy procurement bidding process including:
      i. the identification and notification of potential firms seeking to be the Competitive Supplier,
      ii. the management of the Request for Proposals ("**RFP**") process from preparation of the content to the publication of the RFP and management of firms responding to the RFP,
      iii. the preparation of the 2022 ESA~~2021 ESA~~ that will be included in the RFP,
      iv. the acceptance, secure opening, and review of the responses to the RFP, and
      v. the organization of the Qualifications Review and bid evaluation and selection of a Competitive Supplier, all in a manner that is consistent with this MOU and transparent to the Participating Municipality and firms seeking to be the Competitive Supplier;
   c. Sign the 2022 ESA~~2021 ESA~~ for the Default Product selected by the Participating Municipality in a timely fashion subject to the conditions that:
      i. the Competitive Supplier is deemed qualified for the duration of the 2022~~1~~ ESA by the Qualifications Review, and
      ii. such Competitive Supplier's response to the RFP is deemed by the Program Manager to be a Compliant Bid as defined in Section 2 above.
   d. Fulfill any other responsibilities as may reasonably adhere to facilitating the implementation of the Program, subject to the Program Manager's inherent and original role as an organization driven by the deliberated priorities of its constituent member municipalities.

5. **Roles and responsibilities of the Participating Municipality**: the Participating Municipality agrees to:
   a. Sign the 2022 ESA2021 ESA for the Default Product selected by the Participating Municipality in a timely fashion subject to the conditions that:
      i. the Competitive Supplier is deemed qualified for the duration of the 2022 ESA by the Qualifications Review, and
      ii. such Competitive Supplier's response to the RFP is deemed by the Program Manager to be a Compliant Bid as defined in Section 2 above.
6. **Term and Termination**: This Memorandum of Understanding shall expire on the earlier of December 30November 30, 2021 or the date on which the 2022 ESA2021 ESA is signed by the Participating Municipality, the Program Manager, and the selected Competitive Supplier. Participating Municipality shall have the right to terminate this Memorandum of Understanding for any of the reasons set forth in the Termination section of the ESA attached hereto as Exhibit 1.
7. Prior Agreement: This Memorandum of Understanding shall supersede the prior Memorandum of Understanding between the Participating Municipality and the Program Manager dated July 12, 2021 (the "July MOU"). The July MOU shall be null and void upon the execution of this Memorandum of Understanding.

Commented [1]: We used to have an update here where we asked them to set the default product. I'm thinking a better place is right up front in the default definition

IN WITNESSETH WHEREOF, the Parties have signed this MEMORANDUM OF UNDERSTANDING on the day and year appearing below their respective signatures.

City/Town/Village of _____

Authorized Official Name and Title: _____

Signature: _____

Address: _____

Telephone(s): _____

E-Mail Address: _____

Address for Notices: _____

Sustainable Westchester, Inc.

Authorized Official Name and Title: Nina Orville, Executive Director

Signature: _____

Address: 40 Green Street, Mount Kisco, NY 10549

Telephone(s): (914) 242-4725

E-Mail Address: nina@sustainablewestchester.org

Address for Notices: 40 Green Street, Mount Kisco, NY 10549

Attachments: Exhibit 1, 2022 ESA2021 ESA Template (2021-08-28_ESA_NYSEG_Rev1.docx)

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

Kim DeLucia

From: Kim DeLucia
Sent: Monday, November 1, 2021 4:06 PM
To: Roland Baroni - Stepehens Baroni Reilly Lewis LLP Patricia Kalba; Anthony Cirieco (acirieco@somersny.com); Bill Faulkner (wfaulkner@somersny.com); Richard Clinchy (rclinchy@somersny.com); Rick Morrissey (supervisor@somersny.com); Tom Garrity (tgarrity@somersny.com)
Subject: November 4, 2021 Work Session Agenda Item: Appoint L. Johnson to the Partners in Prevention Committee

Importance: High

As a reminder, the Town Board interviewed Ms. Johnson on October 7, 2021.

Regards,
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

From: Denise Schirmer <dschirmer@somersny.com>
Sent: Thursday, July 15, 2021 2:21 PM
To: Kim DeLucia <kdelucia@somersny.com>
Subject: FW: Partners in Prevention - Becoming an Appointed Member
Importance: High

Hi Kim,

Please see below.

Thank you.

Denise

From: Lauren Johnson
Sent: Thursday, July 15, 2021 1:25 PM
To: Denise Schirmer <dschirmer somersn .com>
Subject: Re: Partners in Prevention - Becoming an Appointed Member

Hi Denise,

Thank you for the email. I would like to become an appointment member of the Partners in Prevention. Please let me know when you hear back as to when the next steps will take place.

Thank you again,
Lauren Johnson

On Thu, Jul 15, 2021 at 7:13 AM Denise Schirmer <dschirmer@somersny.com> wrote:

Hi Lauren,

I was delighted to hear from Kathy at our monthly meeting last night that you are interested in becoming an appointed member of the Partners in Prevention.

In order to do so, I will need an email from you indicating so, which will be forwarded to Rick Morrissey's assistant Kim DeLucia, who will call you to make arrangements for you to meet with the Town Board in Executive Session.

If we turn this around quickly, hopefully you can get on the August 5th agenda of the Town Board Executive Session and they will appoint you when they get into the meeting so you can join us as an official member at our September 8th meeting.

We meet monthly on the 2nd Wednesday at the Recreation Center in Van Tassell Park at 7:00 p.m. As an appointed member, you will be counted in the quorum monthly.

Thank you again for your interest.

Denise

--
Lauren L. Johnson, MA, LAC, CASAC

Sent to:
TB, TA, TC
10/15/2021
KD

INTEROFFICE MEMORANDUM

TO:	TOWN SUPERVISOR AND MEMBERS OF THE TOWN BOARD
FROM:	SENIORS DEPARTMENT DIRECTOR, BARBARA TABERER
SUBJECT:	NEW HIRE
DATE:	OCTOBER 12, 2021
CC:	DIRECTOR FINANCE, TOWN CLERK

The Director of Senior Services requests permission to hire Victoria Durso as Part Time Chauffer availability as needed. Her hourly will be $17.50. Her work week will not exceed 17hours. She will begin October 15, 2021

Sent to:
TB, TA, TC
10/15/2021
KD

INTEROFFICE MEMORANDUM

TO:	TOWN SUPERVISOR AND MEMBERS OF THE TOWN BOARD
FROM:	SENIORS DEPARTMENT DIRECTOR, BARBARA TABERER
SUBJECT:	NEW HIRE
DATE:	OCTOBER 13, 2021
CC:	DIRECTOR FINANCE, TOWN CLERK

The Director of Senior Services requests permission to hire Mario Classi as Part Time Chauffer availability as needed. His hourly will be $17.50. His work week will not exceed 17hours. He will begin October 18, 2021

TOWN POLICE
BRIAN LINKLETTER
CHIEF

Town of Somers

WESTCHESTER COUNTY, N.Y.

PO BOX 342
SOMERS, N.Y. 10589
T.914-232-9622
F.914-232-1795
Email: Police@SomersNY.com

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

October 6, 2021

From: Chief Brian Linkletter

To: Supervisor Rick Morrissey & Somers Town Board

Re: Promotion to Sergeant

I request to promote Police Officer David Burpee to the rank of Sergeant of the Somers Town Police Department at an hourly rate equivalent to 85% of the current Sergeant rate effective October 9, 2021.

Thank you for considering this matter.

Brian Linkletter, Chief

Somers Town Police Department

PRINTED ON RECYCLED PAPER

TOWN POLICE
BRIAN LINKLETTER
CHIEF

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

PO BOX 342
SOMERS, N.Y. 10589
T.914-232-9622
F.914-232-1795
Email: Police@SomersNY.com

RECEIVED
OCT 29 2021
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

October 29,2021

From: Chief Brian Linkletter
To : Supervisor Rick Morrissey, Councilmen Anthony Cirieco,
Richard Clinchy, William Faulkner, Thomas Garrity
Subject: Appointment of a part time Police Officer

I request to hire Adam Donofrio as a part time police officer to the Somers Town Police Department, to work no more than 20 hours per week, at an hourly rate equivalent to 80 % of the current police officer rate effective November 6,2021.

Respectfully
Brian Linkletter
Chief
Somers Town Police Department

Brian Linkletter

PRINTED ON RECYCLED PAPER

Sent to:
TB, TA, TC
10/15/2021
KD

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5866
Fax
(914) 277-4098

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

David B. Smith
Town Planner
directorofplanning@somersny.com

Date: October 13, 2021

To: Town Board

From: Steven Woelfle SW
Engineering Department

RE: **Villani/Somers Development LLC Wetland Permit #AW2016-44**
TM: 16.05-1-1
Release of Erosion Control Bond
Check received November 10, 2016

This office has no objection to the return of the Erosion Control Bond in the amount of $599.00

Please return to:

Somers Development LLC
125 King Street
Chappaqua, New York 10514

SW/wg
cc: Town Clerk
Director of Finance
Somers Development LLC

Sent to: TB, TA, TC 10/26/21 KD

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5866
Fax
(914) 277-4098

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

David B. Smith
Town Planner
directorofplanning@somersny.com

Date: October 25, 2021

To: Town Board

From: Steven Woelfle SW
Engineering Department

RE: **Boniello Steep Slope/Tree Permit #AST2004-127**
TM: 58.08-1-3.1
149 Pines Bridge Road
Release of Erosion Control Bond
Check received December 20, 2004

This office has no objection to the return of the Erosion Control Bond in the amount of $500.00

Please return to:

Boniello Land and Realty Ltd.
165 Waccabuc Road
Goldens Bridge, NY 10526

SW/wg
cc: Town Clerk
Director of Finance
Boniello Land and Realty Ltd.