

John Currie, *Chairman*
Vicky Gannon
Nancy Gerbino
Ken Kristensen
Jack Mattes
Bruce Prince
Christopher Zaberto

PLANNING BOARD
Town of Somers
WESTCHESTER COUNTY, N.Y.

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SOMERS PLANNING BOARD AGENDA

July 12, 2023, 7:30PM

MINUTES

Draft Minutes for consideration of approval: June 14, 2023.

EXTENSION REQUEST

- 1. GRANITE POINTE FINAL SUBDIVISION APPROVAL, STEEP SLOPES, TREE PRESERVATION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS RE-GRANT ROUTE 118/202 TM: 27.05-1-2&5**

Request for the 24th – 90-day time extension for the Granite Pointe Subdivision Re-Grant of Final Subdivision Approval, Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits for 23 lots in a Cluster Subdivision, as per Resolution 2017-10, from July 23, 2023 up to and including October 21, 2023 as per Town Law Section 276 (7) (c) and Town Code Section 150-13M.

PUBLIC HEARINGS

- 2. ARSEC CORPORATION SITE PLAN APPROVAL FOR PARKING LOT EXPANSION LOCATED AT 378 ROUTE 202 TM: 17.11-2-18&19.**

Site plan review for parking lot expansion; installation of 12 new parking spaces, to be utilized for overflow parking and an area to plow snow. The 1.06-acre property is located in the B-HP district.

**3. WINTJE ENVIRONMENTAL PERMITS FOR DEVELOPMENT AT
9 CAROLYN WAY
TM 18.09-1-54, 55 & 56.**

Applications for Steep Slope, Tree Removal, Stormwater Management and Erosion and Sediment Control Permits for construction of a single-family house, driveway, septic system, and well. The 1.37 acre property is located in the R-10 zoning district.

MEETING ADJOURNMENT

**The next Planning Board Meeting is scheduled for
Wednesday, August 9, 2023 at 7:30pm.**

Agenda Subject to Change

PLANNING BOARD

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Bruce A. Prince
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SOMERS PLANNING BOARD MINUTES

June 14, 2023
7:30PM

ROLL

PLANNING BOARD

MEMBERS PRESENT:

Chairman John Currie, Vicky Gannon, Nancy Gerbino,
Jack Mattes, Christopher Zaberto, Bruce Prince; Ken Kristensen

PLANNING BOARD

BY ZOOM:

ABSENT:

ALSO PRESENT:

David Smith, Consulting Town Planner, Planning & Development
Advisors; Steve Robbins, Consulting Town Engineer, Woodard &
Curran

ALSO PRESENT

BY ZOOM:

Planning Board Attorney Gerry Reilly

MEETING COMMENCEMENT

The meeting commenced at 7:30 p.m.

Chairman John Currie requests participants say the Pledge of Allegiance.

Consulting Town Planner Mr. Dave Smith calls the Roll.

MINUTES

Regarding the meeting minutes for the May 10, 2023, Planning Board Meeting, Mr. Jack Mattes moves to accept the meeting minutes as they are presented in front of the Board. All in favor. Motion passes.

PROJECT REVIEW**1. DYNAMITE PROPERTIES, INC. PROPOSED SUBDIVISION OF PARCEL
ADJACENT TO GREEN TREE ROAD, TM: 15.12-2-1 AND 15.12-2-5.**

Proposed Preliminary Subdivision, Tree Removal, Stormwater Management and Erosion and Sediment Control Permit and Steep Slope Permit for creation of two lots from one existing lot with a single-family house and where proposed access to new lot is only available from an unimproved but mapped Town road in an R-10 District located at 19 Olive Drive.

Chairman John Currie states the following list of emails and letters that the Planning Board has received. David Alpert, Maria Braham, Virginia Goodfriend Sheridan, Amie Cunningham-Smith, Margaret Brady, Mary Vickers, Sarena Diamond (Meyer), Diane Houslanger, Sai Patibandla and Brenda Yates.

Mr. Peter Scott, an architect and engineer representing the Applicant, presents before the Board. Mr. Scott presents a map depicting the current state of the subdivision. He states he has previously submitted subdivision and stormwater management plans, landscaping plans for a retention basin and a rain garden, a tree preservation plan, wetland buffer mitigation landscape plan, wetland buffer off-site mitigation area, long form EAF, traffic study, open space response letter, New York State rail trail crossing plan, rail trail signage examples, a stormwater pollution prevention plan (SWPPP), a drainage report, wetland buffer mitigation plan, habitat analysis assessment report, and has applied for various permits. He states the Bureau of Fire Prevention has approved the proposed common driveway for fire and police access. He states that he is in possession of the NYSDOT driveway easement as recorded, a State Historic Preservation Office (SHPO) review, a DEC review, and WCDOH deep test evaluation.

Mr. Scott explains the Applicant has been attempting to address as many issues brought up by the Board and the Board's consultants. He states the latest memo from the Board's consultant contains three items only partially addressed by the Applicant. First, the Applicant has submitted to NYSDOT for a driveway crossing permit, but NYSDOT has indicated that they would like to have a SEQRA determination before proceeding. Secondly, the Applicant has proposed some planting in a property neighboring the Applicant's easement to mitigate any visual impacts. Thirdly, the Applicant proposed an open space dedication to the Town of Somers of a 1.6-acre parcel on the southern section of the project to provide access from the rail and trail to lands currently owned by the Town of Somers.

Mr. Scott states that the Applicant has tried to evaluate environmental impacts on all aspects of the project and address them. He believes that Applicant has submitted everything asked for by the Board and asks if the proposal can move forward as well as obtaining a referral to the Town Board. Mr. Scott introduces Mr. Michael Caruso to explain the easement.

Mr. Michael Caruso, the Attorney of Record, presents for the Applicant. He asks if there are any questions for him.

1 Mr. Dave Smith asks if Mr. Caruso could explain, as specifically as possible, what his rights
2 are with respect to the easement and what the requirements are with respect to the easement.
3 Mr. Smith states that in the records, things such as speed bumps, stop signs, locked gates
4 were pointed out on easements, but there are no such call outs indicated on the easement that
5 has been presented before the Board. He states if these things are requirements of the
6 easement, then they should be shown on the plan.
7

8 Mr. Caruso responds that the special conditions that attend to the highway work permit and
9 that relate to the easement. He explains that the easement's ingress and egress relating to the
10 locked gate for the subdivision has changed over time based on different maps. The scope of
11 the easement is ingress and egress for residential purposes. The easement was last issued at
12 16.5' wide. The easement has a speed bump, stop sign, and controlled access as part of the
13 conditions. These are not shown on the plans explicitly because when the Applicant meets
14 with DOT the conditions will be tailored at that time. He states that the scope of the
15 easement will not change.
16

17 Mr. Currie states that his understanding was that DOT would not meet the Applicant until
18 the Board goes through SEQRA.
19

20 Mr. Smith responds stating that procedurally, the Board needs to complete the
21 environmental review issuing either a negative declaration or a positive declaration. He
22 states that Board has been provided with Parts 1, 2, and 3 of the environmental assessment
23 form. Part 1 has been filled out by the Applicant. Parts 2 and 3 are the Board's responsibility
24 to be filled out. He suggests a discussion about traffic and safety and how can the Board
25 move forward with the environmental review without understanding if there are some
26 parameters related to public safety and traffic at the crossing.
27

28 Mr. Caruso states the crossing currently does not show stop signs on either side, but this can
29 be added to the plan. He states that regarding controlled access, the plans could depict a lock
30 of some kind, but it could change in the future.
31

32 Mr. Smith responds by saying that the specific type of controlled access does not necessarily
33 need to be depicted, but the general component should be indicated.
34

35 Mr. Scott states that the general component could be included as a condition of the Board
36 granting a resolution, and a stop sign and gate will be included in the drawings.
37

38 Mr. Dave states that the Open Space Committee asked for a natural resources report, and the
39 Applicant has submitted the report. The report indicates that there are no species of
40 environmental concern found on the property.
41

42 Ms. Nancy Gerbino states that the last time the Applicant presented before the Board, Ms.
43 Gerbino asked for examples of crossing signage, but the Applicant only presented examples
44 from Putnam County. Since, the Applicant has submitted a packet with examples in the
45 Town of Somers. Ms. Gerbino states the packet does not include the busy nearby crossing
46 just south of where the Applicant is proposing a new crossing.

1
2 Mr. Scott responds stating that the Applicant utilized data from the DOT. The crossings
3 were not examined in person. He states that the Applicant was trying to focus on crossings
4 of similar scale.

5
6 Mr. Bruce Prince states he looked at all the crossings, and he believes none of the provided
7 examples have the same circumstances as the proposed crossing. The provided examples are
8 of busy crossings with high visibility. The proposed crossing is in the middle of the woods
9 with low visibility. He states he is concerned about the danger of the crossing, and he is not
10 sure that a gate would be helpful. He reiterates saying he is concerned that the proposed
11 crossing does not relate to the provided example crossings.

12
13 Mr. Scott responds saying existing crossings North of the proposed crossing were looked at
14 as these crossings were similar driveway crossings to houses as the proposed crossing is.
15 South of the proposed crossing are busy major road crossings.

16
17 Mr. Christopher Zaberto asks why the major crossing South of the proposed crossing
18 doesn't have any gates. He states the crossing is heavily utilized with no gates. He states
19 there seems to be a lot of pushback on a driveway, that would have significantly less traffic,
20 with no gate. He states that if the distinction between the southern and northern crossing
21 examples were to be made by the Applicant at a prior meeting, there wouldn't be any delay
22 in getting an answer involving the crossing. He reiterates that it is interesting that there is, in
23 his opinion, an unsafe crossing just south of the crossing that is being proposed.

24
25 Mr. Zaberto asks if the gate that is part of the easement has to go across the driveway or
26 across the rail trail. He states that he has seen, at other crossings, the gates go across the rail
27 trail and not the road.

28
29 Mr. Scott explains that the gate would be across the driveway and not the rail trail. He states
30 that the Applicant worked with DOT to prepare the rail trail plans and meet DOT
31 requirements. He states the Applicant could not move farther than creating the plans because
32 the Applicant required a SEQRA determination. He requests that the Board waive the gate
33 requirement with DOT. He states the gate can be put on the plans if the Applicant must, due
34 to DOT permitting requirements.

35
36 Mr. Zaberto states that the Board has a duty to ensure that all elements of SEQRA are
37 covered, including pedestrian safety and overall traffic. He states that if the Board does not
38 address the gate, then he feels that the Board has not done their job.

39
40 Mr. Smith agrees stating that he understands that the Applicant has initiated conversations
41 with DOT, and that some of the elements are shown on the plan. He states that he believes
42 the plans should indicate there may be additional requirements that DOT may impose that
43 would further enhance safety at the crossing.

44
45 Mr. Caruso agrees with Mr. Smith. He states that requirements are subject to DOT
46 reviewing and conditioning the permit. He believes that DOT's conditioning of the permit

1 does not undercut the Board's SEQRA analysis. He states it is not possible to predict what
2 DOT will condition in addition to what the Applicant has already indicated on the plans.

3
4 Mr. Zaberto asks if a traffic study was conducted to determine the number of projected
5 vehicular crossings.

6
7 Mr. Smith responds that a traffic study has been conducted.

8
9 Mr. Zaberto asks what the projected number of vehicular crossings is.

10
11 Mr. Scott responds stating three trips per hour is estimated.

12
13 Ms. Vicky Gannon states that the desire for detail is not limited to the needs of the Board,
14 but so the Public can properly understand the project. She states the Board has been
15 receiving feedback including people's concerns about the crossing. She states that details
16 about traffic and safety at the crossing pertain to many emails that the Board is in receipt of.

17
18 Ms. Gannon asks when the Planning Board refers the proposal to the Town Board, can the
19 communications from the Public be sent as a package to the Town Board.

20
21 Mr. Currie states that the communications will be sent as a package to the Town Board.

22
23 Mr. Smith confirms this stating that if the Planning Board was to make a negative
24 declaration, all the background material that the Applicant has submitted will be given to the
25 Town Board. He states that all the Public comments have been given to both the Planning
26 Board and Town Board already.

27
28 Mr. Ken Kristensen states that he agrees detailing out the gates and the crossing will be
29 beneficial for the Public's knowledge.

30
31 Mr. Caruso responds saying that, in the case of being referred to the Town Board, the
32 Applicant would have to present before the Board later along with all the details. He states
33 that this proposal would be coming back to the Board regardless of their SEQRA
34 determination.

35
36 Mr. Kristensen states that south of Somers, in Yorktown, there is a crossing at a wastewater
37 treatment plant that has a similar scale to the proposed crossing. He states that gates have
38 recently been installed at that crossing.

39
40 Ms. Gerbino states that it is her opinion that a driveway crossing a bike trail is detrimental to
41 the residential property.

42
43 Consulting Town Engineer Steve Robbins states that, for the purpose of the environmental
44 impacts completeness, the Applicant has addressed wetland mitigation and the offsite
45 property. In the stormwater pollution prevention plan, the water quality volume is proposed
46 to be met with the inclusion of a rain garden along the driveway. He states that the area no

1 longer qualifies for wetland mitigation as its main function is for stormwater. He explains
2 that this increases the overall area of disturbance for the project as more will be used for
3 wetland mitigation. He states there is a public comment that suggests the Town's review
4 may be colored by the fact that a donation of land has been offered to the Town. He states
5 that the Town has taken no position on accepting the parcel in question at this time.
6

7 Mr. Currie states that he would still like a response back from DOT and Westchester County
8 Parks or for a meeting to be set up. He suggests the Applicant add more details and let DOT
9 comment before the Board proceeds with the SEQRA review.
10

11 Mr. Scott states that the Applicant has applied for a permit and DOT has stated to the
12 Applicant that DOT cannot move any further without a SEQRA determination.
13

14 Mr. Currie clarifies he would feel more comfortable with a comment from DOT.
15

16 Mr. Zaberto responds stating that the Board is not finalizing the project at this time. He
17 states that DOT has the final say but only after the Board makes a SEQRA determination.
18 He believes that the Board is doing due diligence in advising the Applicant to make
19 notations on the plan for the Board to approve for SEQRA that includes the stop signs and
20 the gates with the understanding that the plan is preliminary or tentative until DOT gives the
21 final requirements.
22

23 Mr. Currie asks the Board if the Applicant should come back at the next meeting with the
24 additional details and then the Board proceeds with the SEQRA review.
25

26 Mr. Smith states that he believes that the Board has all the information they need to make a
27 SEQRA determination. He states that the issue regarding the details arises from
28 requirements being laid out in the records. It is ultimately the DOT's responsibility to do
29 everything they possibly can to make the crossing as safe as possible. After the Board makes
30 their SEQRA determination, the proposal goes to the Town Board for a 280a determination.
31 He states that the Planning Board is still a long way away from approval. He reiterates that
32 he believes the Board has enough information to make a SEQRA determination.
33

34 The Board agrees with Mr. Smith
35

36 Ms. Gannon states that the Applicant has disclosed that the Applicant does not want the
37 gates to be required.
38

39 Mr. Scott responds saying the Applicant looked at various scenarios with DOT as to what a
40 gate is. The Applicant has presented various concepts as to what the gate could be.
41

42 Mr. Smith asks Mr. Caruso if at one point Mr. Caruso referred to the detail as controlled
43 access instead of a gate.
44

1 Mr. Caruso responds stating that technically the requirement calls for controlled access and
2 not explicitly a gate. However, he states there are only so many ways you can control access
3 and most of the time it is accomplished via a gate.
4

5 Mr. Smith states that the point of the detail is to indicate that controlled access will be
6 implemented no matter the form.
7

8 Mr. Prince states another problem with the site of the crossing is that there is not a large
9 amount of line of sight up and down the pathway. He states that no matter the form of the
10 controlled access, there is no visibility. A car would not be able to see a bicycle coming
11 down the pathway.
12

13 Mr. Zaberto agrees with Mr. Prince, but Mr. Zaberto believes these issues would be better
14 discussed during the site planning. He explains that the properties have a legal right to the
15 crossing as part of the easement even with the poor visibility. He states that the Board's goal
16 at this point in time is to feel comfortable determining that there is minimal environmental
17 impact as presented. The Town Board can then look into all the other aspects of the project.
18 When the project comes back to the Planning Board, the Board can discuss what controlled
19 access is.
20

21 Mr. Smith confirms Mr. Zaberto's statement.
22

23 Mr. Caruso agrees with Mr. Zaberto. He states that DOT also has line of sight
24 determinations they will conduct.
25

26 Mr. Zaberto states he understands the concern of the community, but he also respects the
27 landowner's rights, and he believes the Board should move the project forward into the next
28 phase.
29

30 Ms. Gerbino states that it is illegal to landlock land and that the property in question is being
31 taxed as developable land.
32

33 Mr. Smith suggests that the Board wait until the next Planning Board meeting to make a
34 SEQRA declaration. The Board will prepare Parts 2 and 3 of the environmental assessment
35 form along with a narrative that shows how the records support the Board's determination.
36 He suggests that the Board include Mr. Scott's summary of the project to create a substantial
37 record in order to make the SEQRA determination.
38

39 Mr. Caruso agrees with Mr. Smith's suggestion.
40

41 Mr. Smith will prepare a response under the Board's direction.
42

43 Ms. Gannon asks what the next steps in the process are.
44

1 Mr. Smith explains that the Board will conclude the environmental review, and then
2 formally refer the matter to the Town Board. He states both actions can be done in the next
3 Planning Board Meeting.
4

5 Ms. Gannon clarifies that during the next Planning Board Meeting, Mr. Smith will have
6 prepared a memo for the Board, so the Board can make a SEQRA declaration, and the
7 Board will give feedback as to what documents go with the package such as the Public
8 emails.
9

10 Mr. Currie confirms and clarifies that Mr. Smith will prepare a document summarizing the
11 proposal.
12

13 Mr. Currie reiterates for the Public that the Board will make a SEQRA declaration at the
14 next Planning Board Meeting as well as a recommendation to the Town Board. The Town
15 Board will then review the Planning Board's recommendations and will make a 280a
16 recommendation. Then, based on what the Town Board sends back to the Planning Board, if
17 the project continues forward, a Public Hearing will be held at some point in time.
18

19 **2. PANNY PROPOSED 2 LOT SUBDIVISION AT 19 OLIVE DRIVE, TM: 5.15-1-90.**
20

21 Application for Preliminary Subdivision, Tree Removal, Stormwater Management and
22 Erosion and Sediment Control Permit and Steep Slope Permit for creation of two lots from
23 one existing lot with a single-family house and where proposed access to new lot is only
24 available from an unimproved but mapped Town road in an R-10 District located at 19
25 Olive Drive.
26

27 Mr. John Karell presents for the Applicant. Mr. Karell requests that the Board approve the
28 draft resolution, so the Applicant can receive The Department of Health's approval. He
29 states the Applicant has submitted the plans to the Health Department and comments from
30 the Health Department have been addressed. The Health Department will not give their
31 approval until the Planning Board grants preliminary approval.
32

33 Mr. Robbins states that Woodard & Curran had minor comments for the Applicant relating
34 to compiling submitted documents into one cohesive package.
35

36 Ms. Gannon notes there was a submission by the Applicant relating to testing subsequent to
37 the Planning Board's last meeting, but the submission is not indicated in the resolution
38 before the Board.
39

40 Mr. Robbins states that Woodard & Curran has been given the percolation and deep hole
41 tests for the stormwater infiltration system. However, Mr. Robbins states he would prefer
42 them packaged with the stormwater report as a single document.
43

44 Mr. Currie states that the Application cannot proceed if the Applicant cannot get Board of
45 Health approval.
46

1 Ms. Gannon asks where Mr. Robbins' comment regarding Health Department approval is
2 detailed.

3
4 Mr. Smith responds stating Condition Number 9 on Page 5 includes the Applicant will
5 address the items in the Town's Engineering Consultant's review memo.

6
7 Ms. Gannon asks if this Condition should explicitly state the required approval of
8 Westchester County Department of Health. Since the condition refers to a separate
9 document, clarification is needed without the other document.

10
11 Mr. Robbins responds stating that in the engineering memo comment 10 language exists
12 stating the Applicant needs to provide approval from the Health Department.

13
14 Mr. Smith states the engineering memo will be part of the record.

15
16 Mr. Currie reads the resolution. Resolution 2023-08. Granting conditional preliminary
17 subdivision approval, stormwater management and erosion of sediment control permit, a
18 steep slopes permit, and tree removal permit.

19
20 Mr. Zaberto moves to accept the resolution. Ms. Gannon seconds. All in favor.

21
22 **3. WINTJE ENVIRONMENTAL PERMITS FOR DEVELOPMENT AT 9 CAROLYN**
23 **WAY, TM 18.09-1-54, 55, & 56.**

24
25 Applications for Steep Slope, Tree Removal, Stormwater Management and Erosion and
26 Sediment Control Permits for construction of a single-family house, driveway, septic
27 system, and well. The 1.37-acre property is located in the R-10 zoning district.

28
29 Mr. John Karell presents for the Applicant. He states since the last Planning Board Meeting
30 the site walk was conducted. The driveway location was determined to be too close to the
31 steep slope area, so the driveway has been relocated closer to the property line and further
32 into the property. The Applicant has received Health Department approval and was
33 approved on December 12, 2022. Mr. Karell requests the Application move to a Public
34 Hearing.

35
36 Mr. Robbins states Woodard & Curran had some comments regarding the documentation of
37 the stormwater measures for completeness. This would include the revised plan that Mr.
38 Karell has presented which Woodard & Curran has not received at this time. He
39 recommends that the Board hold off on the Public Hearing until Woodard & Curran has a
40 complete package for the board's review, and the Board has had a chance to review.

41
42 Mr. Karell asks if the Public Hearing can still be scheduled.

43
44 Mr. Robbins explains that he would like to avoid the situation where project changes occur
45 during the Public Hearing. In this case, the Public Hearing would remain open as the project
46 was continuously updated.

1
2 Mr. Currie asks if Mr. Robbins has seen the new plans presented in front of the Board.

3
4 Mr. Robbins confirms he has not.

5
6 Mr. Karell explains that the only change is the location of the driveway has been moved
7 approximately 20 feet.

8
9 Mr. Kristensen notes that during the site visit, Mr. Karell stated that moving the driveway
10 may cause the house to be downsized from a four- to a three-bedroom house.

11
12 Mr. Karell clarifies that the house would remain a four-bedroom house with the new
13 driveway location.

14
15 Mr. Prince states during the site visit he was shown where the new driveway location would
16 be. He believes this would not cause major changes to the plan.

17
18 Mr. Currie states that the Board can schedule the Public Hearing and if there are changes to
19 the plan the Board can keep the Public Hearing open.

20
21 Mr. Robbins agrees, stating the decision is up to the Board's discretion.

22
23 Ms. Gannon asks if Mr. Caruso gives Mr. Robbins the new plans, will he have time to
24 review them before the next meeting.

25
26 Mr. Robbins states he will have the time to review.

27
28 Mr. Currie moves to schedule a Public Hearing for the next Planning Board Meeting on July
29 12, 2023. Mr. Zaberto seconds. All in favor.

30
31 **4. ARSEC CORPORATION, SITE PLAN APPROVAL FOR PARKING LOT**
32 **EXPANSION LOCATED AT 378 ROUTE 202, TM: 17.11-2-18&19.**

33
34 Site Plan review for parking lot expansion; installation of 12 new parking spaces, to be
35 utilized for overflow parking and an area to plow snow. The 1.06-acre property is located in
36 the B-HP district.

37
38 Mr. Tim Allen presents for the Applicant. Mr. Allen states he has responded to Mr.
39 Robbins' comments. There are new comments generated from the Applicant's responses,
40 but Mr. Allen believes none are too major that a Public Hearing could not be scheduled. He
41 states that wiring and lightning updates will be made to the plans.

42
43 Mr. Robbins states that the Applicant has provided stormwater analysis and Mr. Robbins
44 expects the minor comments to be addressed.
45

1 Mr. Smith states that if the Board decides to schedule a Public Hearing, since this property
2 is part of the BHP District, there is a referral to the Town Board's Landmarks ARB and
3 Open Space Committee. He states, if a Public Hearing is scheduled, he would like to work
4 with Mr. Allen in creating a comprehensive package that goes to each of the individual
5 Boards so they have an understanding of the full scope of the project.

6
7 Mr. Jack Mattes states that there should be an understanding between the Planning Board
8 and the Applicant that there will be no more work performed at the site until this process is
9 complete.

10
11 Mr. Allen agrees with Mr. Mattes. He states no work is being done until the Board's
12 approval is in place.

13
14 Mr. Prince asks what the Architectural Review Board will review on this project.

15
16 Mr. Robbins responds stating that per Town Code, the Architectural Review Board gets to
17 comment because the property is in the BHP Zone.

18
19 Mr. Smith states that as part of the initial submission of the Application because the
20 property is in the BHP, there was a preliminary meeting with the Business Historic
21 Preservation District Technical Committee. The meeting included the Town Engineer, the
22 Building Inspector, the Town Historian, the Open Space Committee, a representative of the
23 Architectural Review Board, Dr. Renani, and Mr. Allen. If the Public Hearing is scheduled,
24 the formal Application will be sent to the ARB for their review and comment.

25
26 Mr. Mattes moves to schedule a Public Hearing for the July 12, 2023 Planning Board
27 Meeting. All in favor.

28 29 **RESOLUTIONS FOR FORMAL ADOPTION**

30 31 **5. APPLICATION FOR SPECIAL PERMIT MODIFICATION FOR AMERICAN 32 TOWER CORP. (VERIZON) AT 2580 ROUTE 35 – TM 37.13-2-3.**

33
34 Mr. Douglas Cowan presents for the Applicant. He states he has reviewed the draft
35 resolution, and he believes that the Applicant has complied with the requirements up until
36 this point.

37
38 Mr. Robbins states that the one technical comment has been addressed. The comment stated
39 that the Applicant provide, per the Town Code, a structural engineering assessment based on
40 a personal inspection.

41
42 Mr. Currie notes that Mr. Smith is working on changing the Town Code to make processes
43 such as these easier in the future.

44
45 Mr. Curries make a motion to approve resolution 2023-7 for the grant of conditional special
46 permit approval and amended site plan approval to Verizon for the modification and

1 upgrade of existing Verizon wireless facility at 2580 Route 35 Town tax number 37.13-2-3.
2 Mr. Mattes seconds. All in favor.

3
4 Mr. Cowan asks when the signed resolution will be available.

5
6 Mr. Smith estimates in about a week.

7
8 Mr. Cowan asks if the Applicant is able to apply for a building permit at this time.

9
10 Mr. Smith states that one of the conditions in the resolution is that the Applicant needs to
11 respond to the Town Engineer's memo Items 1 and 3B before submitting for a building
12 permit.

13
14 Mr. Cowan states that he had submitted item 3B, the FCC License, in the previous Planning
15 Board Meeting. He states he believes he has submitted item 1, the signed and sealed radio
16 frequency report, as well.

17
18 Mr. Currie states if these documents have been submitted, then he will get back to Mr.
19 Cowan.

20 21 **DISCUSSION**

22
23 Mr. Smith states he had a meeting with Mr. Tom Tooma. Mr. Smith has sent the Board a
24 Notice of Intent as well as a map from 2016 of the comprehensive plan.

25
26 Mr. Smith explains there is a property owner who owns a single-family home in the
27 Lincolnale area. The property owner has started to do some work on his property. Mr.
28 Tooma put a stop work order on the property. Since, Mr. Smith has met with the Applicant,
29 and it turns out a single-family home in the NS District is a non-conforming use. For the
30 property owner to make improvements, they must go to the Zoning Board of Appeals for a
31 use variance. This started discussions around zoning and the comprehensive plan. Mr. Smith
32 found in the comprehensive plan that there are specific recommendations for 5 or 6
33 properties, including the property owner's property in question, stating that the properties
34 should be rezoned from NS to R10. Mr. Smith presented the findings to the Town Board,
35 and the Town Board looked into the comprehensive plan. The Town Board found other
36 proposed zoning amendments including rezoning portions of Lincoln Hall from NS to R120
37 and NS to R40. There is proposal recommendations to rezone certain segments from NS to
38 OLI. While initial focus was on the residential piece in Lincoln Hall, the Town Board wants
39 to proceed with all and only the zoning recommendations in the comprehensive plan. Mr.
40 Smith states he wants to bring to the Planning Board's attention that in addition to the
41 residential component, the Board has an active Application, the McNamee Application,
42 which is in this proposal to be rezoned from NS to OLI. Mr. Smith states that in the
43 recommendations of the Comprehensive Plan, it is recognized that there are contractor lots
44 that are currently pre-existing non-conforming uses, and they would remain so in the OLI
45 district. There would be the opportunity to change to other additional permitted uses over
46 time that OLI zoning may present. He states that the Town Board in their previous meeting

1 has issued a Notice of Intent to act as lead agency, and it has been circulated to the Planning
2 Board, County Planning, and the other interested and involved agencies such as DOT, DEC,
3 and DEP. Mr. Smith asks if the Board would like to discuss this at the current meeting. He
4 states at the very least the Board could state they have no objections to the Town Board
5 acting as lead agency.

6
7 Mr. Currie asks if the Town Board is the only entity that can make the zoning changes.

8
9 Mr. Smith confirms that this is correct.

10
11 Mr. Smith explains that all the zoning recommendations are part of the comprehensive plan.
12 This means that there is nothing new in the recommendations and the recommendations
13 would be implemented from the comprehensive plan.

14
15 Mr. Prince asks what the purpose of putting a portion of the Lincoln Hall property in the
16 R120 zone.

17
18 Mr. Smith explains that the entire Lincoln Hall property is zoned as R120, but the portion of
19 property that fronts on Level Street is zoned as NS. He reiterates that the recommendation in
20 the comprehensive plan is to rezone the NS portion of the property to R120.

21
22 Mr. Prince clarifies that the NS portion of the property is owned by Lincoln Hall.

23
24 Mr. Smith confirms that this is correct.

25
26 Ms. Gerbino asks that the title of this Application is.

27
28 Mr. Smith states that in the environmental assessment form, the name is Zoning Map
29 Amendments, Town of Somers. He states that the project description describes
30 approximately 19 acres of rezoning NS zones to R20, R10, R40, and OLI.

31
32 Ms. Gerbino clarifies that this is a 19-acre project in Lincolndale being considered for
33 rezoning.

34
35 Mr. Smith confirms this is correct.

36
37 Mr. Currie clarifies that there is no project only rezoning as per the recommendations of the
38 comprehensive plan.

39
40 Mr. Smith confirms Mr. Currie's distinction.

41
42 Ms. Gannon notes that there is an Application before the Board for self-storage. She states
43 Ms. Gerbino has asked Mr. Smith to conduct a survey of the other OLI zones that would be
44 affected by an addition of a self-storage use. Ms. Gannon asks how the timing of the
45 analysis of that is affected by the possible creation of additional OLI zones.

1 Mr. Smith responds stating that that would be a comment back to the Town Board. He
2 believes that in the July meeting of the Town Board, they will be considering rezoning. He
3 states regardless of if the Planning Board wants to move the current discussion any further,
4 the Board can bring that implication to the Town Board's attention.

5
6 Mr. Currie explains that implementing the zoning recommendations does not constitute
7 something new as these previous projects have already been through due process, but the
8 zoning changes were never made.

9
10 Mr. Currie moves to send a comment back to the Town Board stating the Planning Board
11 has no objection to the Town Board's intent to act as lead agency.

12
13 **MEETING ADJOURNMENT**

14
15 Mr. Currie states that the next Planning Board Meeting is scheduled for July 12, 2023 at
16 7:30 p.m.

17
18 Chairman Currie makes a motion to adjourn the meeting. All in favor. Motion passes.

19
20 Respectfully submitted,

21
22
23
24 _____
25 Kyle Nordquist, Transcriber
26 Woodard & Curran
27 800 Westchester Avenue, Suite N507
Rye Brook, New York 10573

BIBBO ASSOCIATES, L.L.P.

Consulting Engineers

Timothy S. Allen, P.E.
Nicholas Gaboury, P.E.
Matthew J. Gironda, P.E.

June 23, 2023

RECEIVED

JUN 23 2023

Somers Planning Board
335 Route 202
Somers, NY 10589

**PLANNING-ENGINEERING
TOWN OF SOMERS**

Attn: Mr. John Currie, Chairman

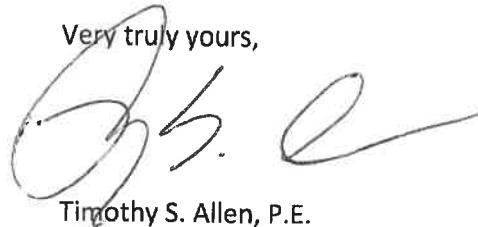
Re: Suelain Realty, LLC
Granite Pointe Subdivision
Final Subdivision Approval
Request for Extension
Sh. 27.05, Blk. 3, Lots 2 & 5

Dear Chairman and Members of the Board:

On behalf of our client we are requesting that a 90 day extension be granted for Resolution 2017-10 that will be expiring on July 23, 2023 for the above referenced project.

We respectfully request to be placed on your July 12, 2023 agenda for consideration.

Very truly yours,



Timothy S. Allen, P.E.

TSA/mme

cc: J. Harkins (via email)
L. Whitehead, Esq. (via email)
File

Site Design • Environmental

Mill Pond Offices • 293 Route 100 • Suite 203 • Somers, New York 10589

Phone: 914.277.5805 • Fax: 914.277.8210

Website: www.bibboassociates.com • E-mail: bibbo@bibbo.com

PLANNING BOARD
TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK

PUBLIC NOTICE:

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Somers, Westchester County, New York, has scheduled a **Public Hearing** on **Wednesday, July 12, 2023** at 7:30 p.m. at the Somers Town House, 335 Route 202, Somers, New York, to consider the application of ARSEC Corporation. The proposal is more specifically shown on plans titled: "Existing Condition Plan", "Site Plan" and Landscape Plan & Details" prepared by Bibbo Associates, LLP dated February 17, 2023, last revised May 25, 2023.

The Applicant is proposing 12 parking spaces which will be utilized for overflow parking and an area to plow snow (designated as overflow parking).

The subject property is located at 380 Route 202, Somers, New York and is designated on the Town Tax Map as Sheet 17.11, Block 2, Lot 18 and 19, and is in the B-HP Zoning District.

Anyone is invited to attend and will be heard on the aforesaid matter.

BY ORDER OF THE PLANNING BOARD

John Currie, Chairman

Wendy Getting, Senior Office Assistant



Timothy S. Allen, P.E.
Nicholas Gaboury, P.E.
Matthew J. Gironda, P.E.

June 23, 2023

RECEIVED

JUN 23 2023

**PLANNING-ENGINEERING
TOWN OF SOMERS**

Somers Planning Board
335 Route 202
Somers, NY 10589-3206

Attn: Mr. John Currie, Chairman

Re: Site Plan Application
ARSEC Corp.
380 Route 202
T.M. #17.11-2-18 & 19

Dear Chairman and Members of the Board:

On behalf of our client please find the following enclosed in support of your continued review:

- 7 copies - Site Plans, 3 sheets, dated last revised 6-22-23
- 3 copies – 100-year Stormwater Calculations (4-pages)
- 3 Flash Drives, containing all plans/documents

In response to Woodard & Curran's memorandum dated June 7, 2023, we offer the following responses:

1. An Aquifer Impact Assessment Report has been submitted.
- 2.a. Comment addressed.
- 3.a. We will coordinate with the Town Engineering Technician to verify the need for a Tree Removal Permit.
- 4.a. There are no staging areas intended. An area for workman parking has been designated.
- 4.b. Comment addressed.
- 4.c. Comment addressed.
- 4.d. Comment addressed.
- 4.e. Comment addressed.
5. The wooded area downhill of the parking area is a natural depression with very well drained soils. This area will remain as a natural stormwater filter and recharge area. The area contains enough volume to capture the 100-year post-development storm event.

Site Design ♦ Environmental

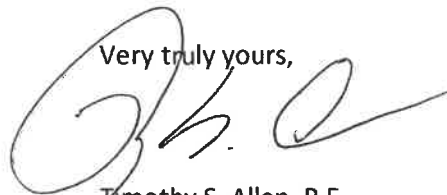
6. Comment addressed.
7. See response to Item #5 above.
8. Comment addressed.
9. Comment addressed.
10. A limit of work line has been added to the plan.
11. Comment addressed.
12. Proposed light poles are shown on the plans and are proposed to match existing lights. The lights are noted to be on a timer with hours noted.
13. Comment addressed.
14. Comment addressed.

Additional Comments

15. A percolation test will be performed to the appropriate depth and the results will be submitted.
16. It is intended to allow for a natural sheet flow to the recharge area.
17. The requested note has been added.

We look forward to discussing this matter with you further at the July 12, 2023 meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Allen', with a large, stylized loop at the beginning and a long, sweeping underline.

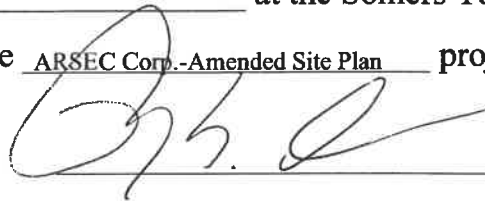
Timothy S. Allen, P.E.
Senior Partner

TSA/mme
Enclosures

cc: Dr. Ranani (via email)
File

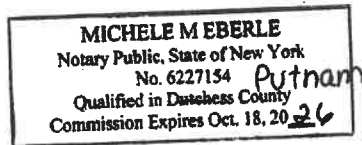
Affidavit:

I, Timothy S. Allen do hereby affirm that on June 29, 2023, pursuant to Sections 170-114C(5) and 150-12E of the Code of the Town of Somers, I installed the required sign, informing the public that the Public Hearing will be held on July 12, 2023 at 7:30 PM at the Somers Town House, 335 Route 202, Somers NY for the ARSEC Corp.-Amended Site Plan project.


Signature

I, Michele M. Eberle a Notary Public do hereby certify that on this, the 30th day of June 2023, the above named Timothy S. Allen subscribed the foregoing affidavit in my presence, and declare that the matters set forth in said affidavit are true, to the knowledge of said deponent.

IN WITNESS WHEREOF, I have hereunto set my hand.



Michele M. Eberle
Notary Public
Commission expires: October 18, 2026



A PROPOSED AMENDED SITE PLAN APPROVAL
APPLICATION FOR THIS PROPERTY
WILL BE DISCUSSED AT A SOMERS PLANNING BOARD
PUBLIC HEARING ON JULY 12, 2023 AT 7:30 PM AT THE
SOMERS TOWN HOUSE. FOR INFO: CALL 914-277-5366



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MEMORANDUM

TO: David Smith, Director of Planning
FROM: Steven Robbins, P.E., LEED AP
DATE: July 5, 2023
RE: ARSEC Corp.
Site Plan Application
TM: 17.11-2-18, B-HP District

REC-111

JUL - 6 2023

PLANNING ENGINEERING
TC

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Site Plan Application that was submitted for the ARSEC CORP. located at 380 Rte 202 in Somers, New York.

The application is proposing a parking lot expansion of 12 total parking spaces to the Applicant's property, to be utilized for overflow parking as well as an area for snow removal, with a total site disturbance of 0.103 acres. Upon the approval of a lot line adjustment at the subject property, the Applicant initiated site improvements prior to obtaining Town approvals, and subsequently a stop work order was issued by the Building Department. The Applicant has submitted a site plan application for the Planning Board's review for the proposed improvements for the parking lot expansion. Per the Applicant, the landscape plan has not been completed, and is currently in process.

The project site is located within the East of Hudson watershed, the Business Historic Preservation zoning district, and appears to be within the Groundwater Protection Overlay District within the Town of Somers.

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

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

DOCUMENTS REVIEWED

- Cover Letter, "Site Plan Application, ARSEC Corp., 380 Route 202, T.M. #17.11-2-18 & 19" prepared by Bibbo Associates, L.L.P., dated May 26, 2023



- Report, "Aquifer Impact Assessment", prepared by HydroEnvironmental Solutions, Inc., dated June 6, 2023
- Stormwater Pollution Prevention Plan prepared by Bibbo Associates, L.L.P., dated May 25, 2023
- Drawing Set, "ARSEC CORP. Route 116 Town of Somers, Westchester County, NY" prepared by Bibbo Associates, LLP, dated February 17, 2023, including:

Sheet Number	Sheet Name	Dated	Revised
EX-1	Existing Condition Plan	02/17/2023	06/22/2023
SP-1	Site Plan	02/17/2023	06/22/2023
D-1	Landscape Plan & Details	02/17/2023	06/22/2023

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Application for Special Exception Use Permit for Activity Within A Groundwater Protection Overlay District

DISCUSSION

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

1. *The proposed development activity is located within the Town of Somers Groundwater Protection Overlay District and requires the issuance of a special exception use permit. Consistent with the Town Code requirements listed in §170.32, the Applicant shall be required to comply with the criteria necessary for issuance of Special Exception Use Permit including the potential preparation of a Groundwater Protection Plan. **Addressed.***
2. *The Applicant shall confirm the total amount of soil material that has been moved based on the construction activities of the existing pad area, as well as the proposed improvements for the parking lot on the site plan.*
 - a. *If the construction activities yield greater than 50 cubic yards of soil material to be moved, the Applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment controls consistent with the requirements of Section 93-6(A)(1) of the Town Code. **Addressed.***
3. *The Applicant shall indicate any removal of trees for the subject property.*
 - a. *If removal of trees are required or has already been completed, the Applicant shall prepare a Tree Removal Permit Application per Town Code 156-4(A)(4). **Partially Addressed. The Applicant has acknowledged they will***



coordinate with the Town Engineering Technician to verify the need for a Tree Removal Permit.

4. *The Applicant shall provide an Erosion and Sediment Control (E&SC) plan which includes all proposed temporary E&SC practices and includes maintenance and inspection procedures of all proposed E&SC measures per the requirements of the NYS Standards and Specifications for Erosion and Sediment Control dated November 2016. The following comments are related to the E&SC plan:*
 - a. *The Applicant shall show the intended location of the equipment staging area on the plans. **Addressed. The Applicant has provided an area designated for workman parking.***
 - b. *The Applicant shall provide inspection and maintenance requirements for all proposed erosion and sediment controls. **Addressed.***
 - c. *The Applicant shall provide a typical construction detail for construction safety fencing to be used on-site. **Addressed. The Applicant has stated that construction safety fencing will not be used.***
 - d. *The Applicant shall indicate whether any existing trees are to be removed as a part of the proposed work and shall secure a tree removal permit, if necessary. The Applicant shall also indicate which existing trees are proposed to be protected during development. The Applicant shall furnish a typical tree protection detail on the plans. **Addressed.***
 - e. *The Applicant shall include a note on the plans which states "All E&SC measures shall be installed and maintained per New York State Standards and Specification for Erosion and Sediment Control, dated November 2016." **Addressed.***
5. *The Applicant shall clarify the intent of the stormwater recharge & wooded filter area north of the proposed parking lot area, and specify on the plans if conveyance of on-site runoff from the proposed parking lot is directed to this area for stormwater management purposes. **Partially Addressed. The Applicant shall confirm and demonstrate the conveyance of on-site runoff from the proposed parking lot to the stormwater filter and recharge area on the site plans.***
6. *The Applicant shall provide drainage arrows on the site plan to indicate the direction of runoff from the proposed parking lot. **Addressed.***
7. *Per the comments of the Business Historic Preservation District (B-HP) Technical Committee, the Applicant shall consider the implementation of a rain garden or other stormwater management practice (SMP) (e.g., rain garden) to mitigate potential hydrologic impacts from the proposed site improvements compared to the pre-development conditions. The stormwater management feature shall be designed in accordance with the NYSDEC SMDM. **Addressed.***
8. *The Applicant shall confirm if any off-site drainage is expected to run on to the proposed parking area, and establish any perimeter controls as required. **Addressed.***
9. *The Applicant shall provide proposed contours for the proposed parking area on the site plan. **Addressed.***



10. *The Applicant indicates an area of site activity of 4,500 sf in the Site Plan Application. The Applicant shall add a limit of work line in the site per the proposed limit of disturbance as indicated in the Site Plan Application. **Partially Addressed. The Applicant shall update their site plan with a limit of work line for all proposed disturbance areas, including the proposed 5' wide barway area.***
11. *The Applicant shall provide the cut and fill volumes on the site plan. **Addressed.***
12. *The provided drawings do not illustrate the installation of exterior site lighting. The Applicant shall provide lighting plans and specifications for consideration of the Planning Board. **Addressed.***
13. *The Applicant shall include a note on the plans for Dig Safely NY 811 which states the following: "Prior to Construction, Contractor shall locate all buried utilities to ensure that no interference exists during construction activities". **Addressed.***
14. *The Applicant shall include a note on the plans which states: "Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements". **Addressed.***
15. *The Applicant has proposed the natural wooded filter area will provide stormwater recharge for the increase in stormwater runoff, therefore infiltration is proposed to occur. The Applicant shall demonstrate that the existing soil conditions of the stormwater recharge area meets the requirements for stormwater infiltration systems under the NYSDEC SMDM Chapter 6. **Partially Addressed. The Applicant has acknowledged a percolation test will be performed. The Applicant shall submit the results of the percolation test once performed.***
16. *The Applicant shall confirm how the stormwater runoff from the proposed parking lot will be conveyed to the wooded filter area. **Partially Addressed. Please see new comment within this review memo regarding the proposed conveyance of stormwater runoff to the wooded filter area.***
17. *The Applicant shall include a note on the plans which states: "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use". **Addressed.***

Please find enclosed the following additional comments from the latest submittal:

18. There appears to be a retaining wall that separates the wooded filter area from the gravel parking lot. The following comments are regarding the proposed conveyance of the stormwater runoff to the wooded filter area.
 - a. The Applicant shall indicate the flow path and conveyance of the stormwater runoff from the gravel parking lot to the wooded filter area and describe how runoff will enter the filter area via sheet flow.
 - b. The Applicant shall indicate top and bottom wall elevations for the masonry stone retaining wall that separates the proposed gravel parking lot to the wooded filter area.

Please feel free to contact our office with any questions. Please provide a response memo identifying where responses to these comments can be located on revised submittals.

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

PUBLIC NOTICE:

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Somers, Westchester County, New York, has scheduled a **Public Hearing** on **Wednesday, July 12, 2023**, at 7:30 p.m. at the Somers Town House, 335 Route 202, Somers, New York, to consider the application of Taylor and Michelle Wintje for a Steep Slopes, Stormwater Management and Erosion & Sediment Control and Tree Removal Permit.

The proposal is more specifically shown on a plan titled: "Site Plan", "Details", "Slope Map" and "Existing Conditions" prepared by John Karell, Jr., P.E., dated June 17, 2020, last revised May 19, 2023.

The subject property is located at 9 Carolyn Way and is designated on the Town Tax Map as Sheet 18.09, Block 1, Lots 54, 55 and 56 and is in an R-10 Zoning District.

Anyone is invited to attend and will be heard on the aforesaid matter.

BY ORDER OF THE PLANNING BOARD

John Currie, Chairman

Wendy Getting, Senior Office Assistant



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and Geological Services P.A. P.C.
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JUL - 6 2023

**PLANNING-ENGINEERING
TOWN OF SOMERS**

MEMORANDUM

TO: David Smith, Director of Planning
FROM: Steven Robbins, P.E., LEED AP
DATE: July 5, 2023
RE: 9 Carolyn Way
Stormwater Management and Erosion & Sediment Control Permit, Steep Slopes
Protection Permit, and Tree Removal Permit.
TM: 18.09-1-54,55,56, R-10 District

GENERAL

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the environmental permit applications that were submitted for 9 Carolyn Way.

The applicant is proposing the construction of a single family house, driveway areas, a septic system and well. The project site is located within the East of Hudson watershed.

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

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

DOCUMENTS REVIEWED

- Stormwater Pollution Prevention Plan & Infiltration Study, dated April 7, 2020, Revised April 30, 2023, prepared by John Karell, Jr., P.E.
- Westchester County Department of Health Design Data Sheet, prepared by John Karell, Jr., P.E.
- Drawings prepared by John Karell, Jr., P.E., including:



Sheet Number	Sheet Name	Dated	Revised
S-1	Site Plan	06/17/2020	06/11/2023
EC-1	Slope Map	06/17/2020	06/11/2023
EC-1	Existing Conditions	06/17/2020	06/11/2023
D-1	Details	01/20/2020	06/11/2023

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Permit
- Town of Somers Planning Board: Tree Removal Permit
- Town of Somers Planning Board: Steep Slopes Protection Permit
- NYCDEP: Approval of Proposed Septic System
- NYSDEC: State Environmental Quality Review
- NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001)
- Westchester County Department of Health (WCDOH): Approval of Sanitary Sewer Systems

DISCUSSION

The following is a summary of our comments based on our review of the latest submittal. Previously issued comments are noted in *italics* and the corresponding current status and response is shown below in **bold**. It should be noted that further comments may be provided upon review of additional information.

1. The project is in the East of Hudson watershed and will disturb more than 5,000 SF.
 - a. *The Applicant shall obtain construction coverage under the NYSDEC SPDES General Permit.* **Not Addressed. The Applicant shall obtain coverage under the Permit.**
 - b. *The Applicant shall provide a draft Notice of Intent and MS4 SWPPP Acceptance Form to obtain coverage under NYSDEC General SPDES Permit based upon the SWPPP for review and acceptance by the Consulting Town Engineer.* **Not Addressed. The Applicant shall provide a draft Notice of Intent and MS4 SWPPP Acceptance Form.**
2. *The Applicant provided a Site Plan which shows the erosion and sediment controls (E&SC) proposed for the site. The following comments are related to the Site Plan:*
 - a. *The Applicant shall provide a standard detail for proposed inlet protection on the plans.* **Not Addressed.**



- b. *The Applicant is proposing disturbance to steep slope areas. The Applicant shall indicate how these areas will be stabilized during construction. **Not Addressed.***
 - c. *The Applicant shall provide a Tree Location, Removal & Protection Plan indicating the trees to be removed or protected during construction. **Not Addressed.***
 - d. *The Applicant shall provide inspection and maintenance requirements for all proposed erosion and sediment controls. **Not Addressed.***
 - e. *The Applicant shall provide the Soil and Erosion and Sediment Control Notes on the Site Plan sheet, and be consistent with the requirements in the SPDES General Permit. **Not Addressed.***
 - f. *The Applicant is proposing stone rip rap at the outfall of the proposed PVC footing drains. The Applicant shall provide a detail of this stone rip rap and shall provide the appropriate sizing per the NYS Standards and Specifications for Erosion and Sediment Controls, latest version. **Not Addressed.***
- 5. *Since this site naturally drains towards the eastern boundary line (and therefore towards adjacent property owners), the Applicant shall demonstrate how stormwater will be managed at the site to maintain or improve from pre-development conditions. **Partially Addressed. See additional stormwater comments in this memo.***
- 6. *The Applicant shall obtain a determination from the NYCDEP on whether SWPPP approval is required for this project. **Not Addressed.***
- 7. *The following comments correspond to the drawing sheets:*
 - a. *The Applicant shall provide a legend on the Existing Conditions and Site Plan sheets. **Not Addressed.***
 - b. *The Applicant shall revise the construction sequence notes to describe the erosion controls are designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), dated November 2016. **Not Addressed.***
 - c. *The Applicant shall include a note on the plans for Dig Safely NY 811 which states the following: "Prior to Construction, Contractor shall locate all buried utilities to ensure that no interference exists during construction activities". **Not Addressed.***
 - d. *The Applicant shall update the expected project start and end dates accordingly. **Addressed.***
- 8. *The Applicant shall add the installation of the proposed infiltration systems to the sequence of construction. **Addressed.***
- 9. *The provided plans depict that a new groundwater supply well and on-site subsurface sewage treatment area (septic field) will be constructed to provide wastewater disposal for the proposed lot. The following comments relate to the proposed septic fields:*



- a. *The Applicant shall furnish a copy of the Westchester County Department of Health (WCDOH) approval of the new septic system and dedicated well for the lots. **Not Addressed.***
 - b. *Show the installation of construction fence or an alternative barrier surrounding the footprint of proposed septic field absorption area during construction. **Not Addressed.***
10. *The provided drawings do not illustrate the installation of exterior site lighting. The Applicant shall update the plans to include detail of proposed exterior lighting fixtures, if proposed to be installed. **Not Addressed.***
11. *If the proposed expansion areas are proposed to be disturbed/prepared during construction, the Applicant shall revise the limits of disturbance to include the expansion areas. If the expansion areas are proposed to be disturbed/prepared only if the expansion is needed, the Applicant shall include a note on the plans to clarify this condition. **Addressed.***
12. *The Applicant shall revise the plans to show protective markers or construction fence surrounding the proposed septic absorption field limits to prevent over-compaction by equipment tracking during construction. **Not Addressed.***
13. *The Applicant shall reference the contaminant source (per WCDOH Section 5-B.7 Table 1) identified for the required minimum separation distance from water wells for the proposed infiltrator system located west of the driveway area. **Not Addressed.***
14. *The Applicant shall confirm and indicate any existing wells on adjacent properties within 200ft, if present. **Not Addressed.***
15. *The Applicant proposes two infiltration systems – one system to capture the stormwater runoff from the proposed house and one system for the driveway runoff.*
 - a. *The Applicant shall indicate the proposed pretreatment to the infiltration system. **Not Addressed.***
 - b. *The Applicant shall provide signed and sealed deep tests to ensure that at least 3 feet of separation exists between the bottom of the infiltration system and seasonally high groundwater or bedrock. The deep tests shall be completed per Appendix D in the NYSDEC SMDM. **Addressed.***
 - c. *The Applicant shall provide signed and sealed infiltration tests to ensure that an infiltration practice is feasible at the location. The infiltration tests shall be completed per Appendix D in the NYSDEC SMDM. **Addressed.***
 - d. *The Applicant shall indicate the test pit and deep hole test locations for the proposed infiltration system for the driveway. **Addressed.***
 - e. *The Applicant shall provide a construction detail for the proposed 'Cul Tech' infiltration system proposed to capture the driveway runoff. **Not Addressed.***
 - f. *The Applicant shall provide orange construction fencing around the extents of the infiltration systems to limit compaction by equipment tracking during construction. **Not Addressed.***



16. *The Applicant shall provide the finished grade, system, and pipe invert elevations for the proposed infiltration systems. **Not Addressed.***

17. *The Applicant shall revise the following items on the SWPPP:*

- a. The Applicant shall provide design calculations for the proposed infiltration system. The Applicant shall refer to the NYSDEC SMDM for design considerations for an infiltration basin. **Addressed.***
- b. The Applicant shall clarify if rain gardens are proposed as noted under Section (IV)(A)(10) of the SWPPP. **Not Addressed.***
- c. The Applicant shall add the infiltration system under the permanent erosion control measures under Section (IV)(B). **Addressed.***

18. *The Applicant shall provide a profile detail for the proposed SSTS. **Addressed.***

19. *The Applicant shall provide a construction detail for the roof leader connection to the proposed infiltration system. **Not Addressed.***

20. *The Applicant shall provide a location for staging area of construction equipment on the Site Plan. **Not Addressed.***

21. *The Applicant shall include a note on the plans which states: "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use." **Not Addressed.***

22. *The Applicant shall include a note on the plans which states: "Off-site disposal of excess cut shall be in accordance with all federal, state and local requirements." **Not Addressed.***

Please find enclosed the following additional comments from the latest submittal:

23. The Applicant shall revise the SWPPP to the updated limit of disturbance for this project as indicated on the site plan (25,200 sq. ft.)

24. The Applicant shall revise the number of proposed bedrooms on the plan. The resubmittal reduces the primary SSTS and 100% expansion areas, but the house is still labeled as "4 Bedroom."

Please feel free to contact our office with any questions. Please provide a response memo identifying where responses to these comments can be located on revised submittals.