

OFFICE OF THE SUPERVISOR

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

ROBERT SCORRANO
SUPERVISOR



**SOMERS TOWN BOARD
WORK SESSION/REGULAR MEETING - 7:00PM
THURSDAY, AUGUST 10, 2023
www.somersny.com**

6:00pm Executive Session

I. PLEDGE OF ALLEGIANCE:

7:00pm Work Session / Regular Meeting

II. ROLL CALL:

III. PUBLIC HEARING:

1. Proposed Local Law to rezone approximately 19 acres of land from NS-Neighborhood Shopping to R-10 Residential, R-40 Residential, R-120 Residential and OLI-Office/Light Industrial District as recommended in the Town's 2016 Comprehensive Plan Update.
2. With regard to Chapter 77, Buildings, Unsafe; Section 77-9 as it relates to 5 Cottage Place, Granite Springs.

PUBLIC COMMENT

Please limit your comments to no more than 3 minutes.

IV. APPROVAL OF MINUTES:

SOMERS TOWN BOARD
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THURSDAY, AUGUST 10, 2023
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V. DEPARTMENT REPORTS: The Town Clerk announces receipt of the following monthly reports: Town Clerk, Building Inspector, Zoning Board of Appeals, Plumbing, Bureau of Fire Prevention, Parks & Recreation, Planning & Engineering, Tax Receiver, Director of Finance and Department Heads

VI. BUSINESS OF THE BOARD:

A. TOWN BOARD:

1. Town of Somers – Update
2. October Clean Energy Presentation – Don Bleasdale, Chairman of the Somers Energy Environment Committee.
3. Authorize Waiver of Chapter 67 of the Code of the Town of Somers for 10 Central Way, Purdys, NY
4. Authorize Waiver of Chapter 67 of the Code of the Town of Somers as it applies to T-Mobile, per memo dated August 2, 2023 from Dave Smith, Planning Consultant.
5. Trailside Estates - Presentation of formal development submission
 - a. Town Board accepts petition.
 - b. Town Board declares intent to act as lead agency.
 - c. Authorize circulation of a Notice of Intent with EAF and supporting documentation to Interested and Involved Agencies including the Town of Somers Planning Board and Westchester County.
6. Schedule Public Hearing for Municipal Facilities Text Amendments for September 14, 2023.
 - a. Declaration of Lead Agency
7. Schedule Public Hearing for UB Somers / Somers Commons Shopping Center Petition to Amend the Towns Zoning Code Related to the CS – Community Shopping District for September 14, 2023.
 - a. Declaration of Lead Agency

SOMERS TOWN BOARD
WORK SESSION/REGULAR MEETING - 7:00PM
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8. Seasonal Outdoor Dining - Discussion
 - a. Declare Notice of Intent to Act as Lead Agency
 - b. Accept a Short Environmental Assessment Form (EAF)
 - c. Authorize circulation of Notice of Intent to the Planning Board, Westchester County and other involved agencies for review and recommendation.
9. Authorize the Supervisor to execute the following:
 - a. The requisition documents for the remaining \$3,797.00 of the SAM - DASNY Grant – Solar Panels Project 8076.
 - b. The requisition documents for the \$150,000.00 SAM - Grant – Salt Shed Project 15528.
 - c. The Woodard and Curran Professional Engineering Services Proposal for Septic System and Well Planning for the Reynold's House not to exceed \$15,000.00.
 - d. The renewal contract for the Travelers Cyber and Crime Renewal Applications for the period of August 1, 2023 through July 30, 2024, per June 25, 2023 email from Tammi Savva, Junior Administrative Assistant, retro to July 25, 2023.
10. Schedule a Public Hearing for a Local Law to amend the Code of the Town of Somers by amending Chapter 154 entitled Taxation for September 14, 2023.

B. PARKS & RECREATION: No additional business.

C. FINANCIAL: No additional business.

D. HIGHWAY: No additional business.

E. PERSONNEL:

1. **Current Vacancies:**
 - a. Affordable Housing Board (1- 2-year term ending 7/11/2024.)
 - b. Affordable Housing Board (1- 2-year term ending 7/11/2025.)
 - c. Partners in Prevention (1- 3-year term ending 12/31/2023.)
 - d. Partners in Prevention (1- 3-year terms ending 12/31/2025.)
 - e. Veteran's Committee (1- 2-year terms ending May 31, 2025.)
 - f. Library Board of Trustees (1 – 5-year term ending 12/31/24)
 - g. Library Board of Trustees (1 – 5-year term ending 12/31/27)

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2. **Upcoming Vacancies - Terms Expiring in 2023:**

- a. Assessment Board of Review (1- 5-year term ending 9/30/2023.)
3. Acknowledge the retirement of Craig Dufner, Heavy Motor Equipment Operator, Town of Somers Highway Department effective July 16, 2023.
4. Acknowledge the retirement of Beth Levine Library Assistant / Head of Children's Services from the Somers Library effective July 28, 2023.
5. Authorize the appointment of Jeffrey Gilberg as a member to the newly formed Somers Veteran's Committee to a two-year term effective June 1, 2023 and ending May 31, 2025.
6. Acknowledge the promotion of Jose Yanza-Arpi as a Motor Equipment Operator at a pay rate of \$38.0264 per hour per memo dated July 31, 2023 from Nicholas DeVito, Superintendent of Highways, effective August 7, 2023.
7. Acknowledge the promotion of Jaycen Decrenza as a Motor Equipment Operator at a pay rate of \$39.2732 per hour per memo dated July 31, 2023 from Nicholas DeVito, Superintendent of Highways, effective August 7, 2023.
8. Acknowledge the resignation of Paul Manuele as a member of the Somers Library Board of Trustees effective July 31, 2023.
9. Acknowledge the resignation of Michelle Nicora as a member of the Somers Library Board of Trustees effective August 2, 2023.
10. Authorize the hiring of Phillip Quiles as provisional Water and Sewer Maintenance Worker Grade I full time in the Water and Sewer Department for 40 hours a week in accordance with the CSEA Contract Grade 7A Step 6 at an annual salary of \$78,142.00 per memo dated August 4, 2023 from Frederick McQuillan, Water and Sewer Superintendent effective August 7, 2023.

F. PLANNING & ENGINEERING: No additional business.

G. POLICE: - No additional business.

SOMERS TOWN BOARD
WORK SESSION/REGULAR MEETING - 7:00PM
THURSDAY, AUGUST 10, 2023
www.somersny.com

H. CONSENSUS AGENDA:

1. Authorize transfer of the following Bonds to the General Fund per July 14, 2023 memo from Steven Woelfle, Principal Engineering Technician:
 - a. \$1,000.00 Erosion Control Bond – IBM/Grubb and Ellis Management Services;
294 Route 100, Parcel: 17.19-1-1
 - b. \$1,000.00 Erosion Control Bond – Consolidated Edison Co.,
Route 35/Quaker Church Road, Gas Line Main
2. Authorize the return of the following Bond per July 19, 2023 memo from Steven Woelfle, Engineering Department:
 - a. \$500.00 Erosion Control Bond – Papalia Stormwater Management and Erosion and Sediment Control and Tree Removal Permit #ASMESCT2021-45;
TM: 37.08-2-2
3. Authorize the following SEQRA/Professional Service Fee refunds per July 21, 2023 and July 25, 2023 memos from Dave B. Smith, Director of Planning:
 - a. \$1,630.00 Anglebrook Golf Club Site Plan – Patio Expansion
TM: 27.07-1-1.1
 - b. \$2,588.39 Wright's Court Site "A" Site Plan
TM: 17.11-1-18
4. Authorize the Supervisor to execute the following:
 - a. The 2023/2024 School Tax Warrant.
 - b. The Revocable Land Use Permit renewal from the New York City Department of Environmental Protection for a five year renewal beginning January 1, 2024 for the following permit numbers: 9917, 10095, 10083, 9515, 9689 and 10005.
5. Authorize the circulation of a Bid for Used Office Equipment and the disposal of any items not bid on at their August 10, 2023, Work Session/Regular meeting per July 31, 2023 memo from Patricia Kalba, Town Clerk.

SOMERS TOWN BOARD
WORK SESSION/REGULAR MEETING - 7:00PM
THURSDAY, AUGUST 10, 2023
www.somersny.com

2023 Calendar

August 10, 2023	7:00pm	Town Board Work Session/Regular Meeting Public Hearing: Proposed Local Law to rezone approximately 19 acres of land from NS-Neighborhood Shopping to R-10 Residential, R-40 Residential, R-120 Residential and OLI-Office/Light Industrial District as recommended in the Town's 2016 Comprehensive Plan Update. Public Hearing: With regard to Chapter 77, <u>Buildings</u> , <u>Unsafe</u> ; Section 77-9 as it relates to 5 Cottage Place, Granite Springs.
September 7, 2023	7:00pm	Town Board Work Session
September 14, 2023	7:00pm	Town Board Regular Meeting
October 5, 2023	7:00pm	Town Board Work Session
October 12, 2023	7:00pm	Town Board Regular Meeting

8/7/2023 1:00 PM

SomersNY-Supervisor - Documents\kdelucia\TB Agendas\2023\Aug 10, 2023 Work Session_Regular Meeting.docx

Sent to:
TB, TC, TA T8/1/23

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town of Somers will conduct a public hearing on August 10, 2023 at 7:00 p.m. at the Town House, 335 Route 202, Somers, New York on a proposed Local Law to rezone approximately 19 acres of land from NS-Neighborhood Shopping to R-10 Residential, R-40 Residential, R-120 Residential and OLI – Office/Light Industrial District as recommended in the Town’s 2016 Comprehensive Plan Update. The property are as follows:

Property Address	Tax Lot Designation	Current zoning	Proposed Rezoning
26 Lincoln Avenue	16.16-1-1	NS	R-10
22 Lincoln Avenue	16.16-1-2	NS	R-10
24 Lincoln Avenue	16.16-1-3	NS	R-10
138 Route 202	16.16-1-4	NS	R-10
140 Route 202	16.16-1-5	NS	R-10
142 Route 202	16.16-1-6	NS	R-10
115 Route 202 partial	16.15-1-1 partial	NS	R-120
166 Route 202 partial	16.16-1-21 partial	NS	R-40
154 Route 202	16.16-1-14	NS	OLI
1 Maple Avenue	16.16-1-12	NS	OLI
5 Maple Avenue	16.16-1-11	NS	OLI
7 Maple Avenue	16.16-1-10	NS	OLI
9 Maple Avenue	16.16-1-9	NS	OLI
25 Lincoln Avenue	16.16-1-7	NS	OLI
148 Route 202	16.16.-1-8	NS	OLI/R-10

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

By Order of the Town Board
of the Town of Somers

Patricia Kalba
Town Clerk

Dated: July 27, 2023

Project: Zoning Map Amendments

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Somers	August 10, 2023
Name of Lead Agency	Date
Hon. Robert Scorrano	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

Date:

Resolution #:

RESOLUTION OF THE TOWN BOARD
SEQRA NEGATIVE DECLARATION AND ZONING MAP AMENDMENTS

WHEREAS, on or about February 11, 2016, the Somers Town Board (the "Town Board") adopted a duly prepared Comprehensive Plan Update which included significant public input including public hearings and an environmental review as required by the New York State Environmental Quality Review (SEQR); and

WHEREAS, the Comprehensive Plan Update (CPU) outlined certain goals and objectives related to plan proposals and potential implementation programs designed to shape the physical environment of the Town that are meant to preserve its natural environment and historic character while creating a compatible environment for appropriate growth and development; and

WHEREAS, Figure 6 in the CPU identified certain proposed zoning map amendments which are intended to refocus and strengthen the Lincolndale neighborhood business node and recognize the existing land uses; and

WHEREAS, on June 5, 2023 a formal petition was submitted to the Town Board from the Town of Somers Planning Department including an Environmental Assessment Form ("EAF") requesting that the proposed zoning amendments already identified on Figure 6 of the CPU be adopted (the "Proposed Action"); and

WHEREAS, at its regularly scheduled meeting of June 8, 2023 the Town Board did discuss the proposed petition and did declare their Intent to Act as Lead Agency under SEQR; and

WHEREAS, a Notice of Intent to Act as Lead Agency was circulated to a comprehensive list of known agencies for their consideration and received comments back from the Town of Somers Planning Board, Westchester County and NYC DEP, none of whom objected to the Town Board assuming the role of Lead Agency; and

WHEREAS, at its regularly scheduled meeting of July 13, 2023, the Town Board did declare themselves Lead Agency and did schedule a public hearing on the matter for August 10, 2023; and

WHEREAS, on August 10, 2023, the Town Board opened a duly noticed public hearing on the proposed zoning map amendments outlined in Figure 6 of the CPU in which all members of the public were invited to be heard; and

NOW, THEREFORE, BE IT RESOLVED, that the Lead Agency makes the following findings after having fully considered the environmental review record and supporting documentation, and having considered the preceding written facts and conclusions relied upon to meet the requirement of 6 NYCRR 617.7 and 617.11, the Town Board determines after a review of EAF Parts 1 and 2 and all the other supporting information that the Proposed Action will not have a significant adverse impact on the environment and does hereby make a Negative Declaration under SEQRA; and be it further

RESOLVED, that the Town Board does hereby adopt the amendments to the Town of Somers Zoning Map as identified in Figure 6 of the CPU.

Moved: _____

Seconded: _____

Vote: _____

DRAFT

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town of Somers will conduct a public hearing on August 10, 2023 at 7:00 p.m. at the Town House, 335 Route 202, Somers, New York with regard to Chapter 77, Buildings, Unsafe; Section 77-9 as it relates to 5 Cottage Place, Granite Springs.

All persons interested in this matter are invited to attend the public hearing and will be afforded an opportunity to be heard.

By Order of the Town Board
of the Town of Somers

Patricia Kalba
Town Clerk

Dated: July 27, 2023

Sent to:
TB, TA, TC
7/21/23
KB

July 14, 2023

Elizabeth Luppino
10 Central Way
Purdys, NY 10578

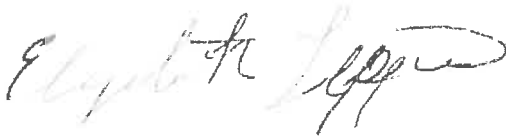
Dear Somers Town Supervisor and Town Board,

I was issued a Notice of Violation, as my deceased husband erected an above ground pool and deck without securing a building permit. Both the pool and deck have to be legalized, but need a variance as they are too close to the property line. I need to submit an application to the Zoning Board of Appeals for the variances, but can't because as per Chapter 67 of the Code of the Town of Somers, variances cannot not be issued to a property in violation.

I respectfully request that a waiver of Chapter 67 of the Code of the Town of Somers be granted to me so that I can move forward with the process of legalizing my above ground pool and deck.

Thank you.

Sincerely,



Elizabeth Luppino

Sent from my iPhone

sent to:
TB, TC, TA TB 8/1/23

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

August 2, 2023

To: Hon. Robert Scorrano, Supervisor and
Town Board Members

From: David B. Smith

Re: Chapter 67 -Waivers

The Town Board recently received a letter dated July 5, 2023, from Snyder & Snyder regarding an ongoing Building Department application for a facility that calls for the replacing older antennas and related equipment with new antennas and new equipment. The current application of Chapter 67 – Application Processing Restriction is creating a situation where other carriers inactions are preventing T-Mobile from upgrading its services which will benefit residents, business owners, and those traveling through and working in the Town. The representatives of T-Mobile have been working cooperatively with the Town to address all matters under its control by closing out the open Sprint permit

The Town Code allows for specific relief from Chapter 67 – Application Processing Restrictions. Specifically, Chapter 67-5 allows the Town Board: *when appropriate, may, upon submission of a written request by a property owner, temporarily waive specific provisions of this chapter where necessary to prevent undue hardship or an inequitable result.* The attached resolution will permit the Town Board to waive the requirements of Chapter 67 for this specific application only.

Representatives of the Town have met with Snyder & Snyder regarding this issue and did discuss the Town Board's use of Chapter 67-5 so as to avoid undue hardship or an inadequate result related to the processing of this application.

Should you have any questions on the above or the attached resolution please do not hesitate to reach out.

TOWN OF SOMERS

County of Westchester

RESOLUTION _____

**WAIVER OF CHAPTER 67 APPLICATION PROCESSING RESTRICTIONS
WITH RESPECT TO
T-MOBILE'S PENDING PERMIT APPLICATION FOR 121 ROUTE 100**

INTRODUCED BY: _____

SECONDED BY: _____

DATE OF CONSIDERATION/ADOPTION: August 10, 2023

WHEREAS, T-Mobile submitted an application on May 26, 2022 to replace antennas and install related equipment at the existing wireless telecommunications facility ("Facility") located at 121 Route 100, Somers, NY, 10536 and as shown on the Tax Map of the Town as Parcel 38.17-1-5 (hereinafter referred to as the "Property"); and

WHEREAS, the application submitted by T-Mobile constitutes an eligible facilities request pursuant to Section 6409 (codified as 47 U.S.C. 1455(a)) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Tax Relief Act"), and its implementing regulations 47 C.F.R. § 1.6100 as the application does not create a "substantial change" as defined by federal law; and

WHEREAS, should the Town fail to review an eligible facilities request within the 60-day review period (a/k/a "shot clock"), federal law states that the applicant may issue a letter to the municipality deeming the permits and approvals requested as granted, and that such deemed granted

approvals must be respected by the Town. *See* 47 C.F.R. § 1.6100(c)(4); *See also T-Mobile W. LLC v. City and County of San Francisco*, 20-CV-08139-SI, 2021 WL 1056788, (ND Cal Mar. 18, 2021) (“[a]ccordingly, the Court GRANTS T-Mobile’s motion for injunctive relief, as follows: (1) the deemed granted applications are in law as effective as granted applications; and (2) defendants the City and County of San Francisco and the City and County of San Francisco Department of Building Inspection are estopped from imposing penalties or in any way preventing T-Mobile from proceeding with installations for T-Mobile’s deemed granted applications.”) In other words, once the 60-day shot clock expires T-Mobile may deem the application granted and no further permits or approvals would be required; and

WHEREAS, T-Mobile cooperated with the Town’s review process and after several months of review and supplemental submissions in response to comments from Planning Board review staff, the Planning Board on December 21, 2022 approved T-Mobile’s Planning Board application and confirmed that the proposed work qualifies as an eligible facilities request in accordance with the Tax Relief Act; and

WHEREAS, on January 19, 2023 T-Mobile filed a building permit for its eligible facilities request; and

WHEREAS, on January 31, 2023 the Town Building Inspector informed T-Mobile that due to expired permits on the Property for other wireless carriers, the application for its building permit would not be processed by the Town; and

WHEREAS, between March and April of 2023 T-Mobile filed the necessary applications and materials to renew the expired Sprint permit and ultimately close out same; and

WHEREAS, on May 10, 2023 the Town Building Inspector issued a certificate of occupancy for Sprint’s permit; and

WHEREAS, after the issuance of the certificate of occupancy for Sprint's open permit, T-Mobile was informed its building permit application would still not be processed until the open permits for other wireless carriers were closed out based on an interpretation that Chapter 67 of the Town Code prohibits same; and

WHEREAS, Chapter 67 of the Town Code restricts the Building Inspector from issuing new permits for work on a property that contains open violations; and

WHEREAS, Section 67-4(D) of the Town Code states as follows:

For purposes of this chapter only, a violation of any local law or ordinance of the Town of Somers shall be deemed to have occurred when one of the following events occurs:

- (1) When a property owner has exhausted his or her administrative remedies to cure a specific notice of violation or has waived his or her right to do so;
- (2) When a property owner has failed to seek a variance or appeal within 30 days after the issuance of a notice of violation; or
- (3) Upon the issuance of a criminal summons by the Code Enforcement Officer; and

WHEREAS, while there are open permits for other carriers on the Property no violations or notice of violations have been issued; and

WHEREAS, T-Mobile has been working cooperatively with the Town, and the Town acknowledges that with the 60-day shot clock having long since expired, T-Mobile has rights under federal law to deem its eligible facilities request application compete in accordance with 47 C.F.R. § 1.6100(c), and begin work on such deemed granted approvals; and

WHEREAS, Section 67-5 authorizes the Town Board, upon submission of a written request, to grant waivers from the application processing restrictions contained in Chapter 67 of the Town Code "where necessary to prevent undue hardship or an inequitable result" and that the Town Board has received correspondence requesting such relief dated July 5, 2023; and

WHEREAS, this current application of Chapter 67 is creating a situation where other carriers' inactions are preventing T-Mobile from upgrading its services which will benefit residents, business owners, and those traveling through and working in the Town, and T-Mobile has worked cooperatively with the Town to address all matters under its control by closing out the open Sprint permit.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town hereby finds that the current application of Chapter 67 with respect to T-Mobile's eligible facilities request at the Property has created an undue hardship and an inequitable result;

BE IT FURTHER RESOLVED, that pursuant to Section 67-5 of the Town Code the Town Board hereby waives Chapter 67 as applied to T-Mobile's eligible facilities request at the Property and directs the Town Building Inspector to immediately issue T-Mobile's building permit for its eligible facilities request.

UPON ROLL CALL VOTE:

VOTE: RESOLUTION CARRIED BY A VOTE OF _____ TO _____.

STATE OF NEW YORK)

) ss.:
COUNTY OF WESTCHESTER)

I, _____, Town Clerk of the Town of Somers, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town at a meeting of said Board on August 10, 2023.

DATED: August ____, 2023

_____, Town Clerk

C:\Users\dbsmith\Town of Somers\SomersNY-P&E - Documents\Cell Towers (Mariann working on 5-3-2023)\Santaroni\2580 Route 35-Santaroni\T-Mobile Co-Locator 04-10-19\Ch. 67 Waiver Resolution 8-2-23.rtf

Sent to:
TB, TA, TC
7/19/23
FD



57 Route 6, Suite 207
Baldwin Place, New York 10505
Tel: 845.306.7705
Fax: 845.306.7707

July 7th, 2023

Robert Scorrano
Supervisor
Town of Somers
335 Route 202
Somers, New York 10589

Supervisor Scorrano,

Please accept this letter as an update for the development known as Trailside Estates at Somers (Trailside). Based upon feedback received during the June 22nd, 2023, site visit, the design of the Town of Somers Recreation Center has been revised to increase the amount of space allocated to the second floor Conference Room/Meeting Room. Specifically, the second floor Conference Room/Meeting Room, which was previously roughly three hundred and seventy (370) square feet, has been increased to roughly five hundred and fifty-five (555) square feet, which is a fifty percent (50%) increase to the usable space. In addition, the first floor Storage space has been modified to make it more efficient and accessible.

To summarize the overall development plan, the entire site encompasses +/- 56.8 acres, of which, 20 acres are proposed to be subject to a Conservation Easement and 7.5 acres are proposed to be deeded to the Town of Somers. The 7.5-acre parcel deeded to the Town of Somers is proposed to include a roughly half acre Dog Park, a 5,827 square foot Recreation Center, and ample additional land to address any future Town of Somers recreational needs.

Enclosed please find updated Architectural Drawings of the proposed Town of Somers Recreation Center and an updated overall Site Plan.

Thank you for the opportunity to submit these materials to you and the Town Board.

Sincerely,

A handwritten signature in cursive script that reads "Sean Kearney".

Sean Kearney
Vice President
Kearney Realty & Development Group



Design Architecture & Planning
 6 Old North Plank Road
 Suite 101
 Newburgh, NY 12550
 Tel: 845.561.2882
 Fax: 845.561.2881
 info@coppola-associates.com

DATE: 7/16/23

**Somers
 Recreation
 Center**

ROUTE 4 TOWN OF
 SOMERS
 WESTCHESTER
 COUNTY, NY

**Floor Plans &
 Elevations**

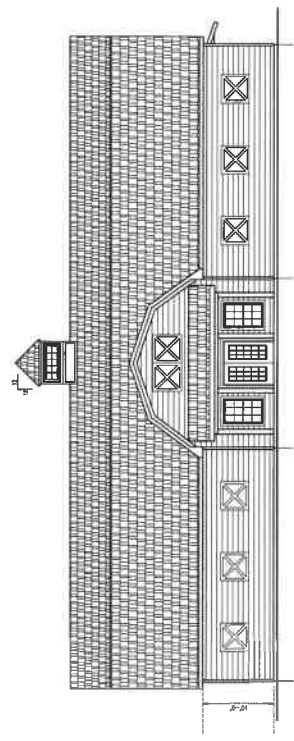
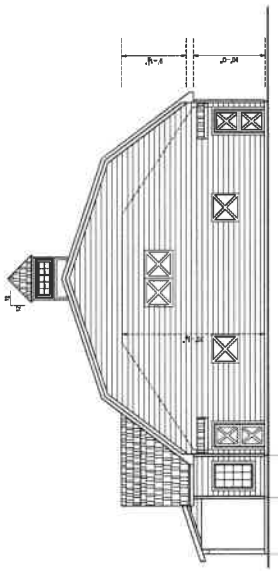
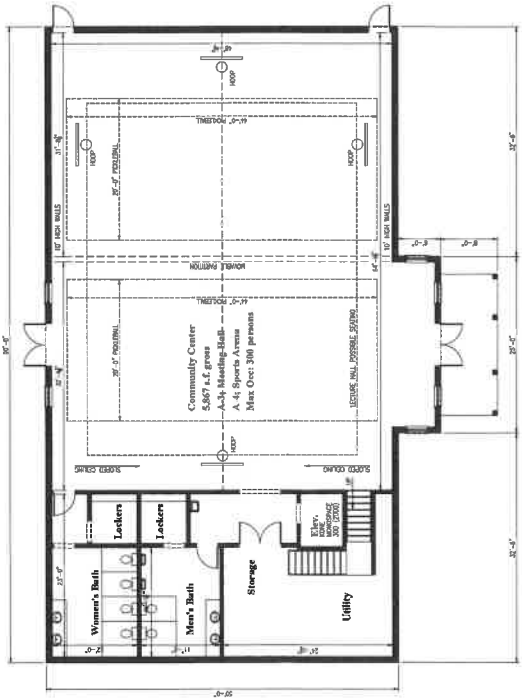
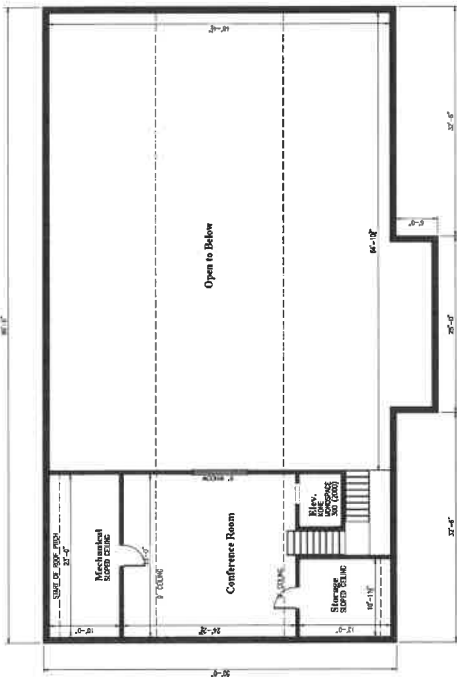
REVISIONS

DATE
 7/16/23

PROJECT NUMBER
 23-05

SHEET NUMBER

A1



*Sent to:
TB, TC, TA
TJ
8/8/23*

CHARLES V. MARTABANO
Attorney at Law

9 Mckeel Street
Katonah, New York 10536
cmartabano@gmail.com
(914) 242-6200 Telephone
(914) 242-3291 Facsimile
(914) 760-9241 Cell

August 7, 2023

VIA EMAIL TO BE FOLLOWED BY HAND DELIVERY

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

Re: Attached Petition of Parkview B & G LLC for
Zoning Map Change and Zoning Text Change

Dear Supervisor Scorrano and Members of the Town Board:

On June 8, 2023, Ken Kearney, Rich Williams and the undersigned appeared before your Board to discuss the community benefit aspect of the proposed Trailside Residential Community being proposed by Mr. Kearney on behalf of Parkview B & G LLC (hereinafter "Parkview"), owner of 56.8 acres of property (tax parcels 4.20-1-12 and 15.08-1-4) as identified and graphically depicted in the attached Petition and its exhibits. Parkview proposes to subdivide the property into lots of 49.3 acres and 7.5 acres. With respect to the 49.3 acre parcel, Parkview proposes to construct a 76 unit market rate townhouse community and the Board was provided with a review of the proposed site plan inclusive of a more than 20 acre conservation easement. With respect to the remaining 7.5 acres, Parkview proposes to construct a most significant community center building of approximately 6000 SF which will include meeting rooms, bathrooms, storage and locker space and recreational areas. Following the construction and issuance of a certificate of occupancy, the community center will be donated to the Town of Somers. A significant portion of the meeting was dedicated to a review of the proposed plans which were developed following meetings between Mr. Kearney and representatives of the Town of Somers.

During the presentation it was mentioned that, in view of the significant community benefit to be derived by the construction and dedication of the community center and its 7.5 acre lot, Parkview would be requesting a waiver of the obligation to construct 15% of the proposed

dwelling units as affordable dwelling units as part of the Trailside Residential Community. During the discussions Town Attorney Roland Baroni properly pointed out that there did not exist a mechanism within the existing provisions of the Town of Somers Code which would authorize the Town Board to issue a waiver of the affordable housing requirement. Discussions ensued which referred to the possibility of making application to the Zoning Board of Appeals with additional discussions centering on the possibility of a text change.

Attached please find Parkview's Petition which seeks to rezone the property to Multifamily Residence Baldwin Place MFR-BP District as previously discussed with your Board. However, you will note that the Petition also includes a proposed text change to deal with the issue of the required affordable housing dwelling units. As you will see from the language of the proposed text change, rather than to speak in terms of a waiver, the proposed text change provides for a credit mechanism for affordable housing dwelling units constructed by an applicant or affiliates of an applicant in excess of the number of affordable housing dwelling units required by the terms of the Somers Town Code. We believe this to be a very appropriate and equitable procedure to be considered by your Board under circumstances such as exist with respect to the current application or others simply situated. We also enclose an updated EAF.

At the meeting to be held on August 10, 2023, we will appear and explain the rationale behind the proposed text change which we hope your Board will embrace as an appropriate mechanism to utilize in the circumstances as presented.

Yours very truly,



Charles V. Martabano

cc: Town Attorney Roland Baroni Esq.
Parkview B & G LLC
Richard Williams, Insite Engineering

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

x

In the Matter of the Petition of

Parkview B & G LLC

For Amendment to the Town of Somers Zoning Map
And Zoning Code

Affected Parcels: 4.20-1-12 and 15.08-1-4

x

To the Members of the Town Board of the Town of Somers:

PETITIONER, PARKVIEW B & G LLC (hereinafter "Petitioner"), having a principal place of business at 57 Route 6, Suite 207, Baldwin Place, New York 10505, hereby petitions the Town Board of the Town of Somers for an amendment to the Zoning Map of the Town of Somers as follows:

1. Petitioner is a limited liability company formed and existing under the laws of the State of New York and is in good standing.

2. Petitioner is the owner of two existing parcels of land comprising in the aggregate 56.8 acres. The parcels are shown and designated on the Town of Somers Tax Map as tax parcels 4.20-1-12 and 15.08-1-4. Tax parcel 4.20-1-12 consists of approximately 19.8 acres. With respect to such parcel, 8.9 acres is presently zoned Residence R80; 8.6 acres is presently zoned Residence R40 and 2.3 acres is presently zoned Planned Hamlet PH. Tax parcel 15.08-1-4 consists of approximately 37 acres and is presently zoned Residence R80. Where the context requires, the two tax parcels shall hereinafter be collectively referred to as the "Property". Access to the Property is through the Somers Realty Planned Hamlet via Reynolds Drive. A map

showing the current configuration of the existing tax lots comprising the Property is attached hereto and made part hereof as Exhibit A.

THE PROPOSED DEVELOPMENT

3. Petitioner seeks to subdivide the property in the manner hereinafter described and to construct a 76 unit market rate townhouse community (hereinafter referred to as the "Trailside Residential Community") with associated asphalt roads and parking, utility infrastructure, stormwater management areas, landscaping, lighting, and a walking trail on a lot of approximately 49.3 acres of the property (hereinafter referred to as the "Trailside Lot"). Significantly, on the remaining 7.5 acres (hereinafter referred to as the "Community Center Lot"), Petitioner proposes to construct, as a community benefit for the Town of Somers, a significant community center of approximately 6000 square feet which will include meeting rooms, bathrooms, storage and locker space and recreational areas (hereinafter referred to as the "Community Center"). It is to be noted with significance that the Trailside Lot and the Community Center Lot abut the North County Trailway, a valuable recreational resource. It is also to be noted with significance that the Trailside Lot provides a proposed conservation easement of approximately 20 acres. A copy of the proposed plan for the creation of the Trailside Lot and the Community Center Lot is attached hereto and made part hereof as Exhibit B (hereinafter referred to as the "Proposed Parcels"). A copy of a concept plan illustrating the proposed subdivision and the subsequent Trailside Residential Community and the Community Center is attached hereto and made part hereof as Exhibit C (hereinafter referred to as the "Concept Plan").

4. Upon the completion of the construction of the Community Center, Petitioner will dedicate the completed Community Center and the Community Center Lot to the Town of Somers. While the Community Center will be utilized as subsequently directed by the Town of Somers, it is anticipated that the Community Center will be of particular benefit to the occupants of affordable housing in the Town of Somers. As set forth below, affiliates of Petitioner have previously constructed a significant amount of affordable dwelling units in the Town of Somers and a majority of the affordable dwelling units constructed by Petitioner's affiliates are located within walking distance of the proposed Community Center. It is therefore anticipated that the Community Center will provide a most significant community benefit for the occupants of the affordable dwelling units and other residents of the Town of Somers.

5. In order to facilitate the construction of the Trailside Residential Community and the Community Center, Petitioner will be required to subdivide the property into lots of the sizes set forth in paragraph 4 above and as shown by Exhibit B. In addition thereto, in order to construct the Trailside Residential Community, Petitioner will require that the proposed Trailside Lot be rezoned from its current zoning as set forth in paragraph 2 above to Multifamily Residence Baldwin Place MFR-BP District. With respect to the zoning to be applicable to the Community Center Lot, because the Community Center and the Community Center Lot will be conveyed to the Town of Somers, said zoning can be changed to any zoning district which allows for municipally owned/public facilities.

6. The principals of Petitioner have heretofore, through affiliated entities, constructed in the Town of Somers a total of 265 dwelling units of which 226 have qualified or will qualify as affordable dwelling units under the Town of Somers Code, a ratio of more than 85

% of all dwelling units constructed by affiliated entities of the Petitioner. All of these affordable dwelling units are located within walking distance of the Property.

7. As written, the provisions of the Multifamily Residence Baldwin Place MFR-BP District require that at least 15% of the basic permitted density shall consist of affordable dwelling units (see, e.g., §§170-13 A (4) (a) and 170-13 A (18) (a)). It is respectfully submitted that where, as here:

- (a) Petitioner, through affiliated companies, has constructed residential communities containing affordable dwelling units at a ratio far in excess of the standards/ratios applicable to such residential communities under the Somers Town Code; and
- (b) where Petitioner seeks to provide a community benefit specifically intended to benefit the occupants of affordable dwelling units previously constructed by Petitioner at significant cost;

factors exist which warrant the creation of a mechanism which, under appropriate circumstances, can provide relief from the provisions of §§170-13 A (4) (a) and 170-13 A (18) (a). It is to be noted in this regard that the Somers Town Code specifically recognizes that applicants for residential development are entitled to density bonuses for market rate units equal to one additional market rate units for each affordable dwelling unit in excess of the required 15% of the base permitted density (see §170-13 A (5) entitled "Incentive Density") thereby recognizing that an increase in market rate units can be awarded based upon an applicant providing a surplus of affordable dwelling units in excess of the 15% required. As set forth above, Petitioner, through its affiliated entities, have constructed residential communities with 226 affordable dwelling units whereas the applicable provisions of the Somers Town Code would have required approximately 40

affordable dwelling units, thereby producing a surplus of approximately 186 affordable dwelling units above the required amount.

8. Petitioner therefore seeks a text change to the Somers Town Code which would allow for Petitioner and others similarly situated to receive a credit against the affordable housing requirements applicable to the Multifamily Residence Baldwin Place MFR-BP District for a portion of the affordable dwelling units previously constructed by Petitioner's affiliates to be utilized to satisfy Petitioner's obligation to provide affordable dwelling units in connection with the Trailside Residential Community. Suggested language would be as follows:

Affordable Housing Dwelling Unit Credits

In those instances where an applicant can demonstrate to the satisfaction of the Town Board that such applicant, or an affiliate or affiliates of such applicant, has previously constructed residential housing communities in the Town of Somers which contain affordable housing dwelling units as defined by the Somers Town Code in an amount which exceeds the minimum requirements specified by the Somers Town Code in the zoning districts in which such residential housing communities are constructed, such applicant shall be entitled to an affordable housing dwelling unit credit to be applied to the development of future residential housing communities. The credit shall be equal to 50% of the number of affordable dwelling units previously constructed by the applicant or an affiliate or affiliates of the applicant, in excess of the minimum requirements specified by the Somers Town Code in the zoning districts in which such residential housing communities are constructed.

9. It is respectfully submitted that the proposed Zoning Map Change and Zoning Text Change as requested herein are consistent with the goals of the town of Somers as set forth in the Comprehensive Plan and there are significant benefits to be obtained from the requested Zoning Map Change and Zoning Text Change in terms of providing for an appropriate variety of housing and a Community Center which will provide Town-wide benefits particularly benefiting

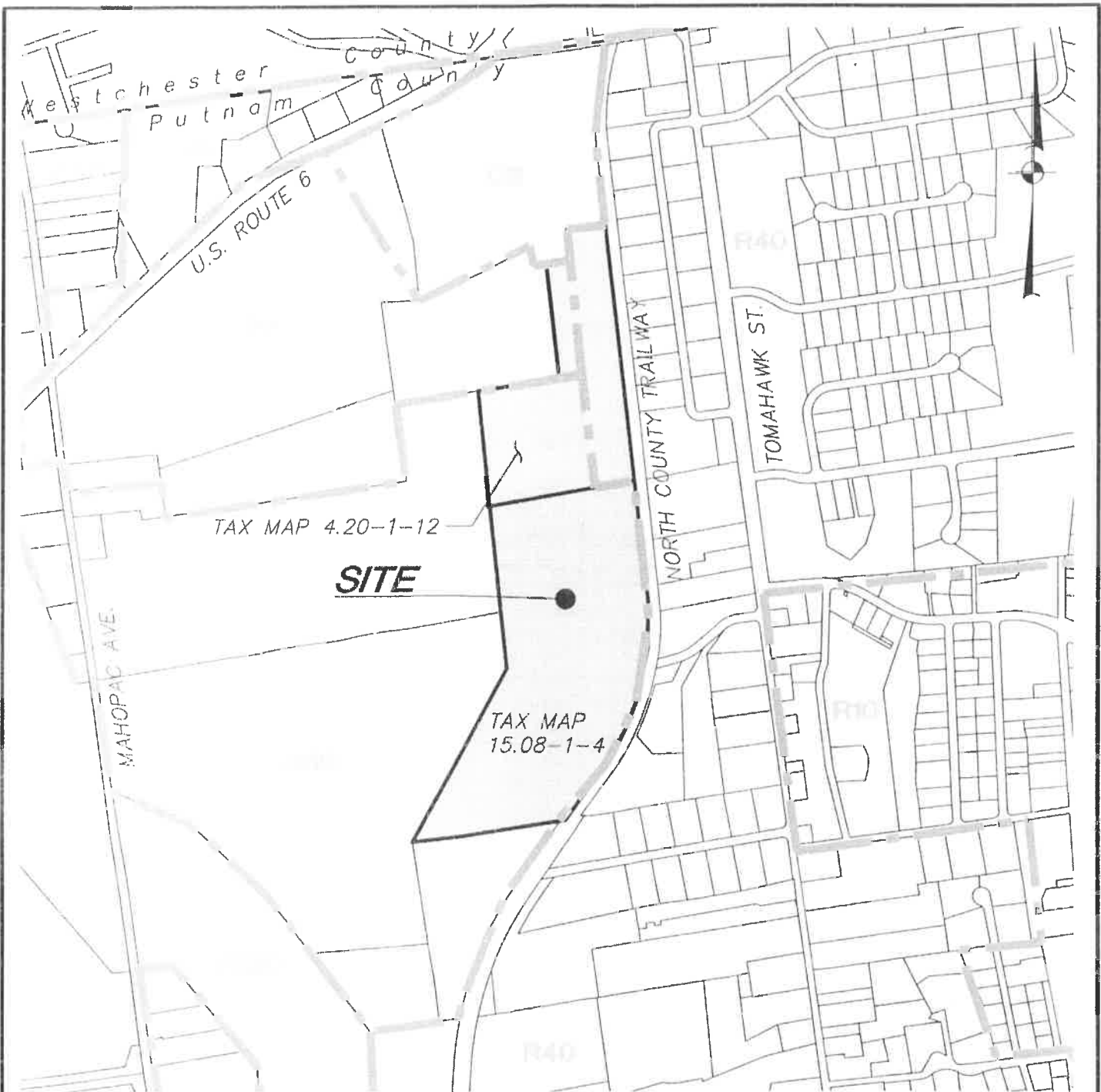
the occupants of affordable housing dwelling units already constructed in close proximity
thereto.

WHEREFORE, Petitioner respectfully requests that the Town Board of the Town of
Somers amend the Zoning Map and Zoning Code of the Town of Somers as set forth above.

Parkview B&G LLC


By: Ken Kearney, Member (Member)

EXHIBIT A



GENERAL NOTES:

1. Property lines shown hereon taken from Town of Somers Digital Tax Maps.
2. Zoning boundaries shown hereon taken from Town of Somers Zoning Map, dated July 9, 2015.
3. The intent of this plan is to show the existing parcels associated with the Trilside Estates project as shaded above.

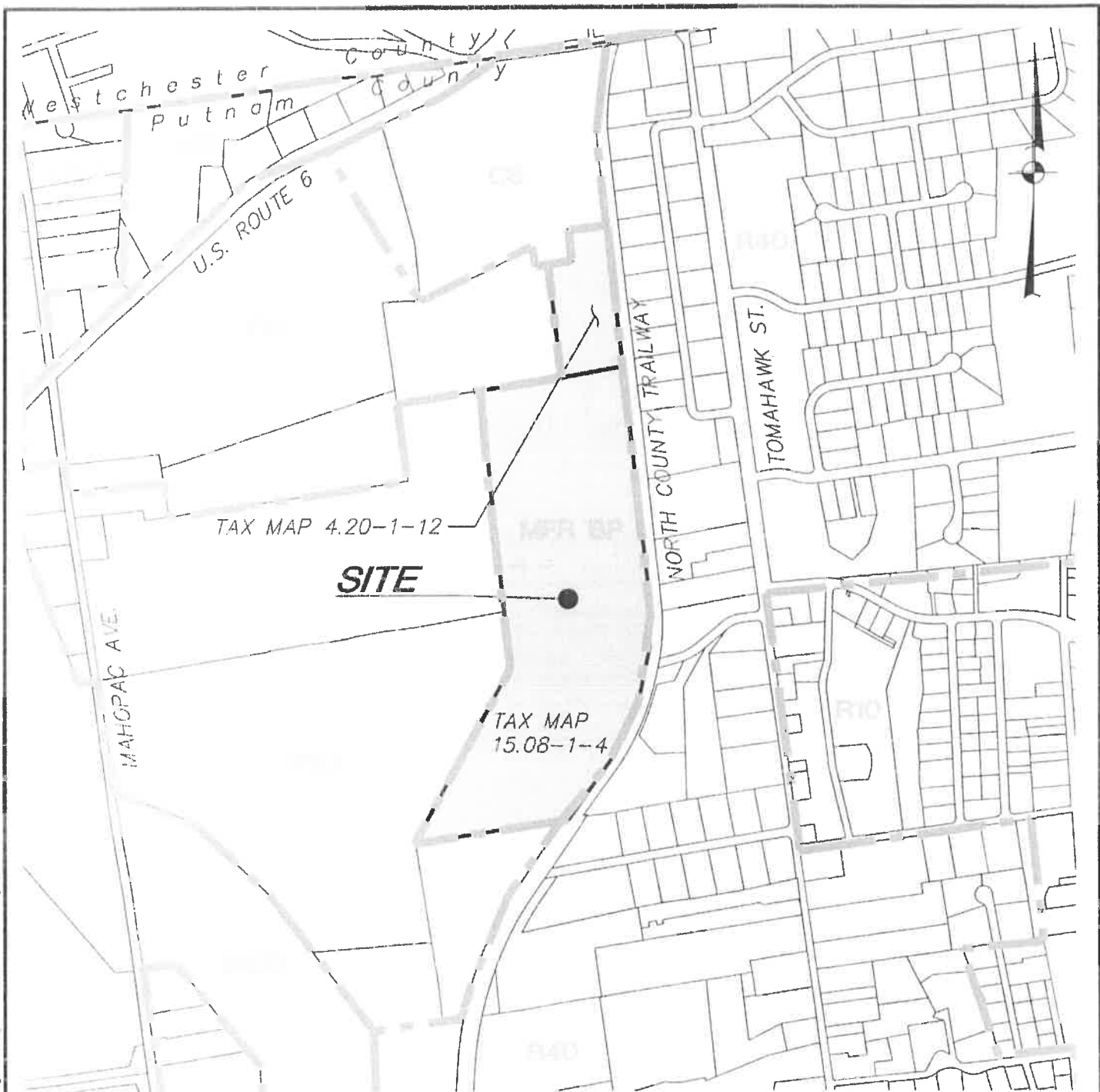
PROJECT:
TRILSIDE ESTATES AT SOMERS
 REYNOLDS DRIVE, TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK
 DRAWING:
EXISTING PARCELS

PREPARED BY:

INSITE
 ENGINEERING, SURVEYING &
 LANDSCAPE ARCHITECTURE, P.C.
 3 Garrett Place • Carmel, New York 10512
 Phone (845) 225-9690 • Fax (845) 225-9717
 www.insite-eng.com

DATE: 8-7-23
 SCALE: 1" = 800'
 PROJECT NO.: 21241.100
 FIGURE:
 EX--1

EXHIBIT B



GENERAL NOTES:

1. Property lines shown hereon taken from Town of Somers Digital Tax Maps.
2. Zoning boundaries shown hereon taken from Town of Somers Zoning Map, dated July 9, 2015.
3. The intent of this plan is to show the proposed parcels and zoning changes associated with the Trailside Estates project as shaded above.

PROJECT:

TRAILSIDE ESTATES AT SOMERS

REYNOLDS DRIVE, TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

DRAWING:

PROPOSED PARCELS

PREPARED BY:

INSITE
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www.insite-eng.com

DATE: 8-7-23

SCALE: 1" = 800'

PROJECT NO.: 21241.100

FIGURE: PR-1

EXHIBIT C



GENERAL NOTES

1. The owner has provided the necessary information for the preparation of this plan.
2. The owner has provided the necessary information for the preparation of this plan.
3. The owner has provided the necessary information for the preparation of this plan.
4. The owner has provided the necessary information for the preparation of this plan.
5. The owner has provided the necessary information for the preparation of this plan.
6. The owner has provided the necessary information for the preparation of this plan.
7. The owner has provided the necessary information for the preparation of this plan.
8. The owner has provided the necessary information for the preparation of this plan.
9. The owner has provided the necessary information for the preparation of this plan.
10. The owner has provided the necessary information for the preparation of this plan.

DATE: 08/27/2011

INSITE

PROJECT: TEMPLE ESTATE AT SUMMIT

DATE: 08/27/2011

DESIGNER: [Name]

SCALE: 1" = 20'

PROJECT NO.: [Number]

DATE: 08/27/2011

DESIGNER: [Name]

SCALE: 1" = 20'

PROJECT NO.: [Number]

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 I 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 I is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Trailside at Somers		
Project Location (describe, and attach a general location map): Reynolds Drive, Somers, NY 10541 (Tax Parcels 4.20-1-12 and 15.08-1-4)		
Brief Description of Proposed Action (include purpose or need): A 76-unit townhouse community with associated asphalt road and parking, utility infrastructure, stormwater management areas, landscaping, lighting, and a walking trail. This project also proposes the construction of a community center and dog park to be located on a separate parcel which will be dedicated to the Town of Somers. A conservation area is provided along the eastern portion of the property that will remain undeveloped preserving the land adjacent to the North County Trailway. The project site consists of two parcels, Tax Parcels 4.20-1-12 and 15.08-1-4, located in the PH, R40 and R80 Districts totaling 56.8 +/- acres. Access to the property is through the Somers Realty Planned Hamlet via Reynolds Drive. The property is seeking to have the property remapped to the MFR-BP zone by the Town Board.		
Name of Applicant/Sponsor: Parkview B & G, LLC	Telephone: 845-306-7705 E-Mail: skearney@kearneyrealtygroup.com	
Address: 57 Route 6, Suite 207		
City/PO: Baldwin Place	State: NY	Zip Code: 10505
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
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 Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board: Zone Change Town Board: Water & Sewer District Expansion	Pending
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board: Subd., Site Plan, Steep Slopes, Wetland, Tree Removal and Stormwater Permits	Pending
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	WCDOH Subdivision Approval, Water & Sewer Main Approval and District Boundary Modification	Pending
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYCDEP: SWPPP Approval	Pending
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC: GP-0-20-001 NYSDOT: Connection to North County Trailway	Pending
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

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):

Remediation Sites:360023, NYC Watershed Boundary

Baldwin Place Shopping Center (Now Somers Commons)

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
R-40 and R-80 Residence Districts; PH Planned Hamlet District. Project is seeking a rezone to the MFR-BP zone.

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

i. What is the proposed new zoning for the site? Project is seeking a rezone to the MFR-BP zone.

C.4. Existing community services.

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

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

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

d. What parks serve the project site?
North Country Trailway, Koegel Park, Baldwin Meadows Park (Town of Carmel)

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)? Multifamily residential

b. a. Total acreage of the site of the proposed action?	56.8 +/- acres
b. Total acreage to be physically disturbed?	23.3 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	56.8 +/- 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

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Subdivision to create a parcel for a Town Community Center to be constructed as part of the project

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

iv. Minimum and maximum proposed lot sizes? Minimum 7.5 AC +/- Maximum 49.3 AC +/-

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

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

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	76			
At completion				
of all phases	76			

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>2</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>30</u> height; <u>40</u> width; and <u>60</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>5,867</u> for <u>Recreation Building</u> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater runoff control</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Surface runoff</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source.	
iv. Approximate size of the proposed impoundment. Volume: <u>TBD</u> million gallons; surface area: <u>TBD</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>N/A</u> height; <u>N/A</u> length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Earth berm.</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	

iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Local, non-DEC wetland located in the interior of the property.</u>	

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:
Grading within the 100' wetland buffer for stormwater management practices and walking trail.

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: _____
Replanting within the wetland buffer.

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: Less than 25,080 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: Amawalk Shenorock Water District
- 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: _____
Water main will be extended down Reynolds Drive to the project site.
- Source(s) of supply for the district: Amawalk Shenorock Water District.

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

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

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

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

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

i. Total anticipated liquid waste generation per day: Less than 25,080 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: Peekskill Wastewater Treatment Plant
- Name of district: Somers Sewer District #1 / Westchester County Peekskill Sewer 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

*County Boundary Modification, Town District Expansion

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="font-size: small;">* Per EAF Workbook, less than 100 peak hour vehicle trips does not constitute as substantial increase in traffic. For townhomes, the Workbook states 190 units of townhomes equals 100 peak hour vehicle trips.</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend</p> <p><input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7am - 8pm • Saturday: _____ 7am - 8pm • Sunday: _____ 7am - 8pm • Holidays: _____ 7am - 8pm </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Residential 24/7 • Saturday: _____ Residential 24/7 • Sunday: _____ Residential 24/7 • Holidays: _____ Residential 24/7 </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7am - 8pm • Saturday: _____ 7am - 8pm • Sunday: _____ 7am - 8pm • Holidays: _____ 7am - 8pm 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Residential 24/7 • Saturday: _____ Residential 24/7 • Sunday: _____ Residential 24/7 • Holidays: _____ Residential 24/7
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7am - 8pm • Saturday: _____ 7am - 8pm • Sunday: _____ 7am - 8pm • Holidays: _____ 7am - 8pm 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Residential 24/7 • Saturday: _____ Residential 24/7 • Sunday: _____ Residential 24/7 • Holidays: _____ Residential 24/7 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: <u>Construction activities between the hours of 7am and 6pm.</u></p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Existing perimeter vegetation will be preserved to the maximum extent possible. The eastern portion of the site along the North County Trailway is proposed for conservation.</u></p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Proposed building mounted lights and post mounted lights, all dark sky compliant aimed downward.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Existing perimeter vegetation will be preserved to the maximum extent possible. The eastern portion of the site along the North County Trailway is proposed for conservation.</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: <u></u> <u></u> <u></u></p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: <u></u> <u></u> <u></u></p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): <u></u> <u></u> <u></u></p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

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	0.0 AC	8.0 AC	+ 8.0 AC
• Forested	53.1 AC	34.0 AC	- 19.1 AC
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0 AC	1.4 AC	+ 1.4 AC
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0 AC	0.0 AC	0.0 AC
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.1 AC	0.1 AC	0.0 AC
• Wetlands (freshwater or tidal)	3.6 AC	3.6 AC	0.0 AC
• Non-vegetated (bare rock, earth or fill)	0.0 AC	0.0 AC	0.0 AC
• Other Describe: <u>Lawn</u>	0.0 AC	9.7 AC	+ 9.7 AC

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:
Optum Medical - Mahopac at Route 6 and Mahopac Ave. Artis Senior Living of Somers.

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): _____
☒ Yes -- Environmental Site Remediation database Provide DEC ID number(s): 360023
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
Remediation complete and was on the adjacent shopping center property.
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): 360023
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____
Remediation complete and was on the adjacent shopping center property.

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? _____ > 6 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:

(PnB) Paxton Fine Sandy Loam	25 %
(RgB) Ridgebury Complex	20 %
(ChB) Charlton Fine Sandy Loam	10 %

d. What is the average depth to the water table on the project site? Average: _____ 3 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 70 % of site
☒ Moderately Well Drained: _____ 10 % of site
☒ Poorly Drained: _____ 20 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 75 % of site
☒ 10-15%: _____ 15 % of site
☒ 15% or greater: _____ 10 % 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 Approximate Size 3.3 AC +/-
- 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: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ Deer, birds, small mammals, and aquatic species _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: Baldwin Place Area</p> <p style="margin-left: 20px;">ii. Basis for designation: Difficulties w/ portable water source</p> <p style="margin-left: 20px;">iii. Designating agency and date: Agency: Somers, Town of, Date: 9-26-90</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify resource: <u>Fahnestock State Park, Taconic State Parkway</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Park</u> iii. Distance between project and resource: <u>5 to FSP and 3 to TSP</u> miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

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

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

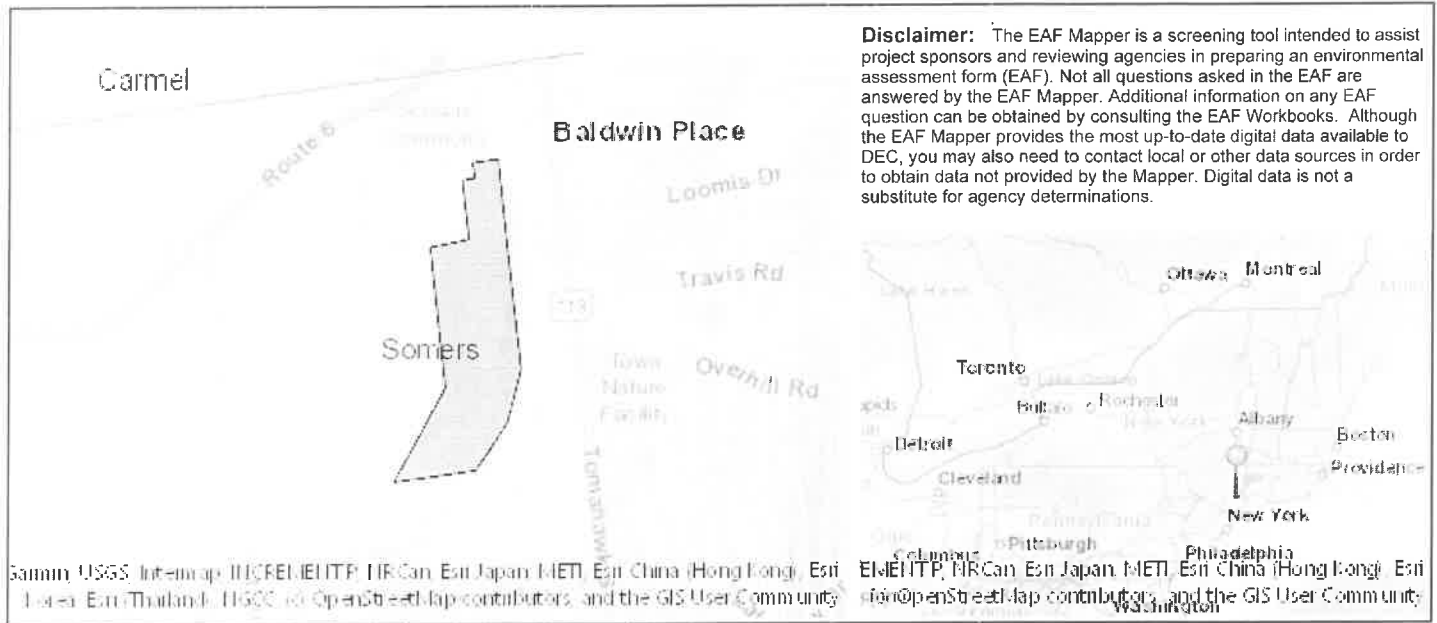
G. Verification

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

Applicant/Sponsor Name Insite Engineering, Surveying & Landscape Architecture, P.C. Date 2-1-22, revised August 7, 2023
Richard Williams, Jr., PE

Signature  Title Principal Engineer

PRINT FORM



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]	Remediation Sites:360023, NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	360023
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360023
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]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
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]	Yes
E.3.d [Critical Environmental Area - Name]	Baldwin Place Area
E.3.d.ii [Critical Environmental Area - Reason]	Difficulties w/ portable water source
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Somers, Town of, Date:9-26-90
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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August 7, 2023

VIA EMAIL TO BE FOLLOWED BY HAND DELIVERY

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

Re: Attached Petition of Parkview B & G LLC for
Zoning Map Change and Zoning Text Change

Dear Supervisor Scorrano and Members of the Town Board:

On June 8, 2023, Ken Kearney, Rich Williams and the undersigned appeared before your Board to discuss the community benefit aspect of the proposed Trailside Residential Community being proposed by Mr. Kearney on behalf of Parkview B & G LLC (hereinafter "Parkview"), owner of 56.8 acres of property (tax parcels 4.20-1-12 and 15.08-1-4) as identified and graphically depicted in the attached Petition and its exhibits. Parkview proposes to subdivide the property into lots of 49.3 acres and 7.5 acres. With respect to the 49.3 acre parcel, Parkview proposes to construct a 76 unit market rate townhouse community and the Board was provided with a review of the proposed site plan inclusive of a more than 20 acre conservation easement. With respect to the remaining 7.5 acres, Parkview proposes to construct a most significant community center building of approximately 6000 SF which will include meeting rooms, bathrooms, storage and locker space and recreational areas. Following the construction and issuance of a certificate of occupancy, the community center will be donated to the Town of Somers. A significant portion of the meeting was dedicated to a review of the proposed plans which were developed following meetings between Mr. Kearney and representatives of the Town of Somers.

During the presentation it was mentioned that, in view of the significant community benefit to be derived by the construction and dedication of the community center and its 7.5 acre lot, Parkview would be requesting a waiver of the obligation to construct 15% of the proposed

dwelling units as affordable dwelling units as part of the Trailside Residential Community. During the discussions Town Attorney Roland Baroni properly pointed out that there did not exist a mechanism within the existing provisions of the Town of Somers Code which would authorize the Town Board to issue a waiver of the affordable housing requirement. Discussions ensued which referred to the possibility of making application to the Zoning Board of Appeals with additional discussions centering on the possibility of a text change.

Attached please find Parkview's Petition which seeks to rezone the property to Multifamily Residence Baldwin Place MFR-BP District as previously discussed with your Board. However, you will note that the Petition also includes a proposed text change to deal with the issue of the required affordable housing dwelling units. As you will see from the language of the proposed text change, rather than to speak in terms of a waiver, the proposed text change provides for a credit mechanism for affordable housing dwelling units constructed by an applicant or affiliates of an applicant in excess of the number of affordable housing dwelling units required by the terms of the Somers Town Code. We believe this to be a very appropriate and equitable procedure to be considered by your Board under circumstances such as exist with respect to the current application or others simply situated. We also enclose an updated EAF.

At the meeting to be held on August 10, 2023, we will appear and explain the rationale behind the proposed text change which we hope your Board will embrace as an appropriate mechanism to utilize in the circumstances as presented.

Yours very truly,



Charles V. Martabano

cc: Town Attorney Roland Baroni Esq.
Parkview B & G LLC
Richard Williams, Insite Engineering

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers

WESTCHESTER COUNTY, N.Y.

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

August 1, 2023

To: Hon. Robert Scorrano, Supervisor and
Town Board Members

From: David B. Smith

Re: Zoning Text Amendments CS- Community Shopping and
Municipal Facilities Text Amendments

As you will recall, at your July 13th meeting the Town Board initiated SEQR by declaring your Intent to act as Lead Agency on two separate zoning text amendment matters:

- Proposed text amendments to the CS-Community Shopping Zoning District to allow private and/or public recreation facilities and veterinary offices as permitted principal uses; and
- Making Municipal Facilities permitted principal uses in the Towns residential, commercial and office districts.

To date, none of the interested agencies that have responded have objected to the Town Board assuming Lead Agency status. Procedurally, the next steps are to have the Town Board formally declare themselves Lead Agent for both matters and schedule a public hearing for the next available Town Board meeting.

Should you have any questions regarding the above please do not hesitate to reach out.

Cc: Wendy Getting
Patricia Kalba
Roland Baroni
Tom Tooma

C:\Users\dbsmith\Town of Somers\SomersNY-P&E - Documents\dsmith\Zoning Code Amendments\Municipal uses\memo to TB municipal uses CS zoning text.doc

Sent to:
B, TC, TA
8/7/23

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

August 7, 2023

To: Hon. Robert Scorrano, Supervisor and Town Board Members

From: David B. Smith

Re: Seasonal Outdoor Dining

Cc: Tom Tooma

As requested, this office has been working with the Building Department on formalizing the process for allowing seasonal outdoor dining. Currently, the Town allows Temporary Outdoor Dining which was permitted as part of the response to the pandemic and now that New York State is ending that program the Town seeks to allow outdoor dining as part of a seasonal use to be permitted by the Town on a permanent basis.

This office has had preliminary discussions on this matter with the Building Inspector to review particular issues of concern, particularly how the seating is managed so that there is no overall increase in the number of seats which would require a formal site plan amendment. A quick desk-top survey was initiated and an ordinance from the Village of East Hampton was identified and used as a template. It is noted however, that the Village of East Hampton has a different setting where there are a number of eating establishments located within a downtown setting with wide sidewalks and where there is a significant influx of patrons during the warm weather months the likes of which it is doubtful that establishments in the Town of Somers would experience.

Attached with this cover memo are the following:

- a) Existing Town of Somers Building Department Temporary Limited Outdoor Dining form
- b) Draft Outdoor Dining, Seasonal – text with notes
- c) Village of East Hampton Application Form for presentation purposes only.

Given the above, initial question for the Town to consider is whether the draft legislation and application form is a bit too complicated for the proposed use given the existing setting of many of the restaurants in the Town.

There are other certain threshold issues that should be discussed as well, including:

- Given that this is a seasonal use, does a site plan have to be prepared and submitted or can this be accomplished through a more conceptual planning level with coordination with the Building Department?
- The proposed code includes a litter control plan which the Building Department would require, but the fine as discussed with the Building Inspector should be tied to the existing penalty fee identified in the Code as \$1,000.
- There is recognition that the BFP and the Police Department be included as part of an initial review with the Building Department, however, if a more formal site plan is to be required will the ARB need to be involved.

I look forward to discussing this matter with your Honorable Board at your upcoming meeting.

SOMERS BUILDING AND ZONING DEPARTMENT

Telephone
(914) 277-5582
Fax
(914) 277-3790

THOMAS J. TOOMA, JR.
BUILDING INSPECTOR
ttooma@somersny.com

Town of Somers

WESTCHESTER COUNTY, N.Y.



SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

DENISE SCHIRMER
ZONING SECRETARY
dschirmer@somersny.com

**APPLICATION FOR TEMPORARY LIMITED OUTDOOR DINING
FOR EXISTING ESTABLISHMENTS
FOR THE PERIOD OF APRIL 1, 2022 TO DECEMBER 31, 2022**

Property Owner's Name _____

Property Owner's Address _____

Location of Building _____

Telephone _____ Email _____

Section _____ Block _____ Lot _____ Zoning District _____

Business Name _____

Lessee's Name _____

Lessee's Address _____

Telephone _____ Email _____

I understand that the New York State and Westchester County Department of Health Guidelines must be adhered to and I have submitted the New York Forward Business Affirmation statement.

I understand that if I erect a tent that is over 120 sq. ft. or has an occupancy of 10 or more people, I will file for a Tent Permit with the Town.

Please submit a sketch plan of what is being proposed with this application.

Date _____ Property Owner's Signature _____

Date _____ Lessee's Signature _____

OUTDOOR DINING, SEASONAL

§ 201-1. Purpose and intent.

The purpose of this chapter is to establish regulations to allow temporary (seasonal) outdoor dining as an accessory component of an adjacent primary business which is located on private property. It is intended that such outdoor dining will not unduly restrict public access or detract from the character and appearance of the surrounding area.

Commented [ds1]: Actual Section to be determined.

§ 201-2. Definitions.

The following definitions shall apply in the interpretation of this chapter:

CHAIR or SEAT — Either a distinct piece of furniture designed to allow one person to sit upon the same, or when seating is provided on a bench or other similar structure, then every 20 inches of seating space shall be considered as the equivalent of one chair or seat for determining seating capacity.

OUTDOOR DINING — A temporary use of an adjacent, outside area by a restaurant as defined in Chapter 170 of the Town Code for the same eating and drinking activities that occur within the establishment. However, nothing herein shall be construed to preclude curbside delivery or contactless service. The outdoor dining area may be located in a public right-of-way or parking lot pursuant to this chapter.

OUTDOOR EATING AREA — A designated area on the premises of a restaurant, but outside the principal building, and where patrons may sit at tables while consuming food and beverages served by a waiter or waitress or food and beverages purchased from the restaurant or take-out food store.

SIDEWALK CAFE AREA — A designated area of a public sidewalk or other Town property where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress or purchased from an adjacent restaurant.

§ 201-3. Permit provisions.

- A. No person shall operate an outdoor eating area or a sidewalk cafe area unless a permit has been obtained from the Town of Somers Building Department.
- B. Applicants shall apply for permit approval in accordance with the provisions of this chapter. All such applications shall be approved by the Building Inspector and shall be referred to the Chief of Police and the Bureau of Fire Prevention (BFP), who shall provide the Building Inspector with written reports of their opinions and recommendations regarding the application.
- C. Outdoor dining permits issued pursuant to this chapter shall be valid during the period of April 15 to November 15 of each year, and all equipment used for outdoor dining shall be removed by November 20 of each year.
- D. Applicants shall meet all general ordinance requirements and all other laws, rules, regulations and codes applicable to the proposed activity. Notwithstanding any of the provisions of this Code to the contrary, issuance of a temporary permit granted pursuant to this chapter shall not trigger the requirements of § 170-14.
- E. Notwithstanding the provisions of this Code, granting of this temporary outdoor dining permit does not provide any vested right in outdoor dining. Any permanent or year-round outdoor dining shall be subject to site plan review as required pursuant to the Town Code Chapter 170-114.

Commented [DS2]: This relates to design and site plan review

Commented [ds3R2]: The Building Department would like this to be part of site plan approval.

§ 201-4. Application; form and content.

- A. Form. All permits required by this chapter shall be applied for and obtained from the office of the Building Inspector during normal business hours. Applications for such permits shall be in a form approved by the Town Board and be accompanied by permit fees in the amounts established by this chapter.
- B. Content of application. Applicants proposing to establish an outdoor eating area or sidewalk cafe area must provide satisfactory proof to the Building Inspector of the following:
- (1) A plan indicating an architectural barrier, such as floral arrangements, landscaping and/or decorative fencing designed to enclose the eating area and limit the ability of litter to blow off the premises. The Building Inspector shall also require such architectural barriers to litter in any other locations or situations where the Building Inspector finds that the litter would otherwise be likely to result from the temporary accessory use. All other outdoor eating areas and sidewalk cafe areas shall be delineated by a means approved by the Building Inspector.
 - (2) An applicant proposing to establish an outdoor eating area or sidewalk cafe area shall submit to the Building Department a layout of the proposed seating areas, which shall include, but not be limited to, a depiction of all aisles, routes of ingress and egress; clearances between tables and between the seating area at the curb; the landscape plan; an illustration, rendering and/or photograph of all proposed furniture, umbrellas, signage and other furniture proposed.
 - (3) Physical design elements inclusive of, but not limited to, architectural barriers, tables, seating, planters and litter containers placed within the outdoor eating area or sidewalk cafe area, shall be approved by the Building Department.
 - (4) The Building Inspector shall review each application to ensure that the proposed operation of the outdoor eating area or sidewalk cafe area will not interfere with pedestrian or vehicular traffic. Six feet of unobstructed sidewalk should be provided with the exact width being determined by the Building Inspector as he or she deems it to be appropriate to promote pedestrian or vehicular safety or the visual harmony of the neighborhood, however, in no event shall the unobstructed sidewalk be less than six feet.
 - (5) The Building Inspector shall require each applicant to submit a litter control plan which shall include, but not be limited to, a description of the number and location of trash receptacles for the areas and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter. Failure to abide by an established litter control plan shall constitute a violation of the permit approval of which it was made a condition and shall subject the applicant to a fine in an amount not less than \$1,000 per violation.
 - (6) The Building Inspector shall establish the hours of operation for each outdoor eating area or sidewalk cafe area which utilizes the right-of-way. In establishing the hours, the chief planning official shall take into consideration the nature of the restaurant or retail food establishment at issue, the character of the neighborhood adjacent to the premises, and the character and nature of other uses in the vicinity of the premises at varying times of day.
 - (7) The seating contained in an outdoor eating area, outdoor dining area or sidewalk cafe area shall not be counted in determining any parking space requirement for a retail food establishment or restaurant use. The seating contained in an outdoor eating area, outdoor dining area, or sidewalk cafe shall be counted as part of the existing seating limitations for the subject parcel. In no event shall the seating contained in an outdoor eating area, outdoor dining area, or sidewalk cafe which utilizes public right-of-way areas result in increased overall seating with respect to the parcel or use.
 - (8) All outdoor eating areas and sidewalk cafe areas must be properly maintained at all times, including complying with the litter control plan, complying with all applicable laws, rules, regulations and codes, properly securing and/or removing tables, chairs and other items during times of inclement weather and

high wind; further, at no time shall chairs, tables or other items be stacked in the area.

(9) Tents. A separate tent permit must be filed with the Town.

- C. Nothing herein shall be construed to prohibit holding special events outdoors nor limit the seating capacity for outdoor special events under tents or to limit the number of days of tented events on a parcel.

Commented [DS4]: Does the BD have a permit for special events?

§ 201-5. Fees.

- A. The annual fee for each year for the operation of an outdoor eating area and/or sidewalk cafe shall be set by resolution by the Town Board.
- B. No fees shall be prorated nor any part thereof refunded for any reason.

§ 201-6. Encroachment into public right-of-way.

- A. Outdoor dining shall be permitted to encroach into the public right-of-way or parking lot pursuant to this chapter.
- B. Notwithstanding any provisions of this Code to the contrary, it is the express intent of this chapter to recognize that curbside delivery, off-site and on-site catering, and outdoor dining shall be treated as customary accessory uses for restaurants and food service establishments. Any structure containing any restaurant use that has an existing certificate of occupancy for such use shall be permitted to have outdoor dining and all accessory uses as set forth hereinabove.
- C. Location.
- (1) Outdoor dining in the public right-of-way or parking lot shall not extend beyond the boundaries of the primary business property to which such activity is subordinate.
 - (2) Outdoor dining may not encroach more than six feet into the public right-of-way.
 - (3) Notwithstanding that outdoor dining may extend into the public right-of-way, a clear pedestrian pathway shall be maintained the full width of the property. The pathway shall maintain a minimum unobstructed passageway of six feet as measured from the dining area to any obstruction, including, but not limited to, light standards, benches, street trees and garbage receptacles.
 - (4) All tables and chairs and other items used in conjunction with outdoor dining in the public right-of-way shall be removed from the public right-of-way one hour after the time outdoor dining must cease at that particular location.
 - (5) Insurance. The permittee shall maintain general liability insurance for the benefit of the Town of a type and amount as determined appropriate by the Town Board. The permittee must also execute indemnification/defense/release/waiver of liability agreement in favor of the Town, such document to be in a form acceptable to the Town Attorney.

§ 201-7. General standards.

- A. Development standards.
- (1) Facilities and equipment shall be of a quality and style that is consistent with any applicable design standards and policies. The design, quality, materials and colors used for chairs, tables, lighting and other fixtures shall complement the architectural style and colors used on the adjacent buildings.
 - (2) Lighting will be required for outdoor dining areas where food will be eaten during the evening hours. All lighting shall be approved by the Building Inspector and shall be temporary in nature. The lighting

fixtures must be decorative and complement the architectural character of the building and area. Lights shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway and should illuminate only the sidewalk area.

- (3) Portable umbrellas may be permitted, provided they do not obstruct the public right-of-way or walkway and do not contain advertising.

B. Operational standards.

- (1) The owner and/or tenant of the property is responsible for proper operation of the outdoor dining area. Outdoor dining shall be continuously supervised by management or employees. Any behavior that disturbs customers or passersby on the sidewalk or in the right-of-way will constitute grounds for revocation of any permit(s) to operate an outdoor dining area.
- (2) Establishments are required to maintain all outdoor dining areas and sidewalk cafe areas in a manner which is clean and free of litter and debris.
- (3) All plans and permits for the outdoor dining area approved by the Town must be kept on the premises for public inspection at all times during which the associated establishment is open for business.
- (4) Outdoor dining areas shall be operated in a manner that meets all requirements of the Health Department of Westchester County and all other applicable laws, rules, regulations, ordinances and standards promulgated by the United States of America, State of New York, County of Westchester, Town of Somers, or any body or agency thereof having jurisdiction over such matters. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State of New York.

§ 201-8. Review process.

- A. Review authority. The Building Inspector shall have administrative authority to review and approve permits issued under this chapter after referral to the BFP.
- B. Conditions of approval. The Building Inspector may impose reasonable conditions of approval to ensure that outdoor dining areas operate in a manner that is not detrimental to the public health, safety and welfare, is consistent with all applicable codes, policies and guidelines, and enhances the image, appearance and vitality of the area in which the use is located. This includes, but is not limited to, authority to regulate the design, layout, materials, colors, quality and appearance of outside dining and display areas; to require security deposits, insurance and other reasonable financial guarantees and to prescribe operating terms which the permittee must follow.
- C. Appeal.
 - (1) The decision of the Building Inspector may be appealed to the Zoning Board of Appeals.
 - (2) The decision of the Zoning Board of Appeals may be appealed to the Town Board.
 - (3) The above decisions must be appealed, in writing, to the Town Clerk's office within 10 days after the decision is made.
- D. When filing an application for an outdoor dining or display permit or any related appeals, a uniform nonrefundable fee shall be paid for the purposes of defraying the costs incidental to the proceedings. The fees shall be determined by the Town Board and adopted by resolution which may be amended from time to time.

Commented [ds5]: Building Department would like to include an ARB approval

§ 201-9. Permit required.

A permit must be obtained from the Town before any outdoor dining is permitted.

§ 201-10. Terms and renewal.

A permit for an outdoor dining area may be approved for the period of April 15 to November 15 of each year. The Town may temporarily suspend the permit upon seven days' notice because of anticipated or actual conflicts in the use of sidewalk areas due to street repairs, parades, festivals and other similar events. The Town may create a renewal application for outdoor dining permits, which shall be in a form approved by the Town Board and be accompanied by permit fees in the amounts established by this chapter.

§ 201-11. Penalties for offenses; revocation.

- A. Penalties. Each violation of the provisions of this chapter shall constitute a separate offense punishable by a fine of \$1,000 for each offense. In addition, the Town may seek civil remedies for any violation, including, but not limited to, injunctive relief and the recovery of reasonable costs for the enforcement and correction of the violation.
- B. Revocation. Violation of any of the standards in this code or any of the conditions imposed by the Building Inspector shall be grounds for revocation of the permit to operate an outdoor dining area. Such revocation shall require a majority vote of the Zoning Board of Appeals at a regular meeting to which the permittee has been given at least 10 calendar days' notice. The decision of the Zoning Board of Appeals may be appealed to the Town Board.

VILLAGE OF EAST HAMPTON
86 Main Street, East Hampton

APPLICATION FOR TEMPORARY OUTDOOR DINING ACCOMMODATIONS
RESTAURANTS AND TAKE-OUT FOOD STORES

Application for existing restaurants, inns, and take-out food stores in the Village of East Hampton for outdoor dining who wish to temporarily use existing outdoor areas or the Village right-of-way, where applicable. **The permit shall expire on December 31, 2023.**

I. BUSINESS INFORMATION

NAME OF BUSINESS: _____

TYPE OF BUSINESS: _____

Street Address: _____ SCTM# _____

Applicant has Certificate of Occupancy (CO)? _____ Yes _____ No
Attach a copy of CO.

How many seats are currently approved for this establishment? _____

How many seats are currently approved for outside seating? _____

II. APPLICANT INFORMATION

Name: _____

Applicant's is (circle one): Owner Tenant Attorney Other (specify) _____

Mailing Address _____

City: _____ State: _____ Zip: _____

Email: _____ Phone: _____

I certify that all information is true and accurate and subject to a penalty for making a false statement subject to Penal Law 210.45. I attest that I will comply with all the rules and approvals for the application herein.

III. PROPERTY OWNER CONSENT

Be advised that I am the owner of record of the property referenced herein and having reviewed the proposal herein, hereby consent to this and approve this application. By this application, the owner does hereby authorize employees or agents of the Village of East Hampton, in conjunction with this application, to enter and inspect the project site. Furthermore, I understand that this permit shall expire on December 31, 2023 and that the Village shall retain the right to revoke this permit at any time if deemed necessary.

Name: _____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____

IV. TYPE OF OUTDOOR DINING PERMIT REQUESTED

Below are the types of outdoor dining accommodation areas that may be available to your business. Please check the appropriate box where applicable. Please refer to the submission requirements and guidelines for each type of request.

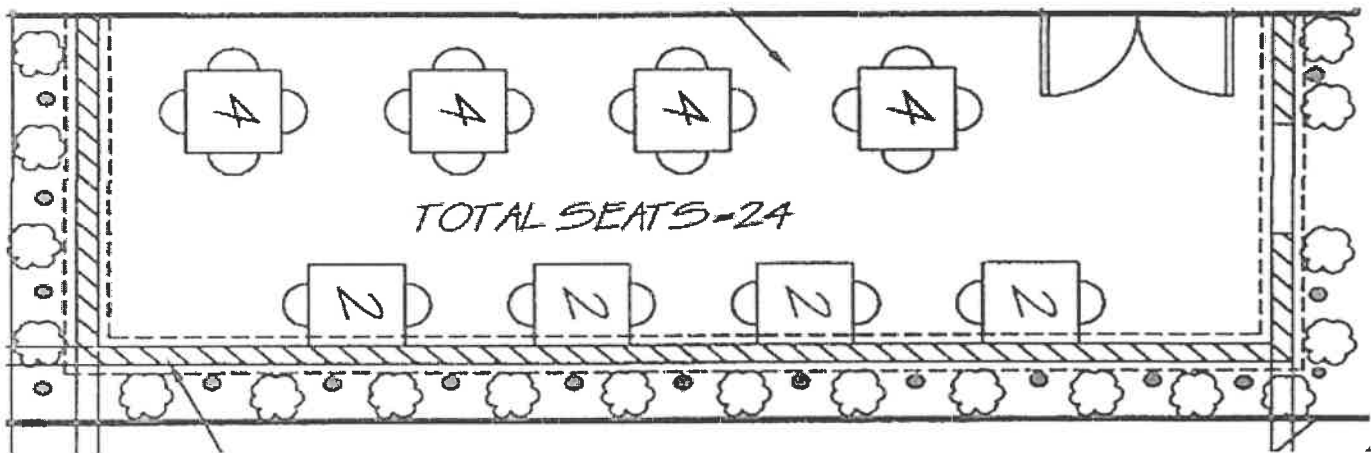
☐

A. ON PREMISES ONLY AREA

Definition: An on premises only accommodation area allows for restaurant or takeout food store to temporarily move, pursuant to the guidelines set forth herein, seating from inside the establishment to outside the establishment, but only to an area located entirely on the business's property. This permit is temporary and creates no vested right in outdoor seating.

Submission Requirements:

- Submit a plan showing the location of proposed outdoor seating. Plan can be hand drawn on existing survey, site plan or aerial map from Google Maps/Earth, Bing, etc. Include any proposed lighting, and Code §275-4 (attached).
- Illustrate the location of outdoor seating tables and/or chairs in accordance with New York State's social distance guidelines, including but not limited to the New York State Department of Health, SLA, any County Regulations, by executive order by the Governor or executive order by the Mayor of the Village of East Hampton.
- The total number of seats for the outdoor accommodation area shall be indicated on the plan. The total number of seats, indoor plus outdoors, shall not exceed the total permitted by Suffolk County Department of Health Services and the Village of East Hampton. (Seats for a take-out food store is up to a maximum of 16 per Village Code)



Submission Requirements (Cont.)

- When indoor seating is permitted by NYS, outdoor seating may need to be reduced to accommodate any seating indoors. This information should be included in the business's seating plan. Businesses may not exceed the total number of seats permitted for the establishment.
- Inclement Weather Plan: Businesses shall submit a plan/narrative that addresses how to handle existing outside customers should outside seating not be possible due to rain or other weather event. Moving tables or customers indoors is not an option due to Covid-19 social distancing restrictions. An application for a tent is permissible.

Guidelines:

- Business must have a valid Certificate of Occupancy for a restaurant, inn, or take-out food store use.
- Relocation of dining seats must be compliant with all state and local codes.
- No outdoor food preparation is permitted in the outdoor accommodation areas or anywhere else on the property.
- Outdoor accommodation areas must meet Fire Code standards, including points of egress and access to fire extinguishers. Seating shall not block entrances, exits, fire lanes, hydrants, sprinkler connections points, drive aisles, back-up areas, pedestrian or handicap access.
- Outdoor accommodation areas shall expire on December 31, 2023.
- Outdoor accommodation areas shall be maintained and free of trash and other debris. Washing down of the sidewalk at least once a week or on an as needed basis is required. Trash receptacles shall be provided by the business, but shall not be located in the outdoor accommodation area. Village receptacles shall not be used.
- Restaurants with a liquor license must receive approval from the state to serve alcohol in an outdoor area. Nothing herein shall permit outdoor bars.
- The temporary outdoor accommodations permit and layout plan shall be available and posted on site for inspection at all times.
- DO NOT block handicap/ADA routes (path from ADA parking stalls to sidewalk curb ramps to store entrances).
- DO NOT remove existing natural areas or required buffers.

☐ **B. OFF PREMISES ONLY AREA (Village Right of Way or adjacent property)**

Definition: An off premises only accommodation area allows a restaurant or take-out food store to utilize a designated area of the Village's right of way (red brick) or adjacent property, if permitted by NYS, for temporary outdoor dining.

Submission Requirements:

All requirements set forth in Section IVA plus

- Comprehensive liability insurance policy, insuring the applicant against liability for damage to persons or property, with the limits of not less than \$1,000,000 per occurrence (bodily injury/property damage) and \$2,000,000 aggregate, which policy shall name the Village as an additional insured and shall not be cancelable without at least 30 days' prior written notice to the Village.
- The applicant shall also sign the acknowledgement attached to this application that states, among other things, that the applicant agrees to assume all liability for and will indemnify and hold the Village harmless of and free from any and all damages that occur to persons or property by reason of said use of Village property for outdoor dining.
- Photos of proposed tables, chairs, and umbrella's if applicable.

Guidelines:

All guidelines set forth in Section IVa plus

- Outdoor accommodation areas shall be delineated
- All items shall be removed from the accommodation area each night.

- Tables and chairs located in the Village right of way shall conform to an aesthetic that is consistent with and reflect the character of the Village of East Hampton, such as navy blue, dark green, black, white or natural. No advertising of any kind is permitted.
- Lighting on Village property shall be limited to battery operated table top lighting. ?
- No smoking or vaping shall be permitted in the Village right of way.
- Umbrellas may be used in the Village Right of Way provided the use does not create a safety hazard. The following additional guidelines apply to umbrella use.
 - Umbrellas shall be a five (5') foot, white canvas market umbrella with wooden (or synthetic wood (no plastic)) pole. No advertising permitted.
 - Umbrellas shall be secured through a hole in the table and into a base in the sidewalk established by the Village. Businesses must use the base established by the Village.
 - The business is solely responsible for monitoring (closing or removing) the umbrella for any weather (wind, lightening, rain, etc.) that may create any hazardous conditions for any people or property.
 - The Village shall only approve umbrellas in locations that they can be used safely. Should it be determined that approved umbrellas are not being utilized in a safe manner, the Village reserves the right to revoke the business's use of umbrellas and they shall be removed.



C. HYBRID ACCOMMODATION AREA

Definition: This accommodation area allows for outdoor dining on a business's property and within a designated area of a Village right of way.

- Businesses seeking a hybrid outdoor dining accommodation area shall conform to all the guidelines and submission requirements, set forth above, for both on premises and off premises areas.

V. PERMIT REVIEW

There is no fee for this application. Applications shall be submitted to the Building Inspector at Village Hall 86 Main Street, East Hampton) via hand delivery or via electronic submission to the Building Inspector. Applications will not be processed until all documentation is submitted. Applications will need to be reviewed and approved by the Building Department and the Fire Marshall. The Village reserves the right to request any additional information it deems necessary to make its determination regarding the issuance of a permit.

Failure to comply with any of the above requirements/guidelines will result in immediate revocation of the temporary dining permit.

Applicant Acknowledgement

- I have answered the foregoing questions to the best of my knowledge and believe and swear that the answers contained in this application are true and accurate. I certify that all information is true and accurate and subject to a penalty for making a false statement subject to Penal Law 210.45. I attest that I will comply with all the guidelines, rules and approvals for the application herein.
- I understand that this is a temporary permit, only valid until November 15, 2021, issued in order to accommodate restaurants and take-out food stores in complying with Covid-19 social distancing requirements. I fully understand that this permit creates no permanent or vested outdoor dining use.
- I understand that it is my responsibility to comply with the Americans with Disabilities Act of 1990 (41 U.S.C. 12181) pursuant to Article II of Chapter 104 of the Village Code.
- I further acknowledge that the issuance of a permit pursuant to this application is not a waiver for any activity prohibited by law, and as a condition of any permit issued, compliance with all provisions of the East Hampton Village Code, as well as applicable State and Federal Law, is required.
- I hereby acknowledge that the permit must be kept available on the premises, posted and available for inspection by a Police Officer or other Code Enforcement Officer of the Village of East Hampton upon request of such officer.
- I also hereby agree to indemnify and hold harmless the Village of East Hampton, its officials, employees, agents, and other persons from and against all claims, costs, judgment, liens, encumbrances, and expenses, including reasonable attorney fees arising out of the acts or omissions or negligence of the applicant, its agents, employees, or sub-contractors, in connection with this application and any permit related to this application. This includes, but is not limited to, the use of umbrellas on the Village's property.

Signature of Applicant

Date Signed

Print Name

Sworn to before me this
_____ day of _____, 20____.

Notary Public

For Official Use Only

Special Conditions: _____

Reviewed by Building Inspector: _____

Using Village Property?

Yes _____ No _____

Site Plan Depicting # of seats and location:

Yes _____

Tables and Chairs Photos:

Yes _____ N/A _____

Insurance supplied:

Yes _____ N/A _____

Umbrellas?

Yes _____ No _____

DATE _____

Permit #: _____

Sent to:
TA, TA, TC
7/28/23
KD

EXHIBIT E: Payment Requisition Form and Dual Certification

Town of Somers
Installation of Solar Panels on the Highway Garage
Project ID 8076

For Office Use Only:		
FMS#: 143046	GranteeID: 1032	GrantID: 9186

Payment Request # 2

For work completed between 1 / 29 / 2021 and 3 / 11 / 2021

THIS REQUEST:

A: TASK #*	B: DASNY SHARE*	C: THIS REQUEST	D: TOTAL REQUESTED PRIOR TO THIS REQUEST	E: B-C-D BALANCE
	\$100,000	\$9,712.00	\$96,203.00	\$0.00
TOTAL:				

* Please note that the task numbers and DASNY Share amounts set forth in columns A and B respectively must correspond to the tasks and DASNY Share amounts set forth in Exhibit A. When submitting a requisition for payment, please remember that DASNY can reimburse you for capital expenditures made by and invoiced to the Grantee set forth on the cover page of this Agreement only. Capital expenditures include the costs of acquisition, design, construction, reconstruction, rehabilitation, preservation, development, improvement, modernization and equipping of a State and Municipal Facilities Program facility.

DASNY may not reimburse Grantees or make payments on invoice for costs including, but not limited to, the following: working capital, rent, utilities, salaries, supplies and other administrative expenses.

EXHIBIT E: Payment Requisition Form and Dual Certification

DUAL CERTIFICATION

This certification must be signed by two Authorized Officers of the Town of Somers, for Project # 8076.

We hereby warrant and represent to DASNY that:

1. To the best of our knowledge, information and belief, the expenditures described in Payment Requisition Request # 2 attached hereto in the amount of \$ \$9,712.00 for which Town of Somers, is seeking payment and/or reimbursement comply with the requirements of the Agreement between DASNY and Town of Somers (the "Agreement"), are Eligible Expenses, and that the payment and/or reimbursement of expenditures for which it is seeking payment and/or reimbursement from DASNY does not duplicate reimbursement or disbursement of costs and/or expenses from any other source.
2. The warranties and covenants contained in Section 8 of the Agreement are true and correct as if made on the date hereof.
3. The Eligible Expenses for which reimbursement is sought in connection with this requisition were actually incurred by the Grantee named on the cover page of this Agreement, and/or will be paid by the Grantee solely from the Segregated Account established pursuant to paragraph 4(d) of the Grant Disbursement Agreement to the contractor named on the invoices submitted in connection with this requisition and shall not be used for any other purpose.
4. All Project costs described in any contractor/vendor invoice submitted pursuant the payment requisition form have been completely and fully performed prior to the date hereof.
5. Proof of disposition of funds from the Segregated Account to the contractor and/or vendors that are being paid on invoice, if any, will be provided to DASNY within sixty (60) days of the date that Grant funds are disbursed to the Grantee to pay for such costs. We understand that in the event that acceptable proof of payment is not provided, DASNY will not make any additional disbursements from Grant funds until such time as such proof of payment is provided.
6. We have the authority to submit this requisition on behalf of Town of Somers. The tasks have been completed in the manner outlined in the Agreement.
7. The following documents are hereby attached for DASNY approval, in support of this requisition, and are accurate images of the original documents (Please check off all that apply):
 - ☒ Readable copies of both front and back of canceled checks.
 - ☐ Readable copies of the front of the checks and copies of bank statements showing that the checks have cleared.
 - ☐ Copy of New York State Vehicle Registration and Title documents for all vehicles purchased with Grant funds.
 - ☒ Invoices/receipts for eligible goods/services that have been received/performed at the approved project location(s) and a completed Exhibit E-2: Payment Requisition Back-up Summary.
 - ☐ Other:

Authorized Officer Signature: _____

Date: _____

Print Name: Robert Scorrano

Title: Supervisor

Authorized Officer Signature: _____

Date: _____

Print Name: Rick Morrissey

Title: Deputy Supervisor

Date July 24, 2023

EXHIBIT E-1: Payment Requisition Cover Letter

Attention: Accounts Payable - Grants
DASNY
515 Broadway
Albany, New York 12207

**Re: State and Municipal Facilities Program ("SAM") Grant
Installation of Solar Panels on the Highway Garage
Project No. 8076**

To Whom it May Concern:

Enclosed please find our request for payment/reimbursement. The package includes completed Exhibits E and E-2, including a Dual Certification with original signatures from two authorized officers. I have also included supporting documentation and invoices, as summarized in Exhibit E-2.

Below I have checked off the relevant payment option and completed the required payment information. This information is complete and accurate as of the date of this letter:

1)	<input checked="" type="checkbox"/>	We would like to be paid by reimbursement pursuant to section 5(a) of the grant disbursement agreement. Proof of payment is enclosed for all invoices submitted in this request. Please remit payment by check.
OR		
2)	<input type="checkbox"/>	We would like to be paid by reimbursement pursuant to section 5(a) of the grant disbursement agreement. Proof of payment is enclosed for all invoices submitted in this request. Please remit payment by wire. The wire instructions for our account are as follows: BANK NAME: _____ ACCOUNT #: _____ ACCOUNT NAME: _____ ABA #: _____
OR		
3)	<input type="checkbox"/>	We would like to be paid on invoice pursuant to Section 5(b) of the grant disbursement agreement. We have not paid the invoice(s) included in this request. We have established a segregated account to be used solely for accepting and disbursing funds from DASNY for this grant and for no other purpose. The wire instructions for this account are as follows: BANK NAME: _____ ACCOUNT #: _____ ACCOUNT NAME: _____ ABA #: _____

If any further information is needed, please contact me at (914) 277-3637.

Signature: _____

Print Name: Robert Scorrano

Title: Supervisor

EXHIBIT E-2: Payment Requisition Back-up Summary

Please list below all invoice amounts totaling the amount for which you are seeking reimbursement in this request. Invoices should be organized and subtotaled by task #. Please use additional sheets if necessary.

Task #: ____ **Task Description:** INSTALLATION OF SOLAR PANELS ON HIGHWAY GARAGE

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
Zwack Inc	60499	\$9,712.00	PLOW
TOTAL Requested for Task:		\$9,712.00	(Transfer to Exhibit E)

Task #: ____ **Task Description:** _____

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
TOTAL Requested for task:			(Transfer to Exhibit E)

Task #: ____ **Task Description:** _____

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
TOTAL Requested for task:			(Transfer to Exhibit E)

Town of Somers

Highway Department
P.O. Box 281
Somers, New York 10589

VOUCHER

HIGHWAY

Hwy
DEPARTMENT

CLAIMANT'S
NAME
AND
ADDRESS

302
Zwack, Inc
PO Box 100 Route 22
Stephentown, NY 12168

CLAIM NO.

101000
DO NOT WRITE IN THIS BOX

Date Voucher Received		MAR 17 2021
FUND - APPROPRIATION	AMOUNT	
DA5130.4 Machinery ✓	9,712.00 ✓	
TOTAL		
DATE PAID 3/11/21	Check No.	45450

DATE	INVOICE/REF.#	DESCRIPTION OF MATERIALS OR SERVICES	UNIT PRICE	AMOUNT
1/29/21 ✓	60499 ✓	Replacement Plow on Truck #40 ✓ From Accident on 1/3/21 during Snow Event Account # 300 ✓		9,712.00 ✓
(See Instructions on Reverse Side)			TOTAL	9,712.00 ✓

CLAIMANT'S CERTIFICATION

I, _____, certify that the above account in the amount of \$ _____ is true and correct; that the items, services and disbursements charged were rendered to or for the town of _____ on the dates stated; that no part has been paid or satisfied, that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due

DATE

SIGNATURE
(Space Below For Town Use)

TITLE

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the town on the dates stated and the charges are correct. ✓

I hereby certify that this claim was audited and approved by the town board on

on

MAR 11 2021
Patricia Kellera

TOWN CLERK

2/24/21
DATE

AUTHORIZED OFFICIAL

Invoice Date: 1/29/2021

Invoice # : 60499

Customer # : 300



ZWACK, INC.

P.O. BOX 100
ROUTE 22 • STEPHENTOWN, NEW YORK 12168

TELEPHONE: (518) 733-5135
FAX: (518) 733-6135

INVOICE

PO # : SOMERS

BILL TO:

TOWN OF SOMERS
250 ROUTE 100
PO BOX 281
SOMERS NY 10589

SHIP TO:

TOWN OF SOMERS
HWY DEPT
250 ROUTE 100
SOMERS NY 10589

Job #: 23227.0 Salesman: FRANK ZWACK 1

FOB: STEPHENTOWN

Ship via: TRUCK

Part #	Description	Qty	Unit Cost	Amount
R132TEL39PH		1	9,712.00	9,712.00

#40

Terms :NET

Deduct this amount if paid
within terms

Sub Total	\$9,712.00
Sales Tax	
Freight Amount	
	=====
Total Amt.	\$9,712.00

Sent to:
TB, TAITC
7/29/23
KD

EXHIBIT E: Payment Requisition Form and Dual Certification

Town of Somers
Construction of a Salt Processing Shed
Project ID 15528

For Office Use Only:

FMS#: 143046

GranteeID: 1032

GrantID: 16596

Payment Request # 1

For work completed between 7 / 6 / 2022 and 3 / 9 / 2023

THIS REQUEST:

A: DASNY SHARE*		B: THIS REQUEST	C: TOTAL REQUESTED PRIOR TO THIS REQUEST	D: A-B-C BALANCE
\$	150,000	\$395,461.61	\$0.00	\$0.00

- * Please note that when submitting a requisition for payment, DASNY can only reimburse for capital expenditures for the Project as set forth in Exhibit A of this Agreement. In addition, all capital expenditures are to be both incurred (billed to) and paid for by the named Grantee. Capital expenditures include the costs of acquisition, design, construction, reconstruction, rehabilitation, preservation, development, improvement, modernization and equipping of the approved Project location.

EXHIBIT E: Payment Requisition Form and Dual Certification

DUAL CERTIFICATION

This certification must be signed by two Authorized Officers of the Town of Somers, for Project # 15528.

We hereby warrant and represent to DASNY that:

- 1. To the best of our knowledge, information and belief, the expenditures described in Payment Requisition Request # 1 attached hereto in the amount of \$ \$395,461.61 for which Town of Somers, is seeking payment and/or reimbursement comply with the requirements of the Agreement between DASNY and Town of Somers (the "Agreement"), are Eligible Expenses, and that the payment and/or reimbursement of expenditures for which it is seeking payment and/or reimbursement from DASNY does not duplicate reimbursement or disbursement of costs and/or expenses from any other source.
- 2. The warranties and covenants contained in Section 8 of the Agreement are true and correct as if made on the date hereof.
- 3. The Eligible Expenses for which reimbursement is sought in connection with this requisition were actually incurred by the Grantee named on the cover page of this Agreement, and/or will be paid by the Grantee solely from the Segregated Account established pursuant to paragraph 4(d) of the Grant Disbursement Agreement to the contractor named on the invoices submitted in connection with this requisition and shall not be used for any other purpose.
- 4. All Project costs described in any contractor/vendor invoice submitted pursuant the payment requisition form have been completely and fully performed and/or received on site at the applicable project location prior to the date hereof.
- 5. Proof of disposition of funds from the Segregated Account to the contractor and/or vendors that are being paid on invoice, if any, will be provided to DASNY within sixty (60) days of the date that Grant funds are disbursed to the Grantee to pay for such costs. We understand that in the event that acceptable proof of payment is not provided, DASNY will not make any additional disbursements from Grant funds until such time as such proof of payment is provided.
- 6. We have the authority to submit this requisition on behalf of Town of Somers. All eligible expenses have been incurred within the scope of the project description set forth in the schedule in Exhibit A to this Agreement.
- 7. The following documents are hereby attached for DASNY approval, in support of this requisition, and are accurate images of the original documents (Please check off all that apply):
 - ☒ Readable copies of both front and back of canceled checks.
 - ☐ Readable copies of the front of the checks and copies of bank statements showing that the checks have cleared.
 - ☐ Copy of New York State Vehicle Registration and Title documents for all vehicles purchased with Grant funds.
 - ☒ Invoices/receipts for eligible goods/services that have been received/performed at the approved Project location(s) and a completed Exhibit E-2: Payment Requisition Back-up Summary.
 - ☐ Other:

Authorized Officer Signature: _____ Date: _____
Print Name: Robert Scorrano
Title: Supervisor
Authorized Officer Signature: _____ Date: _____
Print Name: Rick Morrissey
Title: Deputy Supervisor

EXHIBIT E-I: Payment Requisition Cover Letter

Date July 24, 2023

Attention: Accounts Payable - Grants
 DASNY
 515 Broadway
 Albany, New York 12207

*Re: State and Municipal Facilities Program ("SAM") Grant
 Construction of a Salt Processing Shed
 Project No. 15528*

To Whom It May Concern:

Enclosed please find our request for payment/reimbursement. The package includes completed Exhibits E and E-2, including a Dual Certification with original signatures from two authorized officers. I have also included supporting documentation and invoices, as summarized in Exhibit E-2.

Below I have checked off the relevant payment option and completed the required payment information. This information is complete and accurate as of the date of this letter:

1)	<input checked="" type="checkbox"/>	We would like to be paid by reimbursement pursuant to section 5(a) of the grant disbursement agreement. Proof of payment is enclosed for all invoices submitted in this request. Please remit payment by check.
<u>OR</u>		
2)	<input type="checkbox"/>	We would like to be paid by reimbursement pursuant to section 5(a) of the grant disbursement agreement. Proof of payment is enclosed for all invoices submitted in this request. Please remit payment by wire. The wire instructions for our account are as follows: BANK NAME: _____ ACCOUNT #: _____ ACCOUNT NAME: _____ ABA #: _____
<u>OR</u>		
3)	<input type="checkbox"/>	We would like to be paid on invoice pursuant to Section 5(b) of the grant disbursement agreement. We have not paid the invoice(s) included in this request. We have established

a segregated account to be used solely for accepting and disbursing funds from DASNY for this grant and for no other purpose. The wire instructions for this account are as follows:	
BANK NAME: _____	ACCOUNT #: _____
ACCOUNT NAME: _____	ABA #: _____

If any further information is needed, please contact me at (914) 277-3637 .

Please sign and return these documents to DASNY at apgrants@dasny.org. Please return them from the Grantee’s organizational email address and retain the original copies for production to DASNY if requested. By providing electronic signature(s), the Grantee’s designee will be providing validly binding legal documents, just the same as a pen-and-paper signature.

Signature: _____

Print Name: Robert Scorrano

Title: Supervisor

EXHIBIT E-2: Payment Requisition Back-up Summary

Town of Somers
Construction of a Salt Processing Shed
Project ID 15528

Please list below all invoice amounts totaling the amount for which you are seeking reimbursement in this request. Invoices should be organized and total amount requested for reimbursement from grant subtotaled. Please use additional sheets if necessary.

VENDOR/ CONTRACTOR NAME	INVOICE/ APPLICATION #	AMOUNT REQUESTED FROM GRANT FUNDS	COMMENT
ClearSpan	46650	\$175,027.13	building materials
ClearSpan	46811	\$137,483.00	installation building
Peckham Materials Corp	1016678/1016679	\$32,072.46	403.13M Type 3 Binder
Lehtonen Contracting Corp	2480	\$12,448.00	demolition
Woodard & Curran	149053-163522	\$17,152.02	engineering services
Woodard & Curran	207629-210240	\$21,279.00	engineering services
TOTAL Requested:		\$395,461.61	(Transfer total amount requested to Exhibit E pg. 18 column B)

Sent to:
TB, TA, TC
7/26/23
KD



Woodard & Curran Engineering
and Geological Services P.A. P.C.
800 Westchester Avenue
Suite N507
Rye Brook, New York 10573
www.woodardcurran.com

T 800.426.4262
T 914.448.2266
F 914.448.0147

Via Electronic Mail

July 26, 2023

Supervisor Robert Scorrano
Town of Somers
335 Route 202
Somers, NY 10589

Re: Proposal for Septic System and Well Permitting
Reynolds House

Dear Rob:

Woodard & Curran is pleased to continue our work with the Town of Somers and assist with the completion of the Reynolds House project. This proposal outlines our Scope and Fee to assist with the septic system permitting for the property.

BACKGROUND

The Reynolds House has undergone renovations to improve the interior and exterior of the building for future use as a meeting facility. As part of this work, a septic system was installed, but without any engineered design or permitting with the Westchester County Health Department. There is an existing well on the site that will serve the building, but limited knowledge of its water quality or permitting status.

The septic system and well need to be permitted for the Town to complete the Reynolds House project and have beneficial use of the building.

SCOPE OF SERVICES

Woodard & Curran will provide the following services:

Task 1: Design Basis and Regulatory Coordination

Woodard & Curran will perform the following tasks:

- Review background information on the Reynolds House facility, including layout drawings and site survey
- Develop a Basis of Design for the septic system and well, including water usage estimates.
- Contact Westchester County Health Department to determine the permit path for the septic system and wells.

Task 2: Field Investigations



We anticipate that the septic system will require investigations to determine the extents, depth, and construction of the septic system and field tests will be necessary to determine soil conditions and percolation rates. Two deep hole test and three percolation tests will be required. Excavation and digging work will be performed by the Parks Department, with direction and assistance from Woodard & Curran. We assume water will be available on site, or provided by the Parks Department for testing.

We anticipate that the well will require water quality and quantity testing. The Town will secure the services of a well driller to perform these tests, with direction and coordination from Woodard & Curran.

Task 3: Design and Permitting

Woodard & Curran will prepare design and permitting documents for Westchester County Health Department approval. These will include site plans, details, and an Engineer's Report for the septic system and well supplies.

Review comments are typical for these submittals, and Woodard & Curran will prepare timely replies responding to Health Department comments and requests for additional information.

Permit fees will be paid by Woodard & Curran and invoiced to the Town.

Task 4: Construction Certification

If any construction or system modifications are required, Woodard & Curran will conduct inspections as necessary to certify construction completion to the Westchester County Health Department.

SCHEDULE

Work on this project will begin upon authorization. Completion of Tasks 1 and 2 are anticipated to be completed within 6 weeks of authorization, with a permit package submitted to Westchester County Health Department within 4 weeks of field investigation completion.

BUDGET

The proposed budget for completion of the work described herein is \$12,000, to be completed on a Time and Materials basis. We will review the budget regularly with the Town to confirm that this budget is sufficient, or revise the budget if additional work is necessary.

TERMS AND CONDITIONS

The Scope of Services will be completed in accordance with the terms of the Consultant/Professional Services Agreement between Woodard & Curran Engineering and Geological Services P.A. P.C. and the Town of Somers, dated March 3, 2009 and Task Order 2 for Non-Escrow Based Town Engineering Support, dated March 17, 2023.



CLOSING

We greatly appreciate this opportunity to offer our environmental services. If you accept this proposal and wish to proceed with the Scope of Services, please sign in the space indicated below and return a copy for our files. Please feel free to call the undersigned at Enter Telephone if you have any questions regarding this proposal or require any further information.

Sincerely,

WOODARD & CURRAN ENGINEERING AND GEOLOGICAL SERVICES P.A. P.C.

A handwritten signature in black ink, appearing to read "Steven C. Robbins".

Steven Robbins, P.E., LEED AP
Senior Technical Manager

A handwritten signature in black ink, appearing to read "Anthony C. Catalano".

Anthony C. Catalano, P.E., BCEE
Vice President

PN: 0214752.00

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized agents as of the date indicated below.

AUTHORIZATION BY:

WOODARD & CURRAN ENGINEERING
AND GEOLOGICAL SERVICES P.A. P.C.

TOWN OF SOMERS

Signature	Date
Name (printed)	
Title	

Signature	Date
Name (printed)	
Title	

Sent to:
TB, TC, TA 8/7/23
Tammi Savva

From: Tammi Savva
Sent: Monday, August 7, 2023 11:23 AM
To: 'Roland Baroni - Stepehens Baroni Reilly Lewis LLP (RBaroni@SBRLLaw.com)'; Patricia Kalba; 'Rob Scorrano (rscorrano@somersny.com)'; 'Anthony Cirioco (acirioco@somersny.com)'; 'Tom Garrity (tgarrity@somersny.com)'; Richard Clinchy; 'Bill Faulkner (wfaulkner@somersny.com)'
Cc: Kim DeLucia
Subject: August 10, 2023 TB Work Session / Regular Meeting Agenda Item: Travelers Cyber & Crime Renewal Applications
Attachments: CyberRisk Short Form Renewal Application.pdf; Government Entity Crime Coverage Application.pdf; CYB-14306-0323 MFA Supplemental.pdf

Please see below and attached.

Thank you,
TAMMI SAVVA
JUNIOR ADMINISTRATIVE ASSISTANT
OFFICE OF SUPERVISOR ROBERT SCORRANO
TOWN OF SOMERS
335 ROUTE 202
SOMERS, NY 10589
PHONE: 914-277-3637
FAX: 914-276-0082
WWW.SOMERSNY.COM



From: Tammi Savva
Sent: Tuesday, July 25, 2023 12:32 PM
To: Kim DeLucia <kdelucia@somersny.com>
Cc: Bob Kehoe <rkehoe@somersny.com>
Subject: RE: Cyber & Crime Renewal Applications for 8/1/2023

Hi Kim,

Please add the Travelers Cyber & Crime Renewal Applications, effective period 8/1/23 – 7/31/24, to the next Town Board agenda to authorize the Supervisor's signature, retro to 7/25/23.

Thank you,
TAMMI SAVVA
JUNIOR ADMINISTRATIVE ASSISTANT
OFFICE OF SUPERVISOR ROBERT SCORRANO
TOWN OF SOMERS
335 ROUTE 202
SOMERS, NY 10589
PHONE: 914-277-3637
FAX: 914-276-0082
WWW.SOMERSNY.COM

Sent to:
TB, TA, TC
7/28/23
KD

TOWN OF SOMERS

A LOCAL LAW to amend the Code of the Town of Somers by amending Chapter 154 entitled Taxation;

BE IT ENACTED by the Town Board of the Town of Somers as follows:

1. Article VII of Chapter 154 entitled Exemption for Volunteer Fire Fighters and Ambulance Workers is hereby rescinded.

2. A revised Article VII of Chapter 154 entitled Exemption for Volunteer Fire Fighters and Ambulance Workers is hereby enacted as follows:

3. § 154-20 Purpose.

The purpose of this article is to extend the real property tax exemption authorized by Section 466-a of the Real Property Tax Law as enacted by Chapter 670 of the Laws of 2022 to volunteer fire fighters and ambulance workers for purposes of Town taxation.

4. § 154.21 Exemption.

A. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town shall be exempt from taxation to the extent of ten percent of the assessed value of such property for town and special district purposes, exclusive of special assessments, as provided by Real Property Tax Law Section 466-a.

Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such Town unless:

(a) the applicant resides in the Town which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service, as determined by the governing body of the Town; provided, however, that such governing body shall establish a minimum service requirement for each applicant of two years of service.

B. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Somers.

C. Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty shall be entitled to continue the exemption or reinstate a pre-existing exemption claimed hereunder provided however that:

(a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty; and

(b) such deceased volunteer had been an enrolled member for at least five years; and

(c) such deceased volunteer had been receiving the exemption prior to his or her death.

D. Un-remarried spouses of deceased firefighters or volunteer ambulance workers shall be entitled to continue the exemption or reinstate a pre-existing exemption claimed hereunder, provided, however, that:

(a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and

(b) such deceased volunteer had been an enrolled member for at least twenty years; and

(c) such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

5. § 154-22. Application for Exemption and Certification.

Applications for exemption shall be available from the Assessor on forms prescribed by the Commissioner.

For purposes of administering the real property tax exemption under this article, the Assessor shall establish the procedure by which the authority having jurisdiction for the incorporated volunteer fire company or fire department or incorporated voluntary ambulance service shall certify the eligible enrolled members to the Assessor.

6. Effective Date. This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

Sent to:
TB, TA, TC
7/28/23
KD

NYSLRS Website: Account Home Page

Thomas P. DiNapoli
State Comptroller

[Help](#) [Contact Us](#)

[Sign out](#)

Last Login: 09/25/2020 09:57 AM

Notification Details

Description 30038: Retirement Notice

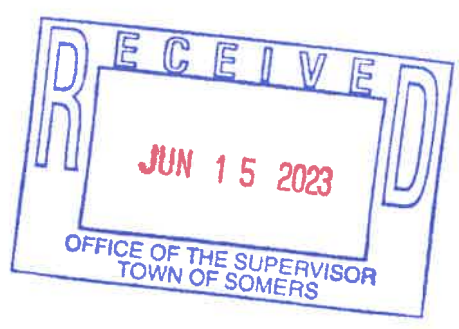
Du'noir, Craig W. has applied for retirement with a Date of Retirement of 07/16/2023. Please go to the following link to upload the "Statement of Accrued Payments and Leave Credits" form (RS6221) once the member has retired.

[Upload Document](#)

[Close](#)

Sent to:
TB, TA, TC
7/28/23
KD

Ms. Jennifer Daddio
Somers Library Director
Somers Library
Somers, NY 10589



May 23, 2023

Dear Jennifer-

I am writing to inform you that I have decided to retire from my position as Head of Children's Services effective July 28, 2023.

I greatly appreciate the time I have spent working at the Somers Library and thank you for the support you have given me.

Best,

Beth Levine

R/f sent to:
TB, TL, TA 8/4/23

Highway Department

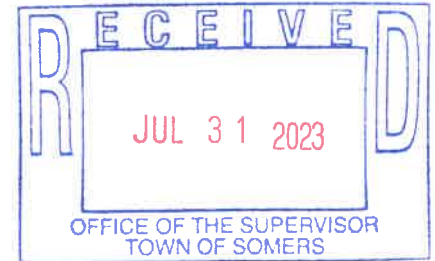
TELEPHONE
(914) 232-4848
FAX
(914) 232-0150

Town of Somers
WESTCHESTER COUNTY, N.Y.

250 RT. 100
P.O. BOX 281

NICHOLAS DEVITO
Superintendent of Highways

PAUL WESTHOFF
Deputy Supt. of Highways



MEMO TO: SUPERVISOR
TOWN BOARD

FROM: NICHOLAS DEVITO
SUPT. OF HIGHWAYS

DATE: JULY 31, 2023

RE: Jose Yanza-Arpi

As of August 7, 2023 Jose Yanza-Arpi will be promoted to Motor Equipment Operator at the pay rate of \$38.0264 per hour.

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

Nicholas DeVito
Supt. of Highways

Cc: Finance
Town Clerk
File

Highway Department

Town of Somers

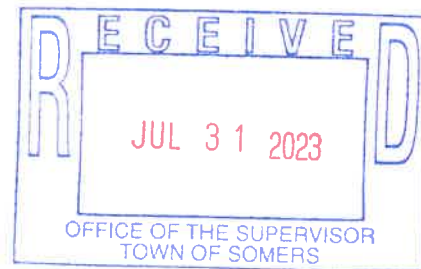
WESTCHESTER COUNTY, N.Y.

250 RT. 100
P.O. BOX 281

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

NICHOLAS DEVITO
Superintendent of Highways

PAUL WESTHOFF
Deputy Supt. of Highways



MEMO TO: SUPERVISOR
TOWN BOARD

FROM: NICHOLAS DEVITO
SUPT. OF HIGHWAYS

DATE: JULY 31, 2023

RE: JAYCEN DECENZA

As of August 7, 2023 Jaycen Decenza will be promoted to Heavy Motor Equipment Operator at the pay rate of \$ 39.2732 per hour.

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

Nicholas DeVito
Supt. of Highways

Cc: Finance
Town Clerk
File

R/f Sent to:
TB, TC, TA 8/4/23

Tammi Savva

From: Denise Schirmer
Sent: Thursday, August 3, 2023 9:51 AM
To: Tammi Savva
Cc: Robert Scorrano
Subject: Resignation from Library Board of Trustees

Importance: High

----- Forwarded Message -----

From: Paul Manuele

To: Barbara Tepper

PM T

Subject: Resignation

Dear Barbara,

I am writing to tender my resignation from the position of Treasurer and from the Board of Trustees of the Somers Library effective immediately.

Please let me know how you would like me to return the binder and handbook.

Best of luck to you and the rest of the board as you continue your important work.

Regards,
Paul

R/f

Sent to:
TB, TC, TA
TB 8/4/23

Tammi Savva

From: Denise Schirmer
Sent: Thursday, August 3, 2023 9:54 AM
To: Tammi Savva
Cc: Robert Scorrano
Subject: Library Board of Trustees Resignation

----- Forwarded Message -----

From: Michelle Nicora
To: Barbara Tepper
Sent: Wednesday, August 2, 2023 at 05:09:28 PM EDT
Subject: Resignation

Hi

I feel like this is a good time to tell you that I am resigning from the Board Of Trustees of the Somers Library. This will be effective immediately. I will return the binder and the handbook to the library. I will miss all of you! Good luck!

Thank you
Michelle Nicora

Sent from my iPhone

R/f sent to:
TB, TC, TA
8/1/23

Frederick McQuillan
Superintendent of Water & Sewer
fmcquillan@somersny.com

Water & Sewer Department

Town of Somers

WESTCHESTER COUNTY, N.Y.

P.O. Box 618
40 Lakeview Drive
Shenorock, NY 10587
(914) 248-5181



Date: August 4, 2023

To: Somers Town Board

From: Frederick McQuillan *FM*
Water & Sewer Superintendent

RE: **New Hire - Water and Sewer Maintenance Worker Grade I**

I am requesting authorization to appoint Phillip Quiles as provisional Water and Sewer Maintenance Worker Grade I full-time in the Water and Sewer Department for 40 hours a week. The results of his physical, drug test, reference, background, and driver license checks were successful. This position is in accordance with the CSEA Contract Appendix B at Grade 7A Step 6 at an annual salary of \$78,142.00 effective August 07, 2023.

We canvassed the Westchester County Civil Service eligible list for this position twice without reaching a viable candidate willing to accept the position. As such we were allowed to hire from outside the list, pending the candidate has the necessary qualifications and be able to score in the top three scores at the next test for the position.

Mr. Quiles comes to us with 9 years' experience working in the Water and Sewer maintenance field. I feel Mr. Quiles possesses the necessary skills and experience to be an asset to the department.

Respectfully,

Frederick McQuillan

Sent to:
TB, TA, TC
7/14/23
KD

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoeffle@somersny.com



Syrette Dym, AICP
Town Planner
sdym@somersny.com

Date: July 14, 2023
To: Town Board
From: Steven Woelfle *SW*
Principal Engineering Technician
RE: **Erosion Control Bonds – Transfer to General Fund**

This office has been in the process of notifying applicants to request the return of their outstanding erosion control bonds that the Town has in the Trust and Agency Account. Attached is a list of payees that the Town attempted to contact however, there has been no response.

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

Therefore, this office believes that we have exhausted our attempts to locate the individuals and suggests that the bonds listed on the attached sheet be transferred to the General Fund.

SW/wg
Enc.

cc: Town Clerk
Town Attorney
Director of Finance

EROSION CONTROL BONDS -- TRANSFER TO GENERAL FUND

<u>PARCEL</u>	<u>PAYEE</u>	<u>BOND</u>	<u>ACTION</u>
17.19-1-1 294 Route 100	IBM/ Grubb and Ellis Management Services	\$1,000.00	No Response to Letter
Route 35/Quaker Church Road Gas Line Main	Consolidated Edison Co.	\$1,000.00	No Response to Letter

Sent to:
TB, TA, TC
7/19/23
KO

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
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: July 19, 2023

To: Town Board

From: Steven Woelfle *SW*
Engineering Department

RE: **Papalia Stormwater Management and Erosion and Sediment Control and Tree Removal Permit #ASMESCT2021-45**
TM: 37.08-2-2
Release of Erosion Control Bond
Check Received October 1, 2021

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

Please return to:

Angela Papalia
32 Primrose Street
Katonah, NY 10536

SW/wg

cc: Town Clerk
Director of Finance
Angela Papalia

Sent to:
TB, TA, TC
7/24/23
KB

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

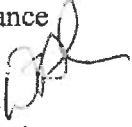
Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

DATE: July 21, 2023

TO: Town Board
Director of Finance

FROM: David B. Smith 
Director of Planning

RE: **Anglebrook Golf Club Site Plan – Patio Expansion**
Refund of SEQRA/Professional Service Fee
TM: 27.07-1-1.1

The above-mentioned project has been completed. Please refund the remaining SEQRA/Professional Service Fee in the amount of \$1,630.00, as follows:

Anglebrook Golf Club
P.O. Box 700
Lincolndale, NY 10540

SW/wg
cc: Town Clerk
Anglebrook Golf Club

Sent to:
TB, TA, TC
4/26/23
KD

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
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
swoeffle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

DATE: July 25, 2023

TO: Town Board
Director of Finance

FROM: David B. Smith
Director of Planning

RE: **Wright's Court Site "A" Site Plan**
Refund of SEQRA/Professional Service Fee
TM: 17.11-1-18

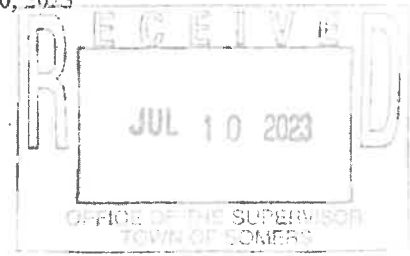
The above-mentioned project has been completed. Please refund the remaining SEQRA/Professional Service Fee in the amount of \$2,588.39, as follows:

Southeast Realty Group, Inc.
339 Route 202
Suite 275
Somers, New York 10589

SW/wg
cc: Town Clerk
Southeast Realty Group, Inc.



June 30, 2023



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

Rohit T. Aggarwala
Commissioner

Re: Notification of NYCDEP's 5-Year Land Use Permit Renewal Requirement
Land Use Permit 9917 (Project No. 1980)

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply

Dear Permittee,

This letter is to inform you that your Revocable Land Use Permit (the "Permit") to use New York City (the "City")-owned property pursuant to Chapter 17 of Title 15 of the Rules of the City of New York (Land Use Permit Rules), which is valid for five (5) years is due to expire on 12/31/2023. In order to legally access City property your Permit must be renewed every five years. Please return the attached **Permit Renewal Form** to DEP at least 30 days prior to expiration of your permit along with any corrections as follows:

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

- ☐ Compliant -- Simply complete and return the attached **Permit Renewal Form**.
- ☒ Out of date proof of insurance. Please submit proof of insurance as required by your permit along with the attached **Permit Renewal Form**.
- ☐ Underinsured -- Please send proof of insurance indicating MM/YY of insurance coverage along with the attached **Permit Renewal Form**.
- ☒ List the following as Additional Insured: "The City of New York, its officials and employees, and the New York City Water Board, c/o NYCDEP, 59-17 Junction Boulevard, 19th floor, Flushing, NY 11373, Attention: General Counsel"

DEP conducts on-site inspections to permit locations and those up for renewal. You are responsible for notifying us of any changes in your contact information or changes of use on City property as allowed under the original Permit. There is no fee for the renewal. The Permit will continue to be billed as usual and all conditions of the Land Use Permit will remain in effect unless there has been a change from the permitted use of City property. If the use of City property has changed or you have violated your Permit's conditions, DEP will provide guidance on how to remedy the issue.

Failure to submit the renewal form and/or keep your Permit in compliance will be considered an unauthorized use of City land and a trespass. If you are no longer using City land, we need to verify the area has been restored in order to closeout your Permit. Failure to comply with any of the conditions of the Permit may result in the revocation of the Permit. Past due permits will not be renewed.

For immediate assistance or questions regarding DEP's Revocable Land Use Permit Renewals, email LandUsePermits@dep.nyc.gov or call (914) 749-5644.

REQUEST FOR RENEWAL
Revocable Land Use Permit for use of New York City Property
Permit No.: 9917

Please confirm or update the following information as it appears on your Permit invoice.

Please return this form:

Attn: Matthew Castro

465 Columbus Avenue Valhalla, New York 10595

**Please indicate any changes/missing information identified below on this form,
or on an additional sheet of paper.**

Permittee Name: TOWN OF SOMERS

Mailing Address: TOWN HOUSE - 335 ROUTE 202, SOMERS, NY 10589

Contact: RICK MORRISSEY

Telephone: (914) 277-3637

Email:* rmmorrissey@somersny.com

☐ **No Changes**

**Use space below to indicate any changes to your use of City land (use additional
paper if needed). Leave blank if there are no changes.**

☐ Check if the property is no longer used. Vacated on _____
(date)

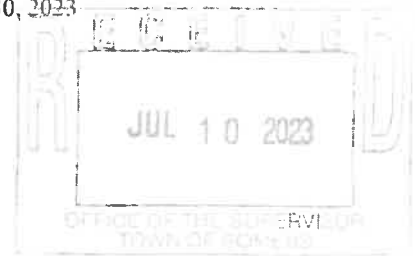
Print Name: _____
Signature: _____

Title: _____
Date: _____

* To better serve you, please supply us with your e-mail address if this line is blank.



June 30, 2023



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

Rohit T. Aggarwala
Commissioner

Re: Notification of NYCDEP's 5-Year Land Use Permit Renewal Requirement
Land Use Permit 10095 (Project No. 2205)

Dear Permittee,

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply

This letter is to inform you that your Revocable Land Use Permit (the "Permit") to use New York City (the "City")-owned property pursuant to Chapter 17 of Title 15 of the Rules of the City of New York (Land Use Permit Rules), which is valid for five (5) years is due to expire on 12/31/2023. In order to legally access City property your Permit must be renewed every five years. Please return the attached **Permit Renewal Form** to DEP at least 30 days prior to expiration of your permit along with any corrections as follows:

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

- ☐ Compliant – Simply complete and return the attached **Permit Renewal Form**.
- ☒ Out of date proof of insurance. Please submit proof of insurance as required by your permit along with the attached **Permit Renewal Form**.
- ☐ Underinsured – Please send proof of insurance indicating MM/YY of insurance coverage along with the attached **Permit Renewal Form**.
- ☒ List the following as Additional Insured: "The City of New York, its officials and employees, and the New York City Water Board, c/o NYCDEP, 59-17 Junction Boulevard, 19th floor, Flushing, NY 11373, Attention: General Counsel"

DEP conducts on-site inspections to permit locations and those up for renewal. You are responsible for notifying us of any changes in your contact information or changes of use on City property as allowed under the original Permit. There is no fee for the renewal. The Permit will continue to be billed as usual and all conditions of the Land Use Permit will remain in effect unless there has been a change from the permitted use of City property. If the use of City property has changed or you have violated your Permit's conditions, DEP will provide guidance on how to remedy the issue.

Failure to submit the renewal form and/or keep your Permit in compliance will be considered an unauthorized use of City land and a trespass. If you are no longer using City land, we need to verify the area has been restored in order to closeout your Permit. Failure to comply with any of the conditions of the Permit may result in the revocation of the Permit. Past due permits will not be renewed.

For immediate assistance or questions regarding DEP's Revocable Land Use Permit Renewals, email LandUsePermits@dep.nyc.gov or call (914) 749-5644.

REQUEST FOR RENEWAL
Revocable Land Use Permit for use of New York City Property
Permit No.: 10095

Please confirm or update the following information as it appears on your Permit invoice.

Please return this form:

Attn: Matthew Castro

465 Columbus Avenue Valhalla, New York 10595

Please indicate any changes/missing information identified below on this form,
or on an additional sheet of paper.

Permittee Name: TOWN OF SOMERS

Mailing Address: TOWN HOUSE - 335 ROUTE 202, SOMERS, NY 10589

Contact: RICK MORRISSEY

Telephone: (914) 277-3637

Email: * rmorrissey@somersny.com

☐ No Changes

Use space below to indicate any changes to your use of City land (use additional
paper if needed). Leave blank if there are no changes.

☐ Check if the property is no longer used. Vacated on _____
(date)

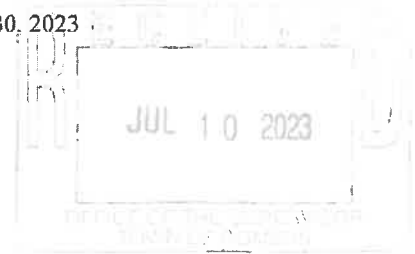
Print Name: _____
Signature: _____

Title: _____
Date: _____

* To better serve you, please supply us with your e-mail address if this line is blank.



June 30, 2023



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

Rohit T. Aggarwala
Commissioner

Re: Notification of NYCDEP's 5-Year Land Use Permit Renewal Requirement
Land Use Permit 10083 (Project No. 2208)

Dear Permittee,

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply

This letter is to inform you that your Revocable Land Use Permit (the "Permit") to use New York City (the "City")-owned property pursuant to Chapter 17 of Title 15 of the Rules of the City of New York (Land Use Permit Rules), which is valid for five (5) years is due to expire on 12/31/2023. In order to legally access City property your Permit must be renewed every five years. Please return the attached **Permit Renewal Form** to DEP at least 30 days prior to expiration of your permit along with any corrections as follows:

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

- ☐ Compliant – Simply complete and return the attached **Permit Renewal Form**.
- ☒ Out of date proof of insurance. Please submit proof of insurance as required by your permit along with the attached **Permit Renewal Form**.
- ☐ Underinsured – Please send proof of insurance indicating MM/YY of insurance coverage along with the attached **Permit Renewal Form**.
- ☒ List the following as Additional Insured: "The City of New York, its officials and employees, and the New York City Water Board, c/o NYCDEP, 59-17 Junction Boulevard, 19th floor, Flushing, NY 11373, Attention: General Counsel"

DEP conducts on-site inspections to permit locations and those up for renewal. You are responsible for notifying us of any changes in your contact information or changes of use on City property as allowed under the original Permit. There is no fee for the renewal. The Permit will continue to be billed as usual and all conditions of the Land Use Permit will remain in effect unless there has been a change from the permitted use of City property. If the use of City property has changed or you have violated your Permit's conditions, DEP will provide guidance on how to remedy the issue.

Failure to submit the renewal form and/or keep your Permit in compliance will be considered an unauthorized use of City land and a trespass. If you are no longer using City land, we need to verify the area has been restored in order to closeout your Permit. Failure to comply with any of the conditions of the Permit may result in the revocation of the Permit. Past due permits will not be renewed.

For immediate assistance or questions regarding DEP's Revocable Land Use Permit Renewals, email LandUsePermits@dep.nyc.gov or call (914) 749-5644.

REQUEST FOR RENEWAL
Revocable Land Use Permit for use of New York City Property
Permit No.: 10083

Please confirm or update the following information as it appears on your Permit invoice.

Please return this form:

Attn: Matthew Castro

465 Columbus Avenue Valhalla, New York 10595

Please indicate any changes/missing information identified below on this form,
or on an additional sheet of paper.

Permittee Name: TOWN OF SOMERS

Mailing Address: TOWN HOUSE - 335 ROUTE 202, SOMERS, NY 10589

Contact: RICK MORRISSEY

Telephone: (914) 277-3637

Email: * rmmorrissey@somersny.com

☐ No Changes

Use space below to indicate any changes to your use of City land (use additional
paper if needed). Leave blank if there are no changes.

☐ Check if the property is no longer used. Vacated on _____
(date)

Print Name: _____
Signature: _____

Title: _____
Date: _____

* To better serve you, please supply us with your e-mail address if this line is blank.



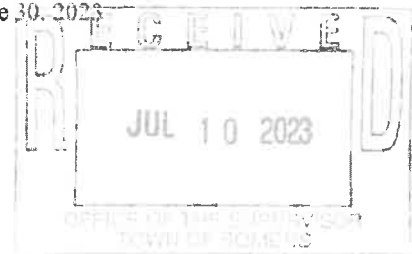
Rohit T. Aggarwala
Commissioner

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

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

June 30, 2023



Re: Notification of NYCDEP's 5-Year Land Use Permit Renewal Requirement
Land Use Permit 9515 (Project No. 1130)

Dear Permittee,

This letter is to inform you that your Revocable Land Use Permit (the "Permit") to use New York City (the "City")-owned property pursuant to Chapter 17 of Title 15 of the Rules of the City of New York (Land Use Permit Rules), which is valid for five (5) years is due to expire on 12/31/2023. In order to legally access City property your Permit must be renewed every five years. Please return the attached **Permit Renewal Form** to DEP at least 30 days prior to expiration of your permit along with any corrections as follows:

- ☐ Compliant – Simply complete and return the attached **Permit Renewal Form**.
- ☒ Out of date proof of insurance. Please submit proof of insurance as required by your permit along with the attached **Permit Renewal Form**.
- ☐ Underinsured – Please send proof of insurance indicating MM/YY of insurance coverage along with the attached **Permit Renewal Form**.
- ☒ List the following as Additional Insured: "The City of New York, its officials and employees, and the New York City Water Board, c/o NYCDEP, 59-17 Junction Boulevard, 19th floor, Flushing, NY 11373, Attention: General Counsel"

DEP conducts on-site inspections to permit locations and those up for renewal. You are responsible for notifying us of any changes in your contact information or changes of use on City property as allowed under the original Permit. There is no fee for the renewal. The Permit will continue to be billed as usual and all conditions of the Land Use Permit will remain in effect unless there has been a change from the permitted use of City property. If the use of City property has changed or you have violated your Permit's conditions, DEP will provide guidance on how to remedy the issue.

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For immediate assistance or questions regarding DEP's Revocable Land Use Permit Renewals, email LandUsePermits@dep.nyc.gov or call (914) 749-5644.

REQUEST FOR RENEWAL
Revocable Land Use Permit for use of New York City Property
Permit No.: 9515

Please confirm or update the following information as it appears on your Permit invoice.

Please return this form:

Attn: Matthew Castro

465 Columbus Avenue Valhalla, New York 10595

Please indicate any changes/missing information identified below on this form,
or on an additional sheet of paper.

Permittee Name: TOWN OF SOMERS

Mailing Address: TOWN HOUSE - 335 ROUTE 202, SOMERS, NY 10589

Contact: RICK MORRISSEY

Telephone: (914) 277-3637

Email:* rmorrissey@somersny.com

☐ **No Changes**

Use space below to indicate any changes to your use of City land (use additional
paper if needed). Leave blank if there are no changes.

☐ Check if the property is no longer used. Vacated on _____
(date)

Print Name: _____
Signature: _____

Title: _____
Date: _____

* To better serve you, please supply us with your e-mail address if this line is blank.



June 30, 2023



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

Rohit T. Aggarwala
Commissioner

Re: Notification of NYCDEP's 5-Year Land Use Permit Renewal Requirement
Land Use Permit 9689 (Project No. 1250)

Dear Permittee,

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply

This letter is to inform you that your Revocable Land Use Permit (the "Permit") to use New York City (the "City")-owned property pursuant to Chapter 17 of Title 15 of the Rules of the City of New York (Land Use Permit Rules), which is valid for five (5) years is due to expire on 12/31/2023. In order to legally access City property your Permit must be renewed every five years. Please return the attached **Permit Renewal Form** to DEP at least 30 days prior to expiration of your permit along with any corrections as follows:

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

- ☐ Compliant – Simply complete and return the attached **Permit Renewal Form**.
- ☒ Out of date proof of insurance. Please submit proof of insurance as required by your permit along with the attached **Permit Renewal Form**.
- ☐ Underinsured – Please send proof of insurance indicating MM/YY of insurance coverage along with the attached **Permit Renewal Form**.
- ☒ List the following as Additional Insured: "The City of New York, its officials and employees, and the New York City Water Board, c/o NYCDEP, 59-17 Junction Boulevard, 19th floor, Flushing, NY 11373, Attention: General Counsel"

DEP conducts on-site inspections to permit locations and those up for renewal. You are responsible for notifying us of any changes in your contact information or changes of use on City property as allowed under the original Permit. There is no fee for the renewal. The Permit will continue to be billed as usual and all conditions of the Land Use Permit will remain in effect unless there has been a change from the permitted use of City property. If the use of City property has changed or you have violated your Permit's conditions, DEP will provide guidance on how to remedy the issue.

Failure to submit the renewal form and/or keep your Permit in compliance will be considered an unauthorized use of City land and a trespass. If you are no longer using City land, we need to verify the area has been restored in order to closeout your Permit. Failure to comply with any of the conditions of the Permit may result in the revocation of the Permit. Past due permits will not be renewed.

For immediate assistance or questions regarding DEP's Revocable Land Use Permit Renewals, email LandUsePermits@dep.nyc.gov or call (914) 749-5644.

REQUEST FOR RENEWAL
Revocable Land Use Permit for use of New York City Property
Permit No.: 9689

Please confirm or update the following information as it appears on your Permit invoice.

Please return this form:

Attn: Matthew Castro

465 Columbus Avenue Valhalla, New York 10595

Please indicate any changes/missing information identified below on this form,
or on an additional sheet of paper.

Permittee Name: TOWN OF SOMERS

Mailing Address: TOWN HOUSE - 335 ROUTE 202, SOMERS, NY 10589

Contact: RICK MORRISSEY

Telephone: (914) 277-3637

Email:* rmmorrissey@somersny.com

☐ **No Changes**

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☐ Check if the property is no longer used. Vacated on _____.
(date)

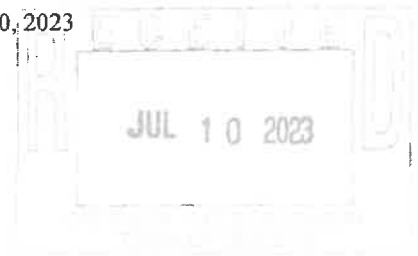
Print Name: _____
Signature: _____

Title: _____
Date: _____

* To better serve you, please supply us with your e-mail address if this line is blank.



June 30, 2023



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

Rohit T. Aggarwala
Commissioner

Re: Notification of NYCDEP's 5-Year Land Use Permit Renewal Requirement
Land Use Permit 10005 (Project No. 1728)

Dear Permittee,

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply

This letter is to inform you that your Revocable Land Use Permit (the "Permit") to use New York City (the "City")-owned property pursuant to Chapter 17 of Title 15 of the Rules of the City of New York (Land Use Permit Rules), which is valid for five (5) years is due to expire on 12/31/2023. In order to legally access City property your Permit must be renewed every five years. Please return the attached **Permit Renewal Form** to DEP at least 30 days prior to expiration of your permit along with any corrections as follows:

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

- ☐ Compliant – Simply complete and return the attached **Permit Renewal Form**.
- ☒ Out of date proof of insurance. Please submit proof of insurance as required by your permit along with the attached **Permit Renewal Form**.
- ☐ Underinsured – Please send proof of insurance indicating MM/YY of insurance coverage along with the attached **Permit Renewal Form**.
- ☒ List the following as Additional Insured: "The City of New York, its officials and employees, and the New York City Water Board, c/o NYCDEP, 59-17 Junction Boulevard, 19th floor, Flushing, NY 11373, Attention: General Counsel"

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For immediate assistance or questions regarding DEP's Revocable Land Use Permit Renewals, email LandUsePermits@dep.nyc.gov or call (914) 749-5644.

REQUEST FOR RENEWAL
Revocable Land Use Permit for use of New York City Property
Permit No.: 10005

Please confirm or update the following information as it appears on your Permit invoice.

Please return this form:

Attn: Matthew Castro

465 Columbus Avenue Valhalla, New York 10595

**Please indicate any changes/missing information identified below on this form,
or on an additional sheet of paper.**

Permittee Name: TOWN OF SOMERS

Mailing Address: TOWN HOUSE - 335 ROUTE 202, SOMERS, NY 10589

Contact: RICK MORRISSEY

Telephone: (914) 277-3637

Email:* rmorrissey@somersny.com

☐ **No Changes**

**Use space below to indicate any changes to your use of City land (use additional
paper if needed). Leave blank if there are no changes.**

☐ Check if the property is no longer used. Vacated on _____
(date)

Print Name: _____
Signature: _____

Title: _____
Date: _____

* To better serve you, please supply us with your e-mail address if this line is blank.

R/f sent to:
TB, TC, TA TA
8/4/23

TEL : 914-277-3323
FAX: 914-277-3960

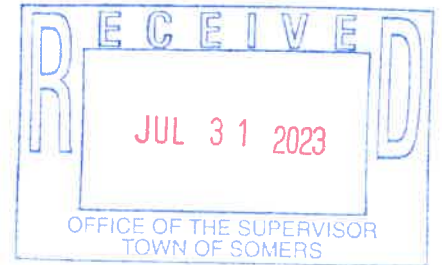
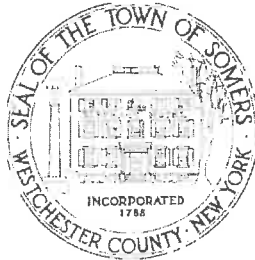
TOWNCLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589

PATRICIA KALBA
TOWN CLERK



MEMO

TO: Supervisor
Town Board

FROM: Patricia Kalba
Town Clerk

DATE: July 31, 2023

RE: Bid for Used Office Equipment

I request that the Town Board authorize the circulation of a Bid for Used Office Equipment and the disposal of any items not bid on at their August 10, 2023, Work Session/Regular Meeting. This will afford the Staff and Departments time to organize the items for anyone interested to view and for the items to be disposed of by mid-September.

8/1/23

Town of Somers - Surplus Property Listing

Location:

Annex - 2nd Fl. (Graveyard)

Pg.

Item #	Bar Code #	Item Description & Serial #
1 592	S/N: CN-0XNV58-74445-12N-CTRL	Dell Monitor
2 593	S/N: CN-01THRY-72872-2CS-ATAM	DELL monitor
3 594	S/N: CN-08VVND-74445-1CM-175M	Dell monitor
4 595	Service Tag: HQDXX12	DELL OPTIPLEX 710 CPU
5 596	Service Tag: 93MOY M2	DELL OPTIPLEX 3050 CPU
6 597	Service Tag: 3FPPW 52	DELL OPTIPLEX 9020 CPU
7 598	Service Tag: 4QF9YR1	DELL OPTIPLEX 790 CPU
8 599	Service Tag: 4QDKYR1	DELL OPTIPLEX 790 CPU
9 600	Service Tag: 5TLTKS1	DELL OPTIPLEX 790 CPU
10 601	S/N: CN-051806-71618-3CA-ADST	DELL monitor
11 602	S/N: CN-0F7170-47606-51T-A4WF	DELL monitor
12 603	S/N: CN-06M778-72872-775-134M	DELL monitor
13 604	S/N: CN-005428-72872-575-AS43	DELL monitor
14 605	S/N: CN-051806-71618-3CA-ADF4	DELL monitor
15 606	S/N: CN-0F5035-64180-4BD-1123	DELL monitor
16 607	S/N: CN-005428-72872-535-2CCL	DELL monitor
17 608	T.O.S. 00213	DELL Latitude D600 Laptop (Broken)
18 609	T.O.S. 00015	DELL INSPIRON 2500 LAPTOP
19 610	Service Tag: 3FPPW 52	DELL OPTIPLEX 9020 CPU
20 611	Service Tag: HQD4X12	DELL OPTIPLEX 7010 CPU
21 612	S/N: NY-0Y1352-47603-49H-FEWF	DELL monitor
22 613	T.O.S. 00000133	Sony Receiver/monitor
23 614	S/N: CN-005428-72872-575-A4DS	DELL monitor
24 615	Service Tag: 3FPPW 52	DELL OPTIPLEX 9020
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