SOMERS TOWN BOARD
REGULAR MEETING - 7:00pm
THURSDAY, MAY 9, 2019
www.somersny.com

6:30PM Executive Session

I. PLEDGE OF ALLEGIANCE;

7:00pm Regular Meeting

II. ROLL CALL:

III. PUBLIC HEARINGS:

1. Proposed Fee Schedule for the Amawalk-Shenorock Water District, the Windsor Farms Water District and the Amawalk Heights Water District.


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

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

VI. **BUSINESS OF THE BOARD:**

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

B. **TOWN BOARD:**

1. MS4 Presentation – Syrette Dym

2. Acknowledge the following Town of Somers historic anniversaries which occurred in the month of April:
   a. April, 1808 – The town acquired its present name in honor of Captain Richard Somers, a hero of the Tripolitan War.
   b. April 01, 1967 – Somers is designated as the Cradle of the American Circus by the US Postal Service.

3. Approval of proposed Local Law to amend Chapter 135 of the Code of the Town of Somers entitled Property Maintenance by adding Article II, Section 135-8 entitled Regulation of Bamboo.

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

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

E. **PERSONNEL:**

1. **Current Vacancies:**
   a. Affordable Housing Board (1-2-year term ending 7/11/2019.)
   b. Affordable Housing Board (1-2-year term ending 7/11/2020.)
   c. Partners in Prevention (2-3-year terms ending 12/31/2019.)
   d. Partners in Prevention (2-3-year terms ending 12/31/2020.)

2. **Upcoming Vacancies - Terms Expiring in 2019:**
   a. Affordable Housing Board (1-2-year term ending 7/11/2019.)
3. Acknowledge promotion of Mr. Jose Yanza from Road Maintainer to Motor Equipment Operator at an hourly pay rate of $34.6197 per memo dated April 29, 2019 from Thomas E. Chiaverini, Superintendent of Highways effective April 29, 2019.

4. Authorize the provisional promotion of Mr. Greg Maroni to a Water Maintenance Worker Grade II full-time in the Water and Sewer Department for 35 hours a week and in accordance with the CSEA Contract Appendix B will move to Grade 4a, Step 6 at an annual salary of $56,697.00 per memo dated April 19, 2019 from Adam Smith, Water Superintendent effective April 29, 2019.

F. **PLANNING & ENGINEERING:**

1. For review and comment:
   a. Heritage Hills West Hill Drive Wetland Application.

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

H. **CONSENSUS AGENDA:**

1. Schedule a Public Hearing for the proposed Conservation Easement for the Mitchell Subdivision, 197 Tomahawk St., Town of Somers, for June 13, 2019.

2. Authorize reappointment of Ms. Teresa Stegner, Town Assessor for a 6-year term ending September 30, 2025 effective October 1, 2019.

3. Authorize the hiring of Ms. Loretta Pugliese as a permanent part-time Assistant Assessment Clerk (non-competitive) to work no more than 17 hours a week for the Assessor’s Office at an hourly rate of $15.30 per memo dated April 22, 2019 from Teresa Stegner, Assessor effective April 23, 2019.

4. Authorize the temporary appointment of Ms. Maria Rukaj, as Office Assistant for the Building Department at her current hourly rate of $15.26 for a duration not to exceed ninety (90) days retroactive to March 28, 2019 while we canvass the eligible list for a replacement. Maria’s seasonal appointment as an Office Assistant in the Building Department ended on March 27, 2019.
5. A review of Department Head salaries was conducted in an effort to establish a competitive salary scale to ensure the Town of Somers will retain its professional staff. The review included certain other Westchester and Putnam County towns; the Supervisor is recommending salary increases to the following non-union department heads to more closely align with salaries of nearby towns as follows:
   a. Assessor - $7,000 annually for three years commencing in 2019.
   b. Finance Director- $5,000 annually for three years commencing in 2019.
   c. Water and Sewer Superintendent- $3,000 annually for three years commencing in 2019.
   d. Superintendent of Parks- $2,000 annually for three years commencing in 2019.
   e. Nutrition Program and Transportation Director- $2,000 annually for three years commencing in 2019.

For 2019, the annual increase will be pro-rated over the remaining payrolls of the year. For other years, the increase will be reflected in the department heads annual salary.

6. Acknowledge the hiring of Mr. Anthony Giannotti as a full-time Road Maintainer at the Highway Department at an annual salary of $53,122.00 which he will receive 90% of it for the first six months at an hourly rate of $22.9855 then he will receive 95% after the first six months is complete. Upon completion of one year of service, he will receive the full salary rate of pay per memo dated April 8, 2019 from Thomas Chiaverini, Superintendent of Highways effective April 22, 2019.

7. Authorize the return of the following Bonds per April 8, 2019 and April 11, 2019 memos from Steven Woelfle, Principal Engineering Technician.
   a. $500.00 Erosion Control Bond, Papazian/Festo TM: 17.13-2-3 (North County Homes, Inc)
   b. $500.00 Erosion Control Bond, Caracciolo TM: 36.20-1-59 (North County Homes, Inc)

8. Authorize the Supervisor to execute the following:
   a. The Wellness in Nutrition Program (WIN) and Nutrition Services Incentive Program (NSIP) Funding Contract, for the period of April 1, 2019 through March 31, 2020 per memo dated April 17, 2019 from Barbara Taberer, Nutrition Program Director.
2019 Calendar

May 9, 2019 7:00pm  Town Board Regular Meeting
Public Hearing - Proposed Fee
Schedule for the Amawalk-Shenorock,
Water District, the Windsor Farms
Water District and the Amawalk
Heights Water District
Public Hearing - Proposed
Conservation Easement for the
Merritt Park Subdivision.

June 6, 2019 7:00pm  Town Board Work Session
June 13, 2019 7:00pm  Town Board Regular Meeting

July 11, 2019 7:00pm  Town Board Work Session
/ Regular Meeting

August 1, 2019 7:00pm  Town Board Work Session
August 8, 2019 7:00pm  Town Board Regular Meeting
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town of Somers will conduct a public hearing on May 9, 2019 at 7:00 p.m. at the Town House, 335 Route 202, Somers, New York for the Town Board to consider a proposed Fee Schedule for the Amawalk-Shenorock Water District, the Windsor Farms Water District and the Amawalk Heights Water District.

All persons having an interest 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: March 7, 2019
Attached for your consideration is a proposed Fee Schedule for the Town Water Districts. The current water fees have not been revised in many years. The water districts have seen significant growth and have the potential to see further development. The proposed fees reflect today’s cost of providing water service and takes into consideration our present customers, current capacity to provide water, the water and tax rates charged in each district, and the need to treat each new extension equally.

| Town of Somers Water District Fee Schedule
| Amawalk Heights, Amawalk-Shenorock and Windsor Farms Water District |
|----------------------------------|------------------|
| **Reference**                   | **Fee**          |
| **Water Main Extension (But-in-Fee):** For all extensions of water mains without an existing water district, the applicant for such an extension shall pay the sum of $8,000 per dwelling unit serviced or to be serviced by such extension. The fee shall be paid at the time the building permit is issued. | $8,000 Per dwelling unit to be serviced |
Service Line Connections (residential & commercial): The application fee for all residential and commercial water service connections are as set forth in the following table. The application fee for three-fourths- and one-inch service connections includes the tap application, the service line inspection and either one five-eighths by three-fourths-inch meter or a one-inch meter. The application fee for service connections 1 1/4 inches through eight inches includes the tap application and the service line inspection.

<table>
<thead>
<tr>
<th>Size</th>
<th>In-District</th>
<th>Out of District</th>
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<tr>
<td>1 inch</td>
<td>$800</td>
<td>$8,000</td>
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<tr>
<td>1.25 inch</td>
<td>$900</td>
<td>$8,000</td>
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<tr>
<td>1.5 inch</td>
<td>$1,000</td>
<td>$8,000</td>
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<td>4 inch</td>
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<tr>
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<tr>
<td>8 inch</td>
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Damaged Water Meter Charge:

<table>
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<th>Size</th>
<th>Fee</th>
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<tr>
<td>5/8 x 3/4 inch</td>
<td>$235.00</td>
</tr>
<tr>
<td>1 inch</td>
<td>$300.00</td>
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<tr>
<td>1.25 inch and larger</td>
<td>At owners expense</td>
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Replacement of Radio Transmitter: $250.00

Restoring water service: $50.00

Final reading: $20.00

Backflow Prevention: $100.00 Per device to review and submit plans

cc: Town Clerk
    Town Engineer
    Town Building Inspector
    Director of Finance
    Town Attorney
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town of Somers will conduct a public hearing on May 9, 2019 at 7:00 p.m. at the Town House, 335 Route 202, Somers, New York for the Town Board to consider a proposed Conservation Easement for the Merritt Park Subdivision.

All persons having an interest 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: April 11, 2019
March 28, 2019

Via Electronic Mail (supervisor@somersny.com) and Federal Express – A.M. Delivery

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

Re: Request of Mancini Building Corp. for Town Board Acceptance of Conservation Easement
Merritt Park Subdivision, Lovell Street/Adson Way, Town of Somers
Tax Identification No.: Section 5.20, Block 1, Lot 1

Dear Supervisor Morrissey and Members of the Town Board:

This firm represents Mancini Building Corp. ("Mancini") in connection with the above-referenced subdivision on Lovell Street and Adson Way in the Town, for which the Planning Board has granted Final Subdivision Approval. Six copies copy of the Final Subdivision Plan are enclosed for your information. One of the conditions of the Approval requires Mancini to convey a Conservation Easement to the Town along portions of Lots 8, 9, 12 and 13 fronting on Lovell Street, in an area with mature trees and vegetation and steep slopes. The Conservation Easement will protect those resources, provide an undisturbed, natural buffer to residential properties to the west and continue a scenic corridor along the Subdivision’s frontage on Lovell Street. Enclosed are six copies of a proposed Conservation Easement (with Schedules) from Mancini to the Town, which Easement has been reviewed and approved as to substance and form by Town Attorney Roland Baroni, Esq. We request that the Town Board accept the Conservation Easement so it can be recorded in the Office of the Westchester County Clerk.

Under General Municipal Law Section 247, your Board must conduct a public hearing before the Board can accept the Conservation Easement. In accordance with my discussions with Mr. Baroni, I am writing to request that this matter be scheduled for your Board’s April 4, 2019 meeting for the purpose of scheduling such public hearing for the next available regular meeting of the Board.

If you have any questions or require assistance with publishing notice of the hearing, please contact me. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: ____________________________

Geraldine N. Tortorella
GNT:he
Enclosures
cc:  (via electronic mail, with enclosures)
    Hon. Patricia Kalba, Town Clerk
    Roland Baroni, Esq.
    Ms. Kim DeLucia, Confidential Executive Assistant
    Syrette Dym, Director of Planning
    Mr. Steve Woelfle
    Mr. Richard Mancini
    Mr. John Mancini
    Joseph Riina, P.E.
CONSERVATION EASEMENT

This conservation easement agreement is made as of the ______ day of ________, 2019, between Mancini Building Corp., a New York Corporation having a principal place of business at 8 Elide Road, Katonah, New York ("Grantor"), and the Town of Somers, a municipal corporation organized and existing under the laws of the State of New York having its principal place of business at 335 Route 202, Somers, New York 10589 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee title of Lots 8, 9, 12, and 13 (the "Property") as shown on a certain map entitled “Subdivision of Property Known as Merritt Park Estates, Situate in the Town of Somers, Westchester County, NY,” prepared by Donnelly Land Surveying, P.C., dated March 6, 2009, last revised February 18, 2016, which was filed in the Westchester County Clerk’s Office on __________, as Map No. _____ (the “Subdivision Plat”); and

WHEREAS, the Grantee is a public body within the meaning of Article 49, Title 3, of the Environmental Conservation Law of the State of New York, and is thereby qualified to be the grantee of conservation easements that limit and restrict the development, management or use of real property in order to preserve or maintain scenic, open, historic, archaeological, architectural or natural conditions, characteristics, or significant amenities of real property; and

WHEREAS, the Property contains approximately 3.33 acres of land which includes substantial and significant natural resources important to the parties to this Easement and the public in general (the “Easement Area”); and

WHEREAS, a conservation easement over the Easement Area is intended to promote the following conservation values:

1. Preserve open space and provide a natural buffer to residential properties to the west;
2. Provide an undisturbed, vegetated, scenic corridor ranging from 60 feet to more than 275 feet in width along Lovell Street, a public road;
3. Preserve and restrict the disturbance of approximately 3.33 acres of land containing mature trees and vegetation and steep slopes;
4. Provide an area that will support resident wildlife population;
5. Control the establishment of future impervious surfaces and other development activities within the Easement Area that potentially could cause increases in pollutant loads to nearby wetlands; and
6. Provide a natural and vegetated buffer to treat stormwater from upgradient locations.

WHEREAS, conservation of the Easement Area subject to the terms of this easement is expected to yield significant benefits to the public by protecting the scenic value of the Easement
Area and promoting and protecting wildlife habitat; a stream and the ecological resources thereof; and steep slopes on the Property; and

WHEREAS, the conservation values of the Easement Area are documented in a Baseline Data Report dated ____________ which is on file in the office of the Grantee, and is incorporated herein by reference, and which includes an inventory of the relevant conservation values, maps, photographs, reports and other documents that the parties agree provide an accurate representation of the Easement Area at the time of the execution of this conservation easement, and which is intended to provide objective baseline information for purposes of future monitoring and enforcement; and

WHEREAS, the Grantor hereby donates substantial and significant development rights in and to the Easement Area and conveys to Grantee the right to preserve and protect the conservation values described herein by encumbering the Easement Area with a conservation easement pursuant to the provisions of New York Environmental Conservation Law, Article 49, Title 3; and

WHEREAS, the Grantee agrees to accept this conservation easement, to honor the intentions of the Grantor as stated herein, to inspect and report on the conditions of the Easement Area on no less than an annual basis, and to preserve and protect the Easement Area in perpetuity according to the terms of this Easement for the benefit of this and future generations.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantor hereby voluntarily grants and conveys to Grantee a conservation easement (the “Conservation Easement” or the “Easement”) in perpetuity over the area described in Schedule A, annexed hereto and made a part hereof (the “Conservation Easement Area” or the “Easement Area”) of the nature and character and to the extent set forth herein.

1. Purpose. It is the purpose of this easement to preserve the open space, steep slopes, stormwater treatment function, and wildlife habitat resources on the eastern side of the Property, to preserve a corridor to support resident wildlife population, to preserve a scenic, vegetated corridor along Lovell Street, and to control the establishment of future impervious surfaces and other development activities within the Conservation Easement Area. This Easement shall restrict the use of the Conservation Easement Area as provided herein so as to prevent the impairment of or interference with the conservation values of the Property.

2. Prohibited Uses and Restrictions. Subject to the provisions of Section 4 herein, any activity on or use of the Conservation Easement Area inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing provision, except as otherwise provided in Section 4 hereof, the following restrictions specifically apply to the Property:
a. No residences, mobile homes, or other buildings and no impervious surfaces shall be permitted on or in the Conservation Easement Area.

b. No quarry, gravel pit, surface or subsurface mining or drilling, or other mining or drilling activities prohibited under applicable provisions of Section 170(h) of the Internal Revenue Code shall be permitted on or under the Conservation Easement Area.

c. No dumping or storage of ashes, noncomposted organic waste, sewage, garbage, or any toxic or offensive materials or waste, shall be allowed in the Conservation Easement Area.

d. No excavation, extraction, grading, or removal of soil, sand and gravel shall be allowed in the Conservation Easement Area.

e. Notwithstanding any other restriction contained herein, the owner of the Property (or any relevant part thereof) or the Grantee may take such actions with respect to the Conservation Easement Area as are necessary to protect the health and safety of the persons using the Property; provided that if any such action is contrary to a restriction contained herein, the action shall be limited to the minimum variation necessary to afford the required protection. Grantor shall be immediately notified and consulted with regard to any such emergency action.

3. Rights Conveyed to Grantee. To accomplish the purposes of this Easement, the following rights are conveyed to the Grantee by this Easement.

a. The right to preserve and protect the conservation values of the Conservation Easement.

b. The right to access the Conservation Easement Area from Lovell Street and to enter upon the Conservation Easement Area at reasonable times on reasonable notice to monitor compliance with and otherwise enforce the terms of this Easement. Grantee shall provide Grantor or Grantor’s successors seven (7) days notice of such entry unless Grantee determines that immediate entry is required to prevent, terminate or mitigate violation of this Easement. Grantee agrees that if a written report of any inspection is prepared, a copy thereof shall be provided to Grantor within 30 days of the inspection. Nothing in this paragraph shall be construed to require Grantee to perform regular inspections or to prepare written reports thereof.

c. The right to prevent any activity on, incursion into, or use of the Conservation Easement Area that is inconsistent with the terms of this Easement, and to require the restoration of such areas or features of the Easement Area that are damaged by any inconsistent activity or use pursuant to the remedies set forth in section 5 herein.
d. The right to enforce the terms, conditions and restrictions set forth in this Easement.

e. Nothing in this easement shall be construed to grant the right to allow public access to the Easement Area. Grantee specifically acknowledges and agrees that no public access to the Easement Area is permitted or allowed and that it will not authorize third parties to enter upon the Conservation Easement Area except as allowed pursuant to section 3(b) herein.

4. **Reserved Grantor’s Rights.** Grantor reserves for itself, its assigns, representatives, contractors, lessees, and successors in interest with respect to the Property all rights accruing from its ownership of the Property, including, without limitation, the right to sell, transfer or encumber the Property, as owner, subject to the restrictions and covenants set forth in this Easement; and the right to engage in, or permit others to engage in, all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purposes of this Conservation Easement. Any other provision of this Easement to the contrary notwithstanding, Grantor specifically reserves for itself and its assigns, representatives, contractors, lessees, and successors in interest with respect to the Conservation Easement Area, and it shall enjoy, the following rights, which Grantee acknowledges and agrees are consistent with the purposes of this Conservation Easement.

a. The right: (i) to construct, install and/or replace drain manholes, a grassy swale, existing catch basins and a pocket basin with the Easement Area including any grading in connection therewith; (ii) to discharge stormwater runoff from stormwater management basins on Lot 14 as shown on the Subdivision Plat over land to a catch basin in Lovell Street; and (iii) to collect, store and/or discharge stormwater runoff from Lots 12 and 13 in the Subdivision into a basin within a Drainage Easement on Lots 12 and 13, as shown on the Subdivision Plat, all pursuant to a Stormwater Pollution Prevention Plan for the Subdivision (the “SWPPP”), approved by the New York City Department of Environmental Protection (“NYCDEP”) on May 11, 2009 and extended to May 11, 2024 (the “SWPPP Approval”).

b. The right: (i) to perform such maintenance within the Conservation Easement Area as may be required to comply with the SWPPP Approval; and (v) to perform such other maintenance as may be required by any governmental agency or body with jurisdiction over activities on and/or conditions of the Conservation Easement Area.

c. The right to remove dead or diseased vegetation from the Conservation Easement Area.

d. Grantor specifically reserves the right to control access to the Property including the Conservation Easement Area except such right of access to the Easement Area specifically granted to Grantee for purposes of monitoring compliance with this
Easement, and no right of access to the general public to any portion of the Property including the Conservation Easement Area is conveyed by this Easement.

5. **Enforcement.** The exercise of such reserved rights shall be subject to and in accordance with all applicable laws and regulations.

a. **Notice and An Opportunity to Cure.** If Grantee determines that a violation of this Easement has occurred or is threatened, Grantee shall give written notice to Grantor of such violation (the “Notice”) and identify such measures reasonably calculated to cure the alleged violation within 30 days after receipt of such Notice or, where the violation cannot reasonably be cured within such 30 day period, corrective action sufficient to begin curing such violation within 30 days of receipt of the Notice. Where the violation involves injury to the Conservation Easement Area resulting from any use inconsistent with the terms or the purposes of this Conservation Easement, Grantee shall demand that Grantor restore the Easement Area to its prior condition in accordance with a plan produced and approved by the Grantee. At the expiration of the time period provided herein, the Grantee shall notify Grantor of any failure to cure the alleged violation or breach set forth in the Notice (the “Second Notice”), whereupon Grantor shall have an additional fifteen (15) days from the date of receipt of the Second Notice (the “Second Notice Period”) to implement corrective measures or to cure the violation of the breach.

b. **Injunctive Relief.** If Grantor fails to cure the violation at the expiration of said Second Notice Period, or, where the violation cannot reasonably be cured within the Second Notice Period, Grantor fails to begin curing such violation within said Period, or Grantors fail to diligently continue to cure such violation until it is cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, and to require the restoration of the Easement Area to a stable condition.

As used herein with reference to the Easement Area, the term “stable condition” shall mean the approximate general and natural condition of the Easement Area as of the date of this Easement, giving due consideration to the following: (i) the normal effects of the passage of time; and (ii) the results of natural forces (including, but not limited to, fires, explosions, earthquakes, landslides, lightning, flooding, or other Acts of God).

Where this Easement requires or permits the restoration of the Easement Area to a stable condition following a violation or breach of this Easement, this Easement shall not be construed to allow or require the use of extraordinary means to effect such restoration unless the circumstances reasonably require the use of such extraordinary means. Grantee and Grantor agree that the following means will ordinarily be used to restore the Easement Area to a stable condition following a violation or breach of this
Easement: (i) removal of items and material not allowed by this Easement; (ii) closure, filling, grading and planting with appropriate vegetative cover, of areas adversely affected by activities not allowed by this Easement; and (iii) correction, through reasonably practicable measures, of conditions which adversely affect drainage, flood control, water quality, fish or wildlife habitat, erosion control or soil conservation.

c. **Damages.** If a court determines that Grantor has violated the terms of this Easement, then Grantee shall be entitled to recover damages from Grantor for such violation or for injury to any of the conservation values protected by this Easement, including, without limitation, damages for loss of scenic, aesthetic, or environmental values. Without limiting Grantor’s liability therefor, Grantee may, in its sole discretion, apply any damages recovered to the costs of undertaking any corrective action in the Conservation Easement Area.

d. **Emergency Enforcement.** If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Easement Area, Grantee may pursue its remedies under section 5 without prior notice to Grantor or without waiting for the period for cure to expire. However, notice that action has been taken or is underway shall be given to Grantor within a reasonable period after the action commences.

e. **Forbearance.** Forbearance or delay by Grantee in the exercise of any of its rights to enforce this Easement or to exercise any right granted to it under this Easement shall not be deemed a waiver of such rights or of any of the terms of the Easement.

f. **Acts Beyond Grantor’s Control.** Notwithstanding anything contained in this instrument to the contrary, Grantee shall have no cause of action under this Easement against Grantor for injury or damage to the Conservation Easement Area which is: (i) beyond Grantor’s control, including, without limitation, Acts of God, natural disasters, flood, fire, wind, storms, earth movement, war, judicial order, strike, insurrection, unlawful or unpermitted acts of third parties and/or the public, or acts of Grantee or its agents and representatives; or (ii) results from any prudent action taken by Grantor, under emergency conditions, to prevent, abate, or mitigate significant injury to the Easement Area or adjacent properties from such causes; or (iii) results from actions taken by third parties which cause conditions to exist which, through no fault or action of Grantor, may be deemed to have an adverse impact on the conservation values of the Conservation Easement, or may cause to exist on the Property a condition or conditions which would otherwise cause Grantee to take action under this section.

6. **Notices and Approvals.** Grantor agrees to give Grantee written notice before exercising any reserved right, the exercise of which may have an adverse impact on the
conservation values of this Conservation Easement. Grantor further agrees to notify Grantee of any conveyance, lease or transfer of the Conservation Easement Area, such notice to be given in writing within twenty (20) days of such conveyance, lease or transfer. The failure to give such notice shall not, however, invalidate the conveyance, lease or transfer. When Grantee’s or Grantor’s approval is required for any action or activity allowed by this Easement to be taken only with approval, such approval shall be in writing and signed by both parties to this Easement Agreement or their successors. Any notice required by this Easement shall be given as set forth in section 16 herein.

7. Costs and Liabilities. Grantor shall retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Conservation Easement Area, including the maintenance of adequate liability insurance coverage. Grantor shall remain solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use permitted by this Easement, and all such construction and other such activity or use shall be undertaken in accordance with all applicable federal, state, and local laws, regulations, and requirements.

8. Taxes. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Conservation Easement Area by competent authority. However, nothing herein shall be deemed to abrogate Grantor’s right to challenge any taxes, assessments, fees or charges so levied or assessed against the Conservation Easement Area.

9. Representations and Warranties. Grantor represents and warrants that, after reasonable investigation and to the best of its knowledge, the Easement Area is in compliance with all federal, state and local laws, regulations and requirements applicable to it or its use, and there is no threatened or pending litigation in any way affecting, involving, or related to the Easement Area.

10. Mortgages. Grantor represents that the Conservation Easement Area is not subject to a mortgage lien as of the date hereof.

11. Amendment. This Conservation Easement may be amended upon the written consent of Grantee and Grantor; provided that no amendment may alter the restrictions on use or permitted structures, nor shall it allow subdivision that is inconsistent with the purposes of this Conservation Easement, nor shall it in any way limit the perpetual duration of this Easement. Any such amendment, variance or waiver shall be consistent with the basic purposes of this Conservation Easement and shall comply with Article 49, Title 3, of the Environmental Conservation Law, and Section 170(h) of the Internal Revenue Code. Any such amendment, variance or waiver that does not comply with Article 49 or Section 170(h) shall be void and of no force or effect. Any amendment shall be in writing and shall be recorded in the official land records of the County of Westchester, State of New York.
12. Recordation. Grantee shall record this instrument in a timely fashion in the official land records of Westchester County, State of New York, and may re-record it at any time as may be required to preserve its rights in this Easement.

13. Assignment. Except as otherwise provided in section 19(iii) hereof, Grantee's rights and obligations under this Conservation Easement may not be assigned without Grantor's prior written consent, which consent shall be exercised at Grantor's sole discretion. Any prospective assignee must be an organization that is a qualified organization under Section 170(h) of the Internal Revenue Code (or any successor provision then applicable) and is a not-for-profit conservation corporation or other entity authorized to take title to a Conservation Easement under New York Environmental Conservation Law, Article 49, Title 3, and which agrees to continue to carry out the conservation purposes of this Conservation Easement. Any assignee other than a governmental unit must be an entity able to enforce this Conservation Easement, having purposes similar to those of Grantee and which encompass those of this Conservation Easement.

14. Subsequent Transfers. Any subsequent conveyance of any interest in the Conservation Easement Area, including, without limitation, transfer, lease or mortgage, shall be subject to this Conservation Easement, and any deed, lease, mortgage or other instrument evidencing or effecting such conveyance shall contain language providing that the conveyance, lease, mortgage, or easement is subject to a Conservation Easement which runs with the land and which was granted to the Town of Somers and shall provide the date of this Easement and the Control Number by which the Westchester County Clerk's Land Records identify this Conservation Easement. The failure to include such language in any deed or instrument shall not affect the validity or enforceability of this Conservation Easement.

15. Binding Effect. The provisions of this Conservation Easement shall run with the Conservation Easement Area in perpetuity and shall bind and be enforceable against the Grantor and all future owners and any party entitled to possession or use of the Easement Area or any portion thereof while such party is the owner or entitled to possession or use thereof. As used in this Conservation Easement, the term "owner" includes the owner of any beneficial equitable interest in the Conservation Easement Area or any portion thereof; the term "Grantor" includes the original Grantor (while Grantor is the owner entitled to possession or use of the Property), heirs, successors and assigns, all future owners of all or any portion of the Conservation Easement Area, and any party entitled to possession or use thereof; and the term "Grantee" includes the original Grantee and its successors and assigns. Notwithstanding the foregoing, upon any transfer of title, the transferor shall cease being a Grantor or owner for purposes of this Conservation Easement and shall have no further responsibility or liability hereunder for acts done or conditions arising thereafter, but the transferor shall remain liable for earlier acts and conditions.
16. Notices. All notices, requests, and/or approvals required by this Easement shall be in writing, shall be delivered by certified mail, return receipt requested to the addresses set forth below, and shall be deemed given when received:

To Grantor: Mancini Building Corp.
8 Elide Road
Katonah, New York 10536
Attention: Mr. Richard Mancini

With a copy to: Geraldine N. Tortorella, Esq.
Hocherman Tortorella & Wekstein, LLP
One North Broadway, Suite 701
White Plains, NY 10601

To Grantee: The Town of Somers
Town Hall
335 Route 202
Somers, New York 10589
Attn: Supervisor

With a copy to: Town Attorney
Town Hall
335 Route 202
Somers, New York 10589

Any party may change the address to which notice to such party shall be sent by sending written notice of such change to the other party.

17. Extinguishment. If circumstances arise in the future making the purposes of this Easement impossible to accomplish, and if this Easement or any of its restrictions are extinguished by judicial proceeding, then, upon any subsequent sale, exchange or involuntary conversion by the Grantor, the Grantee shall be entitled to that portion of the proceeds equal to the proportionate value of the conservation restrictions as provided immediately below. Grantor agrees that the conveyance of this conservation easement to Grantee gives rise to a property right, immediately vested in Grantee, with a fair market value that is equal to the proportionate value that the conservation restrictions hereby created at the date hereof bears to the value of the Easement Area as a whole at the date hereof (subject to reasonable adjustment to the extent permissible under Section 170(h) of the Internal Revenue Code for any improvements which may hereafter be made on the Easement Area). Grantee agrees to use its share of such proceeds in a manner consistent with the conservation purposes of this Conservation Easement.

18. Condemnation. If all or any part of the Conservation Easement Area is taken by the exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation,
whether by public, corporate, or other authority, so as to terminate this easement, in whole or in part, Grantor and Grantee shall act jointly to recover the full value of the interests in the Easement Area subject to the taking or in lieu purchase and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by Grantor or Grantee in connection with the taking or in lieu purchase shall be paid out of the amount recovered. Grantee’s share of the balance of the amount recovered shall be determined by multiplying that balance by the ratio set forth in section 17.

19. No Extinguishment Through Merger. Grantor and Grantee herein agree that, should Grantee come to own all or a portion of the fee interest subject to this Conservation Easement: (i) said owner shall observe and be bound by the obligations and restrictions imposed upon the Easement Area by this Conservation Easement; (ii) this Easement shall not be extinguished through the doctrine of merger in whole or in part in view of the public interest in its enforcement; and (iii) said owner shall as promptly as practicable assign the Grantee’s interest in this Easement of record to another holder in conformity with the requirements of section 13. The instrument shall contain language suitable to re impose this Conservation Easement to the extent necessary, if any, to continue it in force.

20. Further Acts. Each party shall perform any further acts and execute and deliver any documents, including amendments to this Conservation Easement, which may be reasonably necessary to carry out its provisions or which are necessary to qualify this instrument as a Conservation Easement under Article 49, Title 3, of the Environmental Conservation Law, under Section 170(h) of the Internal Revenue Code, or under any regulations promulgated pursuant to such statutes.

21. Certificate of Compliance. Grantee shall provide Grantor within 20 days of written request therefor, a written notice stating whether the Easement Area is in compliance with the terms of the Conservation Easement, and if Grantee alleges it is not in compliance, stating the substance of the alleged violation and the proposed remedy therefor.

22. Severability. Invalidation of any provision of this Conservation Easement by court judgment, order, statute or otherwise shall not affect any other provisions, which shall be and remain in force and effect.

23. Interpretation. This instrument is intended to create a "qualified real property interest" for "conservation purposes," as defined in Section 170(h) of the Internal Revenue Code, and shall be interpreted consistently with such intention. In the event any provision has been omitted from this instrument which is necessary to qualify the interest hereby granted as a "qualified real property interest" for "conservation purposes", such provision shall be deemed incorporated herein to the extent necessary to cause the interest hereby granted to be so qualified provided such incorporation or addition shall not impair the rights of the Grantor in any material manner greater than are described herein.
24. Authorization. Grantee warrants that acceptance of this Conservation Easement has been duly authorized by its Board of Directors.

[Signatures on Following Page]
IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first written above, intending the same to be recorded in the office of the Clerk of the County of Westchester, Division of Land Records.

GRANTOR: Mancini Building Corp.

By: __________________________
    Richard Mancini, President

GRANTEE: The Town of Somers

By: __________________________
    , Supervisor
ACKNOWLEDGMENTS

STATE OF NEW YORK   )
     ) ss.:
COUNTY OF WESTCHESTER )

On the day of , 2019, before me, the undersigned, a Notary Public in and for the State, personally appeared Richard Mancini, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed it in his capacity, and that by his signature on the instrument, the individual executed the instrument.

____________________________________________
Notary Public

STATE OF NEW YORK   )
     ) ss.:
COUNTY OF WESTCHESTER )

On the day of , 2019, before me, the undersigned, a Notary Public in and for the State, personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed it in her capacity, and that by her signature on the instrument, the individual executed the instrument.

____________________________________________
Notary Public
RECORD AND RETURN TO:
Roland A. Baroni, Jr., Esq.
Stephens, Baroni, Reilly & Lewis, LLP
Northcourt Building
175 Main Street
White Plains, New York 10601

AFFECTS TAX MAP:

Sheet  5.20
Block  1
Lot    1
Town of Somers
Mancini Building Corporation
Conservation Easement
January 23, 2018
March 26, 2019
Job No. Somers 5.20-1-1
G:\Deeds\Mancini Building Corp.\Conservation Easement

All that certain plot, piece or parcel of land situate, lying and being in the Town of Somers, County of Westchester and State of New York and being more particularly described as follows:

Beginning at a point on the easterly side of Lovell Street where the same is intersected by the southerly line of Lot No. 8 as shown on a filed map entitled “Subdivision of Property known as Merritt Park Estates” filed in the Westchester County Clerk’s Office _________, 2019 as filed map no. _________ and the northerly line of formerly Diano, now or formerly Kernan; thence from said point of beginning along the easterly side of Lovell Street and the westerly line of Lot Nos. 8, 9, 12 & 13, respectively, N 2-31-08 E 188.12, N 0-40-52 W 38.68, N 8-12-28 E 238.48, N 7-08-48 E 366.69 and N 7-53-48 E 130.10 to a point on the southerly line of Lot No. 1 as shown on a filed map entitled “Wildwood Section A” filed in the Westchester County Clerk’s Office May 24, 1963 as filed map no. 13707 and the northwesterly corner of the parcel herein described; thence along the southerly line of Lot No. 1 as shown on said filed map no. 13707 and the northerly line of the parcel herein described N 81-34-08 E 76.97 to the northwesterly corner of the parcel herein described; thence through lands of Lot Nos. 13, 12, 9 and 8, respectively, S 2-48-55 W 285.29, S 78-10-11 E 48.55, S 9-51-34 W 58.91, S 37-10-34 E 70.59, S 10-57-51 W 147.94, S 9-41-12 W 185.59, S 9-47-23 E 100.52 and S 28-52-47 E 100.40 to a point on the southerly line of Lot No. 8 as shown on the aforementioned filed map no. _________ and the northerly line of lands formerly Diano, now or formerly Kernan; thence along the southerly line of Lot No. 8 as shown on the aforementioned filed map no. _________ and the northerly line of lands formerly Diano, now or formerly Kernan S 82-30-28 W 5.50 and S 80-29-28 W 251.78 to the point and place of beginning; Containing within said bounds 3.403 acres more or less.
MEMORANDUM

TO: Town of Somers Town Board

FROM: Syrette Dym, Director of Planning
       Steve Woelfle, Principal Engineering Technician

DATE: May 9, 2019

RE: Merritt Park Subdivision Conservation Easement Baseline Survey

In response to the determination by Town Attorney Roland Baroni that the Town Board requires a baseline survey of the proposed Conservation Easement for Merritt Park Estates to be considered by the Town Board at its meeting of May 9, 2019, Steve Woelfle visited the site on May 8, 2019. He took pictures from Lovell Street facing east into the site along the length of the site. The pictures and Index are attached.

The Index picture, provided by the 2018 aerial view from Westchester County GIS mapping, shows the site with the conservation easement along the western edge of the site the length of the Lovell Street site frontage. The existing conditions are shown with the built road cul-de-sac and one built house along with drainage improvements.

Photos #1-3 show a generally wooded site and conservation easement area that is slightly sloped up from Lovell Street. Photo #4 shows the wooded, more steeply sloped ledge area that rises from Lovell Street east into the Conservation Easement portion of the property.

Steve Woelfle indicates that as each lot is subdivided, a survey is prepared which identifies the easement. This is done during the individual building permit process for each lot. At that time, the easement on each lot is staked out and a natural feature such as boulders are placed to demarcate the beginning of the conservation easement and to distinguish it from the remainder of the residential property.

Attach.

CC: Roland Baroni
   Patricia Kalba
Somers Hydrology

- Located within 4 watershed basins (NYC Watershed)
  - Amawalk Basin
  - New Croton Basin
  - Croton Falls Basin
  - Muscoot Basin
- 12 Subwatersheds
- 66 Stream Miles
- 3 Planned Lake Communities
  - Lake Lincolndale
  - Lake Purdy’s
  - Lake Shenorock
Somers Water Quality

- Different areas of the community have different water quality concerns
  - Lake Shenorock (TSS/Phosphorus/Bacteria)
  - Muscoot River (TSS/Phosphorus/Wetland)
- The 4 watershed basins are phosphorus restricted.
  - Croton Watershed Phosphorus TMDL
- There are waterbodies on the state priority waterbody list due to concern with pathogens, metals, and nutrients.
- Waterbodies are also listed on the NYS DEC 303(d) list of impaired waters.
PHASE II STORMWATER PROGRAM REQUIREMENTS

(Minimum Control Measures)

1. Public Education and Outreach
2. Public Participation/Involvement
3. Illicit Discharge, Detection and Elimination (IDDE)
4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Pollution Prevention/Good Housekeeping
Public Education and Outreach
2018/2019

Topics
- Construction Sites
- Illicit Discharge Detection and Elimination
- Green Infrastructure/Better Site Design/Low Impact Development
- Phosphorus, Silt, Sediment

Target Audiences
- Residential
- Contractors
- Developers
- General Public
- Board and Committee Members
Public Education and Outreach

2018/2019

Strategies Implemented

- Training of Construction Site Operators (0 Trained)
- Kiosks and Displays (0 Locations)
- TV Spot/Cable Access (Ongoing)

Materials Available in Somers Town House, Somers Library and on the Town Website.
Public Education and Outreach

2018/2019

Evaluating/Measuring Progress

- Number of Applications now including low impact development/better site design elements is increasing.
- Information pamphlets and brochures are being picked up.
Public Involvement/Participation

2018/2019

Strategies Implemented

- Cleanup Events (2)
- Community Hotline
- Community Meetings (50 attendees)
- Public Hearings
- Annual Report posting on web and viewing via cable access channel.
Public Involvement/Participation

2018/2019

Evaluating/Measuring Progress

- Discussion of stormwater related issues at public meetings and public hearing participation continues.
- Recycling Day held by Somers PTA with City Carting
- 100 Bags of garbage collected during the Spring clean-up event sponsored by Town in conjunction with Somers Litter Task Force.
- Education of Contractors at all construction sites (9) occurred.
Illicit Discharge, Detection, Elimination

2018/2019

Strategies Implemented

- All Outfalls Mapped (564).
- Twenty outfalls were dry weather screened.
- Building maintenance, parking lots, cross connections, and septic maintenance were targeted for inspection.
- Two (2) illicit discharges were found.
Illicit Discharge, Detection, Elimination

2018/2019

Strategies Implemented

- Storm sewershed mapping has been completed.
- Information is available via GIS.
- 50% of staff in relevant positions/departments have received IDDE training.
- Town developed and adopted a septic system notification of maintenance and repair law.
- Information on number of septic systems cleaned and inspected not yet available.
Illicit Discharge, Detection, Elimination
2018/2019

Evaluating/Measuring Progress

- Number of illicit discharges detected/eliminated is doubled due to staff education, inspection, tracking and reporting.
- Reporting and record keeping continues to improve.
Construction / Post-Construction Control

2018/2019

Strategies Implemented

- SWPPP (Stormwater Pollution Prevention Plan) review procedures are in place
- 5 SWPPP reviewed during reporting period
- Procedure to receive public comments (5) is in place
- Contractors are provided education and training about the local SWPPP process.
Construction Site Stormwater Runoff Control

2018/2019

Strategies Implemented

- 4 Construction project authorized for disturbance of one acre or more.
- 6 Active construction projects disturbing one acre or more in Town.
- All active construction sites were inspected.
- All active construction sites were inspected more than once.
- All inspectors use an approved plan consistent with the NYS Construction Stormwater Inspection Manual.
- The public has access to SWPPPs.
Evaluating/Measuring Progress

- All construction projects submitted SWPPPs and the reporting forms used by the Engineering Department were revised to be consistent with the State reporting forms.

- Stormwater control and associated BMPs (Best Management Practices) continues to be a focus regarding project approval.
Post-Construction Stormwater Management

2018/2019

Strategies Implemented

- 5 infiltration basins, 3 open channels, 0 ponds and 10 other practices inspected and maintained.
- 31 area Catchbasins inventoried, inspected and maintained.
- Not using GIS to track post-construction BMPs
- Local Law, Comprehensive Planning, Zoning and Planning Board review procedures have been used to implement low impact development/better site design elements.
Post-Construction Stormwater Management

2018/2019

Strategies Implemented (Continued)

- Somers is a member of CKWIC (Croton Kensico Watershed Intermunicipal Coalition) which developed a first 5-Year Regional Stormwater Retrofit Program approved by NYSDEC and a member of EOHWC (East of Hudson Watershed Corp.) which is an LDC (Local Development Corporation) formed to implement those projects.

- 147 EOHWC Retrofits were implemented.

Evaluating/Measuring Progress

- The new catchbasin reporting procedure that was previously instituted is still being utilized.

- New reporting procedures for other stormwater BMP maintenance should be implemented.
Stormwater Management-Municipal Operations

2018/2019

Operations/Activities/Facilities and Self-Assessment

☐ Street Maintenance
☐ Winter Road Maintenance
☐ Salt Storage
☐ Municipal Construction and Land Disturbance
☐ Winter Road Maintenance
☐ Right of Way Maintenance
☐ Parks and Open Space
☐ Municipal Buildings
☐ Stormwater System Maintenance
☐ Vehicle and Fleet Maintenance
☐ Etc.
Stormwater Management-Municipal Operations

2018/2019

Strategies Implemented

- Two parking lots were cleaned with blowers
- Streets were swept
- Inspected and cleaned 31 catch basins
- Inspected and cleaned post construction control practices
- Spot weed control in beds were the only herbicide applications.
- Last stormwater management trainings held 06/06/18
- Six municipal employees received training
- 30% of municipal employees who need training received it
Evaluating/Measuring Progress

- Reporting procedures for municipal departments responsible for good housekeeping have been altered to ensure maintenance of Town facilities and maintenance activities are accounted for.

- Highway Department is computerized but would be more efficient if data entry occurred in the field.
## Additional Watershed Improvement Strategies 2018/2019

### Strategies Implemented

- Education program to address phosphorus is in place
- Deliverables from County Outreach and Education Program
- 100% of the Town’s conveyance system has been mapped, additional features have been mapped.
- A stormwater conveyance system inspection and maintenance plan program is in place and will be expanded.
- Program to track on-site wastewater treatment systems that have been inspected and maintained under development.
- Post-construction program is in place
- First 5-Year Retrofit program completed
  - Years 1-5 - 214 Projects; 142 completed; 5 in construction
- Second 5-Year Retrofit program Started January 2016
  - Year 6 - 25 Projects; 11 in active design
  - Year 7 - 16 Projects; 16 in active design
  - Year 8 – 16 Projects; 4 in active design
- Turf management program policy has been instituted
For More Information On Somers’ Stormwater Program

Planning and Engineering Office
(914)277-5366
www.somersny.com
May 9, 2019

New York State Department of Environmental Conservation- Central Office
Division of Water-4th Floor
625 Broadway
Albany, NY 12233-3505

Dear MS4 Permit Coordinator:

Enclosed you will find the following in relation to the Town of Somers Phase II Stormwater Annual Report covering the MS4 reporting period of March 10, 2018 through March 9, 2019 of the Phase II Stormwater Program:

- Municipal Compliance Certification Form;
- Stormwater Management Program Annual Report (SWMPAR);
- Stormwater Management Program Annual Report Presentation

The Town’s annual report and annual report presentation are available for viewing on the Town of Somers website. If you have any questions or concerns, please do not hesitate to contact me at (914) 277-5366.

Sincerely,

Rick Morrissey
Town Supervisor

Att.
w/o attachments
ecc: Town Board
Town Clerk
This cover page must be completed by the report preparer. Joint reports require only one cover page.

Choose one:

- **This report is being submitted on behalf of an individual MS4.**
  
  Fill in SPDES ID in upper right hand corner.
  
  Name of MS4
  
  Town of Somers

**OR**

- **This report is being submitted on behalf of a Single Entity**
  
  (Per Part II.E of GP-0-10-002)
  
  Name of Single Entity

**OR**

- **This is a joint report being submitted on behalf of a coalition.**
  
  Provide SPDES ID of each permitted MS4 included in this report. Use page 2 if needed.
  
  Name of Coalition

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Cover Page 1 of 2
MS4 Annual Report Cover Page

MCC form for period ending March 9, 2019

Provide SPDES ID of each permitted MS4 included in this report.

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Cover Page 2 of 2
MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2019

Name of MS4: Town of Somers

SPDES ID: NYR 20A 405

Each MS4 must submit an MCC form.

Section 1 - MCC Identification Page

Indicate whether this MCC form is being submitted to certify endorsement or acceptance of:

- An Annual Report for a single MS4
- A Single Entity (Per Part II.E of GP-0-10-002)
- A Joint Report

Joint reports may be submitted by permittees with legally binding agreements.

If Joint Report, enter coalition name:
**MS4 Municipal Compliance Certification (MCC) Form**

**MCC form for period ending March 9, 2019**

**Name of MS4**

| Town of Somers |

**SPDES ID**

| NYR20A405 |

### Section 2 - Contact Information

**Important Instructions - Please Read**

Contact information must be provided for each of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form).
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

   A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

   If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

   For each contact, select all that apply:

   - [ ] Principal Executive Officer/Chief Elected Official
   - [ ] Duly Authorized Representative
   - [ ] Local Stormwater Public Contact
   - [ ] Stormwater Management Program (SWMP) Coordinator
   - [ ] Report Preparer

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<th>eMail</th>
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<tr>
<td><a href="mailto:rmorrissey@somersny.com">rmorrissey@somersny.com</a></td>
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<th>Phone</th>
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<tr>
<td>(914) 277-3637</td>
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<td>Westchester</td>
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MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2019

Name of MS4: Town of Somers

SPDES ID: NYR20A405

Section 3 - Partner Information

Did your MS4 work with partners/coalition to complete some or all permit requirements during this reporting period?  

- Yes  
- No

If Yes, complete information below.

Submit a separate sheet for each partner. Information provided in other formats will not be accepted. If your MS4 cooperated with a coalition, submit one sheet with the name of the coalition. It is not necessary to include a separate sheet for each MS4 in the coalition.

If No, proceed to Section 4 - Certification Statement.

Partner/Coalition Name: Croton Kensico Watershed Inter-

Partner/Coalition Name (cont.): Municipal Coalition

SPDES Partner ID - If applicable: NYR20

Address: 335 Route 202

City: Somers

State: NY

Zip: 10589

eMail: sdym@somersny.com

Phone: (914) 277-5366

Legally Binding Agreement in accordance with GP-0-08-002 Part IV.G.?  

- Yes  
- No

What tasks/responsibilities are shared with this partner (e.g. MM1 School Programs or Multiple Tasks)?

- MM1 Multiple Tasks

- MM2 Multiple Tasks

- MM3

- MM4

- MM5

- MM6

Additional tasks/responsibilities

- Watershed Improvement Strategy Best Management Practices required for MS4s in impaired watersheds included in GP-0-08-002 Part IX.

Posting of PSA’s (phosphorus), Education Website (Phosphorus), pet waste pickup campaign, education flyers re: Salt/water quality, magnetic pads etc.
MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2019

Name of MS4: Town of Somers

SPDES ID: N Y R 2 0 A 4 0 5

Section 4 - Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name: Rick
MI
Last Name: Morrissey

Title: (Clearly print title of individual signing report) Town Supervisor

Signature

Date: 05/10/2019

Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator
Division of Water
4th Floor
625 Broadway
Albany, New York 12233-3505
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, **2019**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: **Town of Somers**

SPDES ID: **NYR 20A405**

---

**Water Quality Trends**

The information in this section is being reported (check one):

- [ ] On behalf of an individual MS4
- [ ] On behalf of a coalition

How many MS4s are contributed to this report? [ ] [ ]

1. **Has this MS4/Coalition produced any reports documenting water quality trends related to stormwater?** If not, answer No and proceed to Minimum Control Measure One.

   - [ ] Yes
   - [ ] No

If Yes, choose one of the following

- [ ] Report(s) attached to the annual report
- [ ] Web Page(s) where report(s) is/are provided below

Please provide specific address of page where report(s) can be accessed - not home page.

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Water Quality Trends Page 1 of 1
MS4 Annual Report Form
This report is being submitted for the reporting period ending March 9, 2019
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers
SPDES ID: NYR20A405

Minimum Control Measure 1. Public Education and Outreach

The information in this section is being reported (check one):

● On behalf of an individual MS4
● On behalf of a coalition

How many MS4s contributed to this report? [ ]

1. Targeted Public Education and Outreach Best Management Practices

Check all topics that were included in Education and Outreach during this reporting period:

● Construction Sites
● General Stormwater Management Information
● Household Hazardous Waste Disposal
● Illicit Discharge Detection and Elimination
● Infrastructure Maintenance
● Smart Growth
● Storm Drain Marking
● Green Infrastructure/Better Site Design/Low Impact Development
● Pesticide and Fertilizer Application
● Pet Waste Management
● Recycling
● Riparian Corridor Protection/Restoration
● Trash Management
● Vehicle Washing
● Water Conservation
● Wetland Protection
● None

Other:

Phosphorus, Silt, Sediment

2. Specific audiences targeted during this reporting period:

● Public Employees
● Contractors
● Residential
● Developers
● Businesses
● General Public
● Restaurants
● Industries
● Other:
● Agricultural

Board and Committee Members

Other

MCM 1 Page 1 of 4
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019.
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

3. What strategies did your MS4/Coalition use to achieve education and outreach goals during this reporting period? Check all that apply:

- Construction Site Operators Trained
- Direct Mailings
- Kiosks or Other Displays
- List-Serves
- Mailing List
- Newspaper Ads or Articles
- Public Events/Presentations
- School Program
- TV Spot/Program
- Printed Materials:
  - Locations (e.g. libraries, town offices, kiosks)
  - Other:
- Web Page: Provide specific web addresses - not home page. Continue on next page if additional space is needed.
  - URL: http://www.somersnyny.com/pages/somersnyny_planning/stormwater
  - URL: 

Total # Distributed: 0

# Trained: 0
# Mailings: 
# Locations: 
# In List: 
# In List: 
# Days Run: 31
# Attendees: 50
# Attendees: 

MCM 1 Page 2 of 4
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2019.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

### 3. Web Page con't.

Provide specific web addresses - not home page.

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Incorporation of low impact development techniques and best management practices into applications regarding environmental permits, site plans and subdivisions. Education regarding phosphorus impacts to water quality from septic systems and lawn/landscaping practices is also included in permit decisions.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The Planning and Engineering Department undertakes environmental determinations, and reviews applications for environmental permitting (steep slopes, wetland, stormwater & erosion and sediment control, land disturbance, etc.) and land development (subdivisions and site plans). Since the implementation of the Town’s outreach and education program, these submissions include consideration of water quality best management practices and low impact development techniques. These techniques do not only go through the planning process but are also implemented.

C. How many times was this observation measured or evaluated in this reporting period?

[ ] 30 (ex: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

○ Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

○ Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

The Town uses our website and cable access T.V. channel to get the message out. E-blasts are also utilized.
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

**Minimum Control Measure 2. Public Involvement/Participation**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? [ ]

1. What opportunities were provided for public participation in implementation, development, evaluation and improvement of the Stormwater Management Program (SWMP) Plan during this reporting period? Check all that apply:

<table>
<thead>
<tr>
<th>Opportunity</th>
<th># Events</th>
<th># Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleanup Events</td>
<td>3</td>
<td></td>
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<tr>
<td>Comments on SWMP Received</td>
<td></td>
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<tr>
<td>Community Hotlines</td>
<td></td>
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<tr>
<td># Attendees</td>
<td>50</td>
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<tr>
<td>Plantings</td>
<td></td>
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<tr>
<td>Storm Drain Markings</td>
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<td>Stakeholder Meetings</td>
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<tr>
<td>Volunteer Monitoring</td>
<td></td>
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<tr>
<td>Other: Public Hearings</td>
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</tbody>
</table>

2. Was public notice of availability of this annual report and Stormwater Management Program (SWMP) Plan provided?  

- Yes  ○ No

<table>
<thead>
<tr>
<th>Type</th>
<th># In List</th>
<th># Days Run</th>
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<td>List-Serve</td>
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<td>Newspaper Advertising</td>
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<td>TV/Radio Notices</td>
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<td>31</td>
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<td>Other: Town Board Meeting</td>
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| Web Page URL: Enter URL(s) on the following two pages. | MCM 2 Page 1 of 6 |
Name of MS4/Coalition Town of Somers

SPDES ID NYR20A405

2. URL(s) cont.:
Please provide specific address(es) where notice(s) can be accessed - not home page.

URL
https://www.somersny.com/pages/somersny/Planning/Stormwater

URL
https://www.somersny.com/pages/somersmeetingvideos/tmvideos

URL
https://www.somersny.com/pages/somersNY/webdocs/minagenda

URL

URL

URL

URL
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, **2019**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

<table>
<thead>
<tr>
<th>Name of MS4/Coalition</th>
<th>Town of Somers</th>
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<td>SPDES ID</td>
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2. **URL(s) con't.**

   Please provide specific address(es) where notices can be accessed - not home page.

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MCM 2 Page 3 of 6
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

3. Where can the public access copies of this annual report, Stormwater Management Program (SWMP) Plan and submit comments on those documents?

Enter address/contact info and select radio button to indicate which document is available and whether comments may be submitted at that location. Submit additional pages as needed.

- MS4/Coalition Office
  - Department: Planning and Engineering
  - Address: 335 Route 202
  - City: Somers
  - Zip: NY 10589
  - Phone: (914) 277-5366

- Library
  - Address: 80 Primrose Street
  - City: Somers
  - Zip: NY 10589
  - Phone: (914) 232-5717

- Other
  - Address: Town Clerk - 335 Route 202
  - City: Somers
  - Zip: NY 10589
  - Phone: (914) 277-3323

- Web Page URL:

Please provide specific address of page where report can be accessed - not home page.

- Email
  - sdym@somersny.com

MCM 2 Page 4 of 6
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

4.a. If this report was made available on the internet, what date was it posted?
   Leave blank if this report was not posted on the internet.
   05/08/2019

4.b. For how many days was/will this report be posted?

   05/08/2019

365

5.a. Was an Annual Report public meeting held in this reporting period?
   If Yes, what was the date of the meeting?
   05/09/2019

   If No, is one planned?
   Yes
   No

5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during
   this reporting period?

   If No, is one planned for each?
   Yes
   No

6. Were comments received during this reporting period?
   If Yes, attach comments, responses and changes made to
   SWMP in response to comments to this report.
7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Involvement in public hearings, submission of comments regarding development applications, participation in Town-Wide Clean-up, education of contractors at construction sites and education of applicants through environmental determination process and permitting process and site plan and subdivision approval process.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Nine public hearings were held during the reporting period. Comments related to stormwater quality were made at each of them. The public hearings are related to site plan and preliminary and final subdivision approval, wetland permits and DEIS and FEIS approvals. There was no Earth Day celebration, but a townwide roadside cleanup was held from April 1 to May 31, 2018 and a fall roadside cleanup was held September 22 to November 1, 2018. In addition, a Somers Recycling Day was held in the Somers EPA in conjunction with City Cleanup with one on April 28th and another.

C. How many times was this observation measured or evaluated in this reporting period?

\[
\begin{array}{c}
\text{175} \\
(\text{ex.: samples/participants/measure})
\end{array}
\]

D. Has your MS4 made progress toward this measurable goal during this reporting period?

\[\begin{array}{c}
\bullet \text{Yes} & \text{No}
\end{array}\]

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

\[\begin{array}{c}
\bullet \text{Yes} & \text{No}
\end{array}\]

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to disseminate information, conduct town-wide clean-up, continue contractor education on site and provide education to applicants for environmental permits and site plan and subdivision applications.
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

Minimum Control Measure 3. Illicit Discharge Detection and Elimination

The information in this section is being reported (check one):

○ On behalf of an individual MS4
○ On behalf of a coalition

How many MS4s contributed to this report? 3

1. Enter the number and approx. percent of outfalls mapped: 5 6 4 # 1 0 0 %

2. How many of these outfalls have been screened for dry weather discharges during this reporting period (outfall reconnaissance inventory)? 2 0

3.a. What types of generating sites/ sewersheds were targeted for inspection during this reporting period?

○ Auto Recyclers
○ Building Maintenance
○ Churches
○ Commercial Carwashes
○ Commercial Laundry/Dry Cleaners
○ Construction Vehicle Washouts
○ Cross-Connections
○ Distribution Centers
○ Food Processing Facilities
○ Garbage Truck Washouts
○ Hospitals
○ Improper RV Waste Disposal
○ Industrial Process Water
○ Other: Roads

○ Sewersheds:

MCM 3 Page 1 of 4
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019.
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

3.b. What types of illicit discharges have been found during this reporting period?

- Broken Lines From Sanitary Sewer
- Cross Connections
- Failing Septic Systems
- Floor Drains Connected To Storm Sewers
- Illegal Dumping
- Other: [Blank]

4. How many illicit discharges/potential illegal connections have been detected during this reporting period? [2]

5. How many illicit discharges have been confirmed during this reporting period? [2]

6. How many illicit discharges/illegal connections have been eliminated during this reporting period? [2]

7. Has the storm sewershed mapping been completed in this reporting period? Yes No

If No, approximately what percent was completed in this reporting period? [0 %]

8. Is the above information available in GIS? Yes No

Is this information available on the web? Yes No

If Yes, provide URL(s):

Please provide specific address of page where map(s) can be accessed - not home page.

URL:

URL:

URL:
MS4 Annual Report Form
This report is being submitted for the reporting period ending March 9, 2019
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR 20A 405

8. URL(s) con’t.:
   Please provide specific address of page where map(s) can be accessed - not home page

URL

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URL

9. Has an IDDE law been adopted for each traditional MS4 and/or have IDDE procedures been approved for all non-traditional MS4s contributing to this report? ○ Yes ○ No

10. If Yes, has every traditional MS4 contributing to this report certified that this law is equivalent to the NYS Model IDDE Law? ○ Yes ○ No ○ NT

11. What percent of staff in relevant positions and departments has received IDDE training? 50 %
MS4 Annual Report Form
This report is being submitted for the reporting period ending March 9, 2019
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers
SPDES ID: NYR20A405

12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Continue implementation of illicit discharge ordinance and form septic system maintenance law. Maintain hotline to receive reports related to illicit discharges.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

The Town had two illicit discharges during the reporting period. There were no calls to the hotline. The Town does have a septic system maintenance law, consistent with what was approved by DEC. The information regarding onsite wastewater treatment systems with a design capacity of less than 1,000 gallons per day that were cleaned and inspected that is available for the period from January 1, 2018 through December 31, 2019. Based on this information, 1,027 septic systems were cleaned and inspected during this period. It is assumed that similar numbers would be achievable for the

C. How many times was this observation measured or evaluated in this reporting period?

3 6 5

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes ☐ No ☐

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes ☐ No ☐

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

The Town will continue to use the hotline and field inspections to detect illicit discharges. When such discharges are found, they will continue to be reported and filed with the County Health Department. During the 2019-2020 reporting period, the Town will continue to obtain septic system monitoring data.

MCM 3 Page 4 of 4
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR 20A 405

Minimum Control Measures 4 and 5.
Construction Site and Post-Construction Control

The information in this section is being reported (check one):

● On behalf of an individual MS4
○ On behalf of a coalition

How many MS4s contributed to this report? ______

1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities? ○ Yes ○ No

1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook? ○ Yes ○ No ○ NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.
○ 09/2004 ○ 03/2006 ○ NT

2. Does your MS4/Coalition have a SWPPP review procedure in place? ○ Yes ○ No

3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period? ______

4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs? ○ Yes ○ No ○ NT

If Yes, how many public comments were received during this reporting period? ______

5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process? ○ Yes ○ No
6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

<table>
<thead>
<tr>
<th>Action</th>
<th>#</th>
<th>4</th>
<th>○ No Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notices of Violation</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Stop Work Orders</td>
<td></td>
<td>4</td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Criminal Actions</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Termination of Contracts</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Administrative Fines</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Civil Penalties</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Administrative Orders</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Enforcement Actions or Sanctions</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td>○ No Authority</td>
</tr>
</tbody>
</table>
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019.
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers
SPDES ID: NYR20A405

Minimum Control Measure 4. Construction Site Stormwater Runoff Control

The information in this section is being reported (check one):

● On behalf of an individual MS4
○ On behalf of a coalition

How many MS4s contributed to this report?

1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period?
   1

2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period?
   5

3. What percent of active construction sites were inspected during this reporting period?
   ○ NT
   100%

4. What percent of active construction sites were inspected more than once?
   ○ NT
   100%

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual?
   ● Yes ○ No ○ NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval?
   ● Yes ○ No ○ NT

   If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review?
   ○ Yes ○ No

   If Yes, use the following page to identify location(s) where SWPPPs can be accessed.
6. con't.
Submit additional pages as needed.

☐ MS4/Coalition Office
Department
Planning and Engineering
Address
335 Route 202
City Somers
Zip NY 10589-
Phone (914) 277-5366

☐ Library
Address Route 139
City Somers
Zip NY 10589-
Phone (914) 232-5717

☐ Other
Address
City
Zip
Phone ( )

☐ Web Page URL(s): Please provide specific address where SWPPPs can be accessed - not home page.
URL

MCM 4 Page 2 of 3
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR 20A 405

7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

The measurable goal was to require each development project to submit an approvable stormwater pollution prevention plan. Twenty-one construction projects were reviewed and eleven projects were approved before the Planning Board. Each of these projects required the submission of a SWMPP. In addition, the reporting forms used by the engineering technician are those that were revised to be consistent with the state reporting forms.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

All application submissions included a SWMPP as required in accordance with the Somers Town Code. SWMPP's for projects currently under construction are used to monitor construction.

C. How many times was this observation measured or evaluated in this reporting period? 175

D. Has your MS4 made progress toward this measurable goal during this reporting period? Yes  No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP? Yes  No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to require submission of SWMPPs and use them to monitor construction. (ongoing)
MS4 Annual Report Form
This report is being submitted for the reporting period ending March 9, 2019
If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers
SPDES ID: N Y R 2 0 A 4 0 5

Minimum Control Measure 5. Post-Construction Stormwater Management

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? [ ] [ ] [ ]

1. How many and what type of post-construction stormwater management practices has your MS4/Coalition inventoried, inspected and maintained in this reporting period?

<table>
<thead>
<tr>
<th>Practice Type</th>
<th># Inventoried</th>
<th># Inspections</th>
<th># Times Maintained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative Practices</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filter Systems</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infiltration Basins</td>
<td></td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Open Channels</td>
<td></td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Ponds</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance?  
- Yes  - No

3. What types of non-structural practices have been used to implement Low Impact Development/Better Site Design/Green Infrastructure principles?

- Building Codes  - Municipal Comprehensive Plans
- Overlay Districts - Open Space Preservation Program
- Zoning          - Local Law or Ordinance
- None            - Land Use Regulation/Zoning
- Watershed Plans - Other Comprehensive Plan
- Other: Planning Board permitting process

MCM 5 Page 1 of 3
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 2019.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: N Y R 2 0 A 4 0 5

4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?  
   - Yes  
   - No

4b. Does the MS4 have a banking and credit system for stormwater management practices?  
   - Yes  
   - No

4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?  
   - Yes  
   - No

4d. How many stormwater management practices have been implemented as part of this system in this reporting period?  
   

5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?  
   

MCM 5 Page 2 of 3
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

The Town is improving its GIS capabilities and will be in a position to update mapping on an ongoing basis.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Hand held devices were not used, however the paper forms were utilized and some computer logging of information occurred. 31 catch basins were inspected and maintained by inside vacuum truck during the MS4 reporting period and yielded 10 cubic yards of material. Areas outside surrounding the catch basins and gutters were cleaned and yielded 131 cubic yards of material. Roads were swept during the reporting period and yielded 183 cubic yards of material.

C. How many times was this observation measured or evaluated in this reporting period?

27

D. Has your MS4 made progress toward this measurable goal during this reporting period?

• Yes  □ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

• Yes  □ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to inspect and maintain stormwater infrastructure throughout the town, focusing on priority watershed areas. Establish a computer tracking system for inspection and maintenance of BMPs (other than catch basins) for the Highway Department.
**Minimum Control Measure 6. Stormwater Management for Municipal Operations**

The information in this section is being reported (check one):

- ☐ On behalf of an individual MS4
- ☐ On behalf of a coalition

How many MS4s contributed to this report? [Blank]

1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program (SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee’s operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.

<table>
<thead>
<tr>
<th>Operation/Activity/Facility</th>
<th>Addressed in SWMP?</th>
<th>years?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Maintenance</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Bridge Maintenance</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Winter Road Maintenance</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Salt Storage</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Solid Waste Management</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>New Municipal Construction and Land Disturbance.</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Right of Way Maintenance</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Marine Operations</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Hydrologic Habitat Modification</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Parks and Open Space</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Municipal Building</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Stormwater System Maintenance</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Vehicle and Fleet Maintenance</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Other</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR 20A 405

2. Provide the following information about municipal operations good housekeeping programs:

- Parking Lots Swept  (Number of acres X Number of times swept)
  # Acres
  # Miles

- Streets Swept  (Number of miles X Number of times swept)
  #

- Catch Basins Inspected and Cleaned Where Necessary
  #

- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary
  #

- Phosphorus Applied In Chemical Fertilizer
  # Lbs.

- Nitrogen Applied In Chemical Fertilizer
  # Lbs.

- Pesticide/Herbicide Applied
  (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.)
  # Acres

3. How many stormwater management trainings have been provided to municipal employees during this reporting period?

4. What was the date of the last training?

5. How many municipal employees have been trained in this reporting period?

6. What percent of municipal employees in relevant positions and departments receive stormwater management training?
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

To institute better reporting in the form of inspections and maintenance work by the Somers Highway Department, its contractors and the Somers Parks and Recreation Department.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Both Departments maintained appropriate records, The Highway Department information is computerized, however it would be more efficient to have the computerization take place in the field rather than through data entry in the office via "work tickets". All pertinent information is available for each stormwater activity that is undertaken.

C. How many times was this observation measured or evaluated in this reporting period?

D. Has your MS4 made progress toward this measurable goal during this reporting period?

- Yes  ○ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

- Yes  ○ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to work towards electronic conveyance of pollution prevention activities.

MCM 6 Page 3 of 3
**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, **2019**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: **Town of Somers**

SPDES ID: **NYR20A405**

**Additional Watershed Improvement Strategy Best Management Practices**

The information in this section is being reported (check one):

- [ ] On behalf of an individual MS4
- [ ] On behalf of a coalition

How many MS4s contributed to this report? **[]**

MS4s must answer the questions or check NA as indicated in the table below.

<table>
<thead>
<tr>
<th>MS4 Description</th>
<th>Answer</th>
<th>Check NA</th>
<th>(POC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYC EOH Watershed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,2,3,4,5,6,7a-d,8a,8b,9</td>
<td>10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,2,3,4,7a-d,8a,8b,9</td>
<td>5,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,2,7a-d,8a,8b,9</td>
<td>3,4,5,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Onondaga Lake Watershed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,6,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,6,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,6,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Greenwood Lake Watershed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Oyster Bay</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,4,7a-d,9,10,11,12</td>
<td>2,3,5,8a,8b</td>
<td>Pathogens</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,4,7a-d,9,10,11,12</td>
<td>2,3,5,8a,8b</td>
<td>Pathogens</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,4,7a-d,9</td>
<td>2,3,4,5,8a,8b,10,11,12</td>
<td>Pathogens</td>
</tr>
<tr>
<td>Peconic Estuary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,4,7a-d,8a,9,10,11,12</td>
<td>2,3,5,6,8b</td>
<td>Pathogens and Nitrogen</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,4,7a-d,8a,9,10,11,12</td>
<td>2,3,5,6,8b</td>
<td>Pathogens and Nitrogen</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,4,7a-d,8a,9</td>
<td>2,3,4,5,8b,10,11,12</td>
<td>Pathogens and Nitrogen</td>
</tr>
<tr>
<td>Owasana Lake Watershed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,4,6,7a-d,8a,9</td>
<td>2,3,5,8b,10,11,12</td>
<td>Phosphorus</td>
</tr>
<tr>
<td>LI27 Embayments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional Land Use</td>
<td>1,2,3,4,7a-d,9,10,11,12</td>
<td>5,6,8a,8b</td>
<td>Pathogens</td>
</tr>
<tr>
<td>Traditional Non-Land Use</td>
<td>1,2,3,4,7a-d,9,10,11,12</td>
<td>5,6,8a,8b</td>
<td>Pathogens</td>
</tr>
<tr>
<td>Non-Traditional</td>
<td>1,2,3,4,7a-d,9</td>
<td>5,6,8a,8b,10,11,12</td>
<td>Pathogens</td>
</tr>
</tbody>
</table>

1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies?  
   - [ ] Yes  
   - [ ] No  
   - [ ] N/A

2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS?  
   - [ ] Yes  
   - [ ] No  
   - [ ] N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far.  
   [ ] %  

Estimate what percentage was mapped in this reporting period.  
   [ ] %

Additional BMPs Page 1 of 3
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NY 20 A 40 5

3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program?
   ○ Yes  ○ No  ○ N/A

4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period?
   □ 15%

5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more?
   ○ Yes  ○ No  ○ N/A

6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards?
   ○ Yes  ○ No  ○ N/A

7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading?
   ○ Yes  ○ No  ○ N/A

7b. How many projects have been sited in this reporting period?
   □ 1

7c. What percent of the projects included in 7b have been completed in this reporting period?
   □ 0%

7d. What percent of projects planned in previous years have been completed?
   □ 100%
   ○ No Projects Planned

8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands?
   ○ Yes  ○ No  ○ N/A

8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands?
   ○ Yes  ○ No  ○ N/A

Additional BMPs Page 2 of 3
MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2019

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition: Town of Somers

SPDES ID: NYR20A405

9. Has your MS4/Coalition developed and implemented a program of native planting?
   - Yes   - No   - N/A

10. Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?
    - Yes   - No   - N/A

11. Does your MS4/Coalition have a pet waste bag program?
    - Yes   - No   - N/A

12. Does your MS4/Coalition have a program to manage goose populations?
    - Yes   - No   - N/A

Full Narrative of Questions with Answers Partly Hidden in Hard Copy

MCM 1 Page 4 of 4 – Question 4.B.

The Planning and Engineering Department undertakes environmental determinations, and reviews applications for environmental permitting (steep slopes, wetland, stormwater & erosion and sediment control, land disturbance, etc.) and land development (subdivisions and site plans). Since the implementation of the Town's outreach and education program, these submissions include consideration of water quality best management practices and low impact development techniques. These techniques do not arise through the planning process, but rather from the onset of an application.

MCM 2 Page 6 of 6 - Question 7. B.

Nine public hearings were held during the reporting period. Comments related to stormwater quality were made at each of them. The public hearings are related to site plan and preliminary and final subdivision approval, wetland permits and DEIS and FEIS approvals. There was no Earth Day celebration, but a townwide roadside cleanup in conjunction with the Somers Litter Task Force was held from April 1 through May 31, 2018 and a fall roadside cleanup was held September 22 to November 1, 2018. In addition, a Somers Recycling Day was held by the Somers PTA in conjunction with City Carting. One event was held April 21 and a second was held on November 3, 2018. A total of 100 bags of garbage were collected. No Town collections were made off of State roads, although many clean up areas were conducted on State roads and collected others. Education of construction site operators occurred at all 9 active construction sites and there were over 175 inspections of these construction sites during the reporting period.

MCM 3 Page 4 of 4 – Question 12.B.

The Town had two illicit discharges during the reporting period. There were no calls to the hotline. The Town does have a septic system maintenance law, consistent with what was approved by DEC. The information regarding onsite wastewater treatment systems with a design capacity of less than 1,000 gallons per day that were cleaned and inspected that is available is for the period from January 1, 2018 through December 31, 2019. Based on this information, 1,027 septic systems were cleaned and inspected during this period. It is assumed that a similar number would be applicable for the reporting period from March 9, 2018 through March 10, 2019. These observations were monitored every day. The Town previously worked with DEC to secure a contract, hired a consultant and completed its own conveyance mapping and facilitated the
initiation or completion of this process for CKWIC member communities during the prior reporting period.

**MCM 5 Page 3 of 3 – Question 6.F.**

Hand held devices were not used, however the paper forms were utilized and some computer logging of information occurred. 31 catch basins were inspected and maintained by inside vacuum truck during the MS4 reporting period and yielded 10 cubic yards of material. Areas outside surrounding the catch basins and gutters were cleaned and yielded 131 cubic yards of material. Roads were swept during the reporting period and yielded 183 cubic yards of material.

**MCM 6 Page 2 of 2 – Question 2**

Parking lots are not swept but a large blower is used to clean them. The Town House lot was blown 19 times and the Reis Park Parking Lot was blown 17 times during the reporting period.

Nine (9) roads and areas were swept for a total of 12 times overall. 183 cubic yards of material was collected.
TOWN OF SOMERS

Local Law No. ____ for the Year 2019

A Local Law to amend Chapter 135 of the Code of the Town of Somers entitled *Property Maintenance* by adding Article II, Section 135-8 and following entitled *Regulation of Bamboo*.

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

**Section 135-8. Legislative Findings.**

The Town Board of the Town of Somers finds that:

A. The planting and/or the growing of certain varieties of bamboo, a plant not indigenous to the Town of Somers, presents the potential for adverse impacts to the natural environment, including indigenous flora, may significantly increase the cost of maintenance in public and private right-of-ways, impedes the use of, and is destructive to structures and other improvements, and aggressively spreads across property lines where it is likely to adversely affect the reasonable enjoyment of adjoining and neighboring properties; and

B. Because of these effects the planting and the growing of bamboo threatens the value and physical integrity of both public and private property in the Town; and

C. In order to protect and preserve said environment and values, the Town declares it necessary to regulate or prohibit the planting and/or growing of bamboo within the Town.

**Section 135-9. Intent.**

The purpose of this chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo and maintain the general welfare of the residents of the Town of Somers.

**Section 135-10. Definitions.**

A. Usage. The singular number as used herein shall be read as the plural number, and vice versa, and the masculine gender shall be read as the feminine or neuter gender, and vice versa, whenever necessary to give full effect to the terms and provisions hereof.
B. As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO - A perennial grass with a rhizomatous growth habit in the family Poaceae, subfamily ambusoideae, tribe Bambuseae or Arundinariae, including without limitation:

(1) BAMBOO, CLUMPING - Any tropical or temperate sympodial (pachymorph) grasses which typically send off rhizomes (roots) near the base of the plant, including but not limited to, Bambusa, Chusquca, Dendroacalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.

(2) BAMBOO, RUNNING - Any tropical or temperate monopodial (leptomorh) grass with a rhizome (root) system which typically extend far away from the plant, including, but not limited to, the following plant genera: Arrow bamboo, Arundinaria, Bambusa, Chimonobambusa, Common bamboo, Golden bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

BAMBOO OWNER - Any property owner or resident who has planted and/or grows bamboo, or who maintains bamboo on his property, or who permits bamboo to grow or remain on his property even if the bamboo has spread from an adjoining property. Any property owner or resident at those property bamboo is found will be considered a bamboo owner, except any property owner or occupant who:

(1) Did not plant or grow or cause bamboo to be planted or grown on his property; and

(2) Has provided satisfactory proof to the Town that, within a reasonable period of time after discovering the encroachment of bamboo onto the property from an adjoining or neighboring property, he advised the owner of such property of an objection to the encroachment of the bamboo; and

(3) Has initiated steps against the owner or occupant of the adjoining or neighboring property for the removal of the bamboo from the property, including, without limitation, remedies at law or in equity, or both, or has initiated steps to effectively confine the bamboo in accordance with Section 135-14 below.
LIMITING DISTANCE - Ten feet from any property line or within:

(1) The right-of-way of any public or private road, including any Town, county, state or federal road or highway, whether established by dedication, use or easement, explicit or implied (collectively, a “road”);

(2) Twenty-five feet of the edge of pavement or traveled way of any road;

(3) Twenty feet of any stormwater facilities within, adjacent to or serving any road or public or private improvements; or

(4) Twenty-five feet of any utility lines, poles, transformers, or other fixtures or appurtenances thereto.

Section 135-11. Presumption.

In the event the bamboo is found to have encroached upon, spread to, invaded or intruded upon any other property or right-of-way, said species shall be presumed to be classified as “running bamboo”. This presumption shall be rebuttable.

Section 135-12. Applicability.

For the purposes of this chapter, bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted and/or grown by and/or with the consent of the owner or occupant of such property.

Section 135-13. Planting of running bamboo prohibited.

Upon and after the effective date of this chapter the planting of running bamboo shall be prohibited within the Town. Any person who thereafter plants or causes to be planted running bamboo within the Town shall be deemed to be in violation of this chapter and shall be subject to such penalties as are set forth herein.

Section 135-14. Duty to confine bamboo.

Without limitation of the provisions of Section 135-13 above, in the event any species of bamboo is located upon any property within the Town, the bamboo owner or occupant of said property shall, in accordance with the requirements of Section 135-15 below, confine such species to prevent the encroachment, spread, invasion or intrusion of same within any limiting distance as defined herein.

Section 135-15. Regulation; owner responsibility.
A. Any bamboo that has been planted or otherwise permitted to grow on any property within the Town prior to the effective date of this chapter may remain on such property subject to compliance with this section.

B. Running bamboo shall not be maintained or otherwise be permitted to exist within any limiting distance;

C. Any bamboo owner whose property contained running bamboo prior to the effective date of this chapter shall remove and abate the growth of the running bamboo within any limiting distance;

D. Any bamboo owner shall be responsible to ensure that any bamboo, other than running bamboo, planted or growing on his property prior to the effective date of this chapter does not encroach or grow within any limiting distance.

E. Any bamboo owner shall be required to take such measures as are reasonably expected to prevent bamboo planted or growing on his property from invading or growing onto adjoining or neighboring properties or within any limiting distance. Such measures shall include, but not be limited to, installation of sheathing impenetrable by bamboo at a sufficient depth to prevent the spread of rhizomes, for the purpose of preventing the growth or encroachment upon adjoining or neighboring property by the bamboo. Sheathing must be installed at a minimum depth of not less than three feet; and

F. The Town Board of the Town of Somers may from time to time prescribe such rules and regulations as may be necessary to give effect to this section.

Section 135-16. Removal from Town property.

A. Notice. In the event that bamboo growing on a bamboo owner’s property invades or grows on property that is owned or held by or on behalf of the Town, or grows within any limiting distance, the Town Board, Code Enforcement Officer or its or his designee on behalf of the Town shall notify the bamboo owner, in writing, of the violation of this chapter and that the bamboo owner is responsible, at his sole cost and expense, for the removal of such bamboo from the Town property or from within any limiting distance within 30 days from the delivery of such notice and for all other costs and expenses related thereto. Such notice shall include specific reference to this chapter and shall provide that the bamboo owner is responsible for restoration of all areas of the Town property or other property disturbed in such removal to substantially the same condition as existed prior to such removal; that the bamboo owner shall be responsible to indemnify and save the Town free and harmless from any cost, expense, causes of action, liability and
damages, including reasonable attorney fees and disbursements, incurred in connection with or related directly or indirectly to such removal; and that in the event that the removal work involves entry onto private property, the consent of the owner of that property is required prior to any entry upon or work on such other property. Such 30 day period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and diligently pursued and the delay is not under the control of or due to the actions or inaction of the bamboo owner or other person to whom the notice has been issued. The bamboo owner shall be liable and responsible to the Town for all costs incurred by the Town in enforcing the provisions of this chapter. Such costs may be assessed against the property of the bamboo owner.

B. Service of the notice. The notice shall be served either personally in accordance with the CPLR or by registered or certified mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment roll or property tax bill, or to the owner’s agent at the last known address, or to the occupant of the property, or person having a vested or contingent interest in the property as shown on the most current assessment roll and/or property tax bill. A copy of the notice shall also be posted at and mailed to the bamboo owner’s property. Service of the notice shall be effective upon delivery.

C. Action upon noncompliance. Upon the failure, neglect or refusal of a bamboo owner or his agent, or any other person or business entity occupying the premises, to remove, remedy or abate the bamboo violation within the specified period of time; or if the mailing is returned by the post office because of the inability to make delivery for any reason, as long as the notice was properly addressed, the Code Enforcement Officer or his designee may take enforcement action as authorized by the Town Code and as may otherwise be authorized by applicable law.

D. Any person or business entity who or which resists, obstructs or impedes the agents, contractors, servants, officers and/or employees of the Town in any enforcement action hereunder shall be in violation of this chapter and shall be subject to the fines and penalties provided herein.

E. Liability for the costs of removal and/or abatement. The bamboo owner or his agent, and/or the occupant of the property deemed to be in violation of this chapter shall be liable for the direct and indirect costs of abating the violation and any nuisance created thereby and all expenses incidental thereto, including but not limited to an administrative fee equal to 25% of the total cost of said removal, remediation and/or disposal process. Said administrative fee is intended to reimburse the town for the monies and time expended by its agents, contractors, servants, officers and/or employees and attorney(s) in enforcing the provisions of
this chapter and abating any nuisance created thereby and collecting the sums due, including but not limited to notifying the appropriate party, certifying the amounts due to the Town, and/or charging same against the property. The costs incurred by the town as set forth herein shall be certified by the Town Supervisor who shall mail written notice of such costs by certified or registered mail, return receipt requested, to the owner of the premises at the last address shown on the most current assessment roll on file in the assessment and property tax records, or to the owner’s agent at the last known address, and/or to the occupant of the property at the location of the property. Said notice shall further state that upon the failure of the bamboo owner, his agent, and/or the occupant to pay such sums within 10 days of receipt of such written notice by cash, bank check, or money order, shall be sufficient cause to add the amount due to the property tax bill without further notice.

F. Recovery of costs and tax lien. In the event the property owner, his agent and/or the occupier of the land fails, refuses and/or neglects to pay the monies due and owing to the Town within said 10 day period, or if the mailing is returned by the post office because of the inability to make delivery for any reason, as long as the notice was properly addressed, such certification of costs shall be provided to the Town Clerk who shall forthwith deliver a copy of same to the Town Assessor who shall cause the costs as shown thereon to be charged against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

Section 135-17. Replanting prohibited.

Any running bamboo either planted or caused to be planted or existing on a property prior to the effective date of this chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

Section 135-18. Penalties for offenses.

In addition to any penalties heretofore mentioned, any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation which shall be punishable by a fine of not less than $250 nor more than $350 for a conviction of the first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both, and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon
courts and judicial officers generally, violations of this chapter or any part thereof shall be deemed a misdemeanor. Where a notice of violation has been duly issued, each additional week shall constitute a separate additional violation.


If any section, subsection, clause, phrase or other portion of this chapter is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 135-20. Effective Date.

This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.
MEMO TO:    SUPERVISOR
            TOWN BOARD

FROM:      THOMAS E. CHIAPERINI
            SUPT. OF HIGHWAYS

DATE:      APRIL 29, 2019

RE:        JOSE YANZA

As of April 29, 2019, Jose Yanza will be promoted to Motor Equipment Operator at the pay rate of $34.6197 per hour.

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

Thomas E. Chiaverini
Supt. of Highways

cc: Finance
    Town Clerk
    File.
Date: April 19, 2019

To: Somers Town Board

From: Adam Smith  
Water Superintendent

RE: Provisional Appointment - Water Maintenance Worker Grade II

I am requesting authorization to promote Greg Maroni to provisional Water Maintenance Worker Grade II full-time in the Water and Sewer Department for 35 hours a week and in accordance with the CSEA Contract Appendix B will move to Grade 4a Step 6 at an annual salary of $56,697.00 effective April 29, 2019.

Per Kim DeLucia, there isn’t a current eligible list for this position. I understand that Greg must meet minimum qualifications, pass a future dated exam, and be reachable by the Rule of Three in order to be status changed from provisional to probationary.
April 24, 2019

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

Re: Heritage Hills
West Hill Drive
Tax Map #17.06-10-16

Dear Chairman Currie and Members of the Board:

Enclosed please find fourteen (14) copies of the following to supplement and in support of site plan and associated permits for the above referenced project:

- NYS DEC Permit Authorizations
- Photos of existing site conditions

This project proposed the repair of an open bottom arch culvert with slope stabilization.

Respectfully submitted,

Heritage Hills Society, Ltd

By: John Milligan
Property Manager
APPLICATION FEE:
Alteration of Wetlands: $200 minimum fee plus $100 per 5,000 S.F. of regulated area or proposed portions thereof to be disturbed.
Annual Maintenance Permit Renewal Fee: Administrative Permit: $25.00, Planning Board Permit: $75.00

OWNER: Heritage Hills Society, Ltd. Tel#: 914-276-2908
Mailing Address: 8 Heritage Hills Drive, Somers, NY 10589
APPLICANT: Same Tel: __________________________
Mailing Address: __________________________ State authority: __________________________
If other than owner, authorization must be submitted in writing.

PREMISES: Sheet: 17.06 Block: 10 Lot: 16
Situated on the North side of West Hill Drive (Street), 80 feet from the intersection of West Hill Drive and Heritage Hills Drive (Street)

DESCRIPTION OF WORK AND PURPOSE:
Repair of open bottom arch culvert.

SIZE OF ACTIVITY AREA: 4,900 square feet
Is work proposed in Wetland: Yes or Wetland Control Area: Yes
Is there an existing house located on the site: No
Is pond, lake or detention basin proposed to be cleaned: No
Functions provided by Wetland: Conveyance
Wetland Expert delineating Wetland: Stream Edge Used

ESTIMATED QUANTITY OF EXCAVATION: 160 C.Y. 80 CUT 80 FILL (60 C.Y. of select fill)
ESTIMATED TOTAL VALUE OF WORK: $50,000.00
PROPOSED STARTING DATE: 6/1/19 PROPOSED COMPLETION DATE: 6/30/19
PLANS PREPARED BY: Insite Engineering DATED: 9/14/18

**Plans must be submitted with application.**

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:
NYSDEC - Freshwater Wetlands, USAACOF - Nationwide Permit #3

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

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>BLOCK</th>
<th>LOTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See Attached</td>
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</tr>
</tbody>
</table>

APPLICANT'S SIGNATURE: F. Hoss DATE: 4/24/19
OWNER'S SIGNATURE: F. Hoss DATE: 4/24/19

*APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, COMPLETE PLANS FOR LOT IMPROVEMENTS, AND LOCATION MAP OF WETLANDS AS THEY EXIST IN THE FIELD OR AS SHOWN ON SOMERS ENVIRONMENTAL MAPS.*
Short Environmental Assessment Form  
Part 1 - Project Information

Instructions for Completing

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

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

<table>
<thead>
<tr>
<th>Part 1 – Project and Sponsor Information</th>
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<tbody>
<tr>
<td>Name of Action or Project:</td>
</tr>
<tr>
<td>Heritage Hills / West Hill Drive Culvert Repair</td>
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<tr>
<td>Project Location (describe, and attach a location map):</td>
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<td>80' west of intersection of West Hill Drive and Heritage Hills Drive</td>
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<td>Brief Description of Proposed Action:</td>
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<td>Repair of open bottomed arch culvert and slope stabilization.</td>
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| Name of Applicant or Sponsor:           |
| Heritage Hills Society, Ltd.            |
| Telephone: 914-276-2908                  |
| E-Mail:                                 |
| Address:                                |
| 8 Heritage Hill Drive                   |
| City/PO:                                |
| Somers                                  |
| State: NY                               |
| Zip Code: 10589                         |

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

2. Does the proposed action require a permit, approval or funding from any other government Agency?
   If Yes, list agency(s) name and permit or approval: NYSDEC - Freshwater Wetland, USACOE - Nationwide Permit #3

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

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. □ Urban  □ Rural (non-agriculture)  □ Industrial  □ Commercial  ☑ Residential (suburban)
   ☑ Forest  □ Agriculture  ☑ Aquatic  □ Other(Specify):
   ☑ Parkland
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
   b. Consistent with the adopted comprehensive plan?  

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify:  

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   b. Are public transportation services available at or near the site of the proposed action?  
   c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?  

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  

10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water:  
    N/A - No potable water use.  

11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment:  
    N/A  

12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  
    b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
    b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
    If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
   - [ ] Shoreline
   - [ ] Forest
   - [ ] Agricultural/grasslands
   - [ ] Early mid-successional
   - [ √ ] Wetland
   - [ ] Urban
   - [ ] Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?
   
   - Northern Long-eared Bat
   
   - YES

16. Is the project site located in the 100-year flood plan?
   
   - YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?
   
   If Yes,
   
   a. Will storm water discharges flow to adjacent properties?
   
   - YES

   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
   
   - YES

   If Yes, briefly describe:
   
   Existing stream.

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
   
   If Yes, explain the purpose and size of the impoundment:
   
   Temporary sand bag coffer dam (to be removed at completion of repair).
   
   - YES

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
   
   If Yes, describe:
   
   - YES

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
   
   If Yes, describe:
   
   - YES

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Patricia Ploss

Date: 4/3/19

Signature: Patricia Ploss

Title: President
Part 1 / Question 7 [Critical Environmental Area]
No

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]
No

Part 1 / Question 12b [Archeological Sites]
No

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]
Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal]
Yes

Part 1 / Question 15 [Threatened or Endangered Animal - Name]
Northern Long-eared Bat

Part 1 / Question 16 [100 Year Flood Plain]
Yes

Part 1 / Question 20 [Remediation Site]
No
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<tr>
<td>OPENGATE INC</td>
<td>P.O. BOX 419</td>
<td></td>
<td>ARMONK</td>
<td>NY</td>
<td>10504</td>
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<td>SANDBERG, DONALD R. &amp;</td>
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</table>
CERTIFICATION

I hereby certify that to the best of my knowledge no outstanding fees are due and owing to the Town of Somers for the following property:

Section 17.06 Block 10 Lot 16

Property Address West Hill Drive

Permit Applying For Wetland and Water Course and Steep Slopes

Furthermore, I hereby certify that to the best of my knowledge no outstanding violation (as that term is defined for the purposes of the Application Processing Restrictive Law, Paragraph 4D) of local laws or ordinances of the Town of Somers exist with respect to the above cited property or any structure or use existing thereon.

Signed F.LOSS (Owner of Record)

Signed F.LOSS (Applicant for Permit)

Print Name

Print Name

Date 4/24/19

Date 4/24/19

CONFIRMATIONS

Zoning Enforcement Officer

Date:

Director of Finance for Fees

Date:

Engineering Department

Date:

Receiver of Taxes

Date:

7/2014
Date: April 30, 2019

To: Robert Kehoe  
   Director of Finance

   Thomas J. Tooma, Jr.  
   Assistant Building Inspector

   Steven Woelfle  
   Principal Engineering Technician

   Michele McKearney  
   Receiver of Taxes

From: Wendy Getting  
   Senior Office Assistant

RE: Heritage Hills West Hill Drive Culvert Repair Application Processing Certification  
    Wetland and Watercourse Protection Application  
    TM: 17.06-10-16

Pursuant to Somers Town Code Chapter 67 entitled “Application Processing Restrictive Law” please review your files and, if appropriate, sign the attached copy of the Certification confirming that the noted property does not have any outstanding fees or violations. The copy you return will become the original certification.

SW/wg
Att.
cc: Town Board  
   Town Clerk  
   Town Attorney

Z:\PE\Environmental files\Certification\2019\HH West Hill Drive Culvert Wetland 17.06-10-16.doc
April 22, 2019

RE: Heritage Hills Society LTD.
8 Heritage Hills Drive
Parcel # 17.6-10-16

To Whom It May Concern,

All taxes have been paid in full on the above referenced parcel. There are no outstanding liens or taxes due as of the date of this letter.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Michele McKeary
Receiver of Taxes

** Please Note: The 2019 Town/County tax bill is due 4/30/19 and is currently unpaid **
AFFIDAVIT TO BE COMPLETED BY CORPORATION OWNER

STATE OF NEW YORK )
ss:
COUNTY OF __________________ )

____________________________, being duly sworn, deposes and says that he resides at ________________________________
in the County of ____________ , State of __________________________ that he is the __________________________ of __________________________

__________________________

(Name of Corporation)

which is the owner in fee of all property shown on plat entitled __________________________, application for approval of which is herein made. That said __________________________

(Name of Corporation)

acquired title to the said premises by deed from __________________________ recorded in the Office of the Clerk of the County of ____________ on __2/9/87___ in Liber 8965 of Conveyances at Page 299

That the statements contained herein are true to the best of deponent's knowledge and belief, and are made for the purpose of obtaining the approval of the submitted application by the Planning Board of the Town of Somers.

(Signed) ______________________

Sworn to before me this 24th day of April, 2019.

______________________________
(Notary Public)

MARY LOU MARTELLI
Notary Public, State of New York
No. 01MA071755
Qualified In Putnam County
Commission Expires April 17, 2018
APPLICANT ACKNOWLEDGEMENT

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

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

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

Signature of Applicant: [Signature]
Date: [4/24/19]

Signature of Property Owner: [Signature]
(if different from applicant)
Date: [4/24/19]
Mr. Jim Cannon  
New York District, U.S. Army Corps of Engineers  
Jacob K. Javits Federal Building Regulatory Branch, 19th Floor  
26 Federal Plaza  
New York, New York 10278-0090  

RE: Heritage Hills  
West Hill Drive, Somers, NY  
Tax Map #: 17.06-10-16  
Culvert Maintenance  

Dear Mr. Cannon:

Enclosed please find the following:

- New York State Department of Environmental Conservation (NYSDEC) Permit dated March 6, 2019.  
- Joint Application Form.  
- Drawings (3 Sheets) last revised February 15, 2019.  
- Email correspondence from U.S. Army Corps of Engineers.

This letter is provided as the Pre-Construction Notification (PCN) for the subject project.

With regards to the required content per General Condition #32:

1. Prospective permittee: Heritage Hills Society, LTD  
Address: 8 Heritage Hills Drive Somers, NY 10589  
Telephone Number: (914) 276-2908

2. Location of the proposed activity: West Hills Drive, Somers NY 10589  
Latitude: N41° 20' 6" Longitude: W -73° 41’ 25”

3. The project would be completed under Nationwide Permit #3.

4. See Section #6 of Joint Application Form for information regarding subject project.

5. Delineation of the subject waterbodies & wetlands is provided on the enclosed drawings.

6. Project will not result in loss of greater than 1/10 acre of wetlands.

7. Not applicable to subject project.

8. Not applicable to subject project.

3 Garrett Place, Carmel, New York 10512  (845) 226-9690  Fax (845) 226-9717  
www.insite-eng.com
9. Not applicable to subject project.

10. Not applicable to subject project.

Please note that the joint application was previously submitted. Please see enclosed email correspondence noting eligibility. This PCN is being provided per General Condition #22B.

Should you have any questions or comments regarding the above information, please feel free to contact me.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:  
John M. Watson, P.E.  
Senior Principal Engineer

cc:  John Milligan  
     Steve Woelfle, Town of Somers

Insite File No. 18162.100
IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address.

The DEC permit number & program ID number noted on page 1 under “Permit Authorization” of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 3.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

Sincerely,

Michael V. Grosso
Division of Environmental Permits, Region 3
Telephone (845) 256-3165
PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: HERITAGE HILLS SOCIETY LTD
8 HERITAGE HILLS DR
SOMERS, NY 10589
(914) 276-2908

Facility: HERITAGE HILLS - W HILL DR CULVERT
W HILL DR
SOMERS, NY 10589

Facility Location: in SOMERS in WESTCHESTER COUNTY
Facility Principal Reference Point: NYTM-E: 609.591 NYTM-N: 4576.773
Latitude: 41°20'06.0" Longitude: 73°41'25.0"

Authorized Activity: This permit authorizes disturbance to approximately 4,900 square feet of NYS Freshwater Wetland F-1 (Class I) and its state regulated 100 foot adjacent area in order to replace failing corrugated metal pipe panels under and adjacent to West Hill Drive.

This permit also authorizes disturbance to approximately 50 linear feet of the bed and banks of a Tributary of New Croton Reservoir (Waters Index No. H-31-P 44-18, Class C[T]).

All work must be conducted in strict accordance with the plans referenced in Natural Resource Condition No. 1 and as conditioned by this permit.

Permit Authorizations

Freshwater Wetlands - Under Article 24
Permit ID 3-5552-00210/00001
New Permit Effective Date: 3/6/2019 Expiration Date: 12/31/2022

Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 3-5552-00210/00002
New Permit Effective Date: 3/6/2019 Expiration Date: 12/31/2022

Stream Disturbance - Under Article 15, Title 5
Permit ID 3-5552-00210/00003
New Permit Effective Date: 3/6/2019 Expiration Date: 12/31/2022

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.
Distribution List

Supervisor, Town of Somers
NYCDEP
J. Watson, Insite Engineering
J. Fisher, R3 Ecosystem Health

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS; WATER QUALITY CERTIFICATION; STREAM DISTURBANCE

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Insite Engineering, titled "Heritage Hills / West Hill Drive Culvert Repair", dated September 14, 2018, and last revised February 15, 2019 (3 Sheets: EX-1, SP-1, SP-2).

2. No Work Other Than Authorized Herein No other modifications to the bed or banks of the stream are authorized by this permit.

3. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
4. Notice of Intent to Commence Work The permittee shall notify Josh Fisher, DEC Bureau of Habitat via electronic mail (joshua.fisher@dec.ny.gov) at least 48 hours in advance of the time of work commencement.

5. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

6. Install Erosion Controls Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked straw bales as shown on the plans or drawings referenced in this permit. These erosion control devices shall be maintained until all disturbed land is fully vegetated to prevent any silt or sediment from entering the freshwater wetland or its adjacent area. Silt fencing, hay bales and any accumulated silt or sediment shall be completely removed for disposal at an appropriate upland site.

7. Install Cofferdam Prior to commencing the project, a temporary cofferdam made of clean gravel, sandbags and/or plastic liners shall be installed to isolate the work area from the rest of the stream. The cofferdam shall be entirely removed immediately upon completion of work.

8. Pump Around Outlet Pump around outlet must be stabilized with temporary rip rap pad.

9. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within the state regulated freshwater wetland or its 100 foot adjacent area.

10. Maintain Water Flow During Work During periods of work activity, sufficient flow of water shall be maintained at all times to sustain aquatic life downstream.

11. Discharging Concrete Contaminated Waters Wet concrete is highly toxic to fish and other aquatic organisms. Water which comes into contact with fresh concrete or is contaminated by concrete leachate shall be pumped to an upland vegetated area prior to any discharge to Tributary to New Croton Reservoir.

12. Seed, Mulch Disturbed Areas All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grasses listed as described in Natural Resource Condition No. 12, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first. Mulch shall be maintained until suitable vegetative cover is established to the department's satisfaction.

13. Native Seed Mix Specifications Temporary stabilization seed mix shall be annual ryegrass (Lolium perenne spp.) applied at a rate of 30 lbs./acre. Permanent seed mix shall contain 30% annual ryegrass and 70% of a mixture of two or more native grasses such as big bluestem (Andropogon gerardii), little bluestem (Schizachyrium scoparium), switchgrass (Panicum virgatum), indiangrass (Sorghastrum nutans), tufted hairgrass (Deschampsia cespitosa), deertongue ( Dichanthelium clandestinum), Canada wild rye (Elymus canadensis), Virginia wild rye (Elymus virginicus), and/or side oats grama (Bouteloua curtipendula) and be applied at a rate of 100 lbs./acre.
14. No Mowing of Mitigation Area  The permittee shall ensure that no mowing of the mitigation area(s) shall occur.

15. Long Term Survival of Wetland/Adjacent Area Plantings  The permittee is responsible for replacement of lost wetland and/or wetland adjacent area plantings if the survival rate of the initial plantings is less than 85% within one year after planting. During the subsequent years of monitoring the success of these plantings as required by this permit, if the survival rate of these plantings remains less than 85% or invasive species are noted at levels greater than 10-15%, the permittee must evaluate the reasons for these results and develop and implement a remediation plan approved by the Department to ensure a successful plantings mitigation.

16. State Not Liable for Damage  The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

17. State May Order Removal or Alteration of Work  If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

18. State May Require Site Restoration  If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification  The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.
GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

   Regional Permit Administrator
   NYSDEC Region 3 Headquarters
   21 S Putt Corners Rd
   New Paltz, NY 12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Stream Disturbance, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

   a. materially false or inaccurate statements in the permit application or supporting papers;

   b. failure by the permittee to comply with any terms or conditions of the permit;

   c. exceeding the scope of the project as described in the permit application;

   d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**Item E: SEQR Type II Action** Under the State Environmental Quality Review Act (SEQR), this project has been determined to be a Type II Action and therefore is not subject to further procedures under this law.
The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Heritage Hills Society

Effective Date: 3/6/19

Expiration date: 12/31/22

NOTE: This notice is NOT a permit.

Applicable if checked. No instream work allowed between October 1 & April 30
Mr. Schlobohm,

The proposed culvert rehabilitation activities appear to comply with Nationwide General Permit Number (NWP) 3(a). All work should be completed in compliance with the attached NWP 3, the NWP General Conditions, and the associated New York NWP Regional Conditions.

Jim Cannon
New York District, U.S. Army Corps of Engineers Jacob K. Javits Federal Building Regulatory Branch, 19th Floor
26 Federal Plaza
New York, New York 10278-0090
917-790-8412

-----Original Message-----
From: Eric Schlobohm [mailto:ESchlobohm@insite-eng.com]
Sent: Tuesday, December 18, 2018 10:16 AM
To: Cannon, James H CIV (US) <James.H.Cannon@usace.army.mil>
Subject: [Non-DoD Source] RE: E-Mail from Eric Schlobohm: Can you provide me with the status of the subject project? FW: Heritage Hills West Hill Drive Culvert Replacement

Jim,

Thanks for giving me a call this morning. Per our discussion the Heritage Hills West Hill Drive Culvert Repair project meets the requirements for Nationwide Permit 3A and we do not need any additional notice to or from USACE to proceed with the project. If you could please confirm I have accurately summarized our phone conversation it would be greatly appreciated.

Regards,

Eric

-----Original Message-----
From: Steinour, Peter J CIV USARMY CENAN (US) <Peter.J.Steinour@usace.army.mil>
Sent: Monday, December 17, 2018 1:09 PM
To: Eric Schlobohm <ESchlobohm@insite-eng.com>
Cc: Cannon, James H CIV (US) <James.H.Cannon@usace.army.mil>
Good afternoon, Mr. Schlobohm,

This project has been assigned to Jim Cannon (copied). Please contact Jim with any questions about this project.

Thanks,
Peter

Peter Steinour
Senior Project Manager
U.S. Army Corps of Engineers - New York District
26 Federal Plaza
New York, NY 10278
(917) 790-8518

-----Original Message-----
From: Kislik, Andrea E CIV USARMY CENAN (US)
Sent: Wednesday, November 14, 2018 4:41 PM
To: MIRANDA, Rosita (Rosie) CIV USARMY CENAN (US) <Rosita.Miranda@usace.army.mil>; Steinour, Peter J CIV USARMY CENAN (US) <Peter.J.Steinour@usace.army.mil>
Subject: E-Mail from Eric Schlobohm: Can you provide me with the status of the subject project? FW: Heritage Hills West Hill Drive Culvert Replacement

-----Original Message-----
From: Eric Schlobohm [mailto:ESchlobohm@inSite-eng.com]
Sent: Monday, November 12, 2018 7:44 AM
To: Kislik, Andrea E CIV USARMY CENAN (US) <Andrea.E.Kislik@usace.army.mil>
Subject: [Non-DoD Source] RE: Heritage Hills West Hill Drive Culvert Replacement

Andrea,

Can you provide me with the status of the subject project?

Regards,
Eric

-----Original Message-----
From: Kislik, Andrea E CIV USARMY CENAN (US) <Andrea.E.Kislik@usace.army.mil>
Sent: Wednesday, November 7, 2018 2:33 PM
To: Eric Schlobohm <ESchlobohm@inSite-eng.com>
Subject: RE: Heritage Hills West Hill Drive Culvert Replacement

Eric,

Thank you for calling and sending an e-mail.
Sincerely,

Andrea Kislik  
U.S. Army Corps of Engineers  
Program Assistant  
Regulatory-Waterways  
Operations Division  
Phone: 917-790-8411  
Andrea.E.Kislik@usace.army.mil

-----Original Message-----
From: Eric Schlobohm [mailto:ESchlobohm@insite-eng.com]
Sent: Wednesday, November 7, 2018 2:13 PM
To: Kislik, Andrea E CIV USARMY CENAN (US) <Andrea.E.Kislik@usace.army.mil>
Subject: [Non-DoD Source] FW: Heritage Hills West Hill Drive Culvert Replacement

Andrea,

Thanks for returning my call. I was inquiring regarding the status of the application for nationwide permit. I have attached the cover letter and application for your information.

Regards,

Eric


Eric M. Schlobohm, PE, Associate  
Senior Project Engineer  
INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.  
3 Garrett Place  
Carmel, New York 10512  
(845) 225-9690 x119  
(845) 225-9717 Fax  
www.insite-eng.com <private>
JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

- **NYS Department of Environmental Conservation**
  - Check all permits that apply: □ Dams and Impoundment Structures
  - □ Stream Disturbance
  - □ Excavation and Fill in Navigable Waters
  - □ Freshwater Wetlands
  - □ Docks, Moorings or Platforms
  - □ 401 Water Quality Certification

- **US Army Corps of Engineers**
  - Check here to confirm you sent this form to USACE.
  - □ Section 404 Clean Water Act
  - □ Section 10 Rivers and Harbors Act
  - Is the project Federally funded? □ Yes □ No
  - If yes, name of Federal Agency: 
  - General Permit Type(s), if known: Nationwide Permit 3 (1yr)
  - Preconstruction Notification: □ Yes □ No (1yr)

- **NYS Office of General Services**
  - Check here to confirm you sent this form to NYSOGS.
  - □ State Owned Lands Under Water
  - □ Utility Easement (pipelines, conduits, cables, etc.)
  - □ Docks, Moorings or Platforms

- **NYS Department of State**
  - Check here to confirm you sent this form to NYSDOS.
  - □ Coastal Consistency Concurrence

2. Name of Applicant

**Heritage Hills Society, LTD**

Mailing Address: 8 Heritage Hills Drive

Telephone: 914-276-2908

Applicant Must be (check all that apply): □ Owner □ Operator □ Lessee

Taxpayer ID (if applicant is NOT an individual): 13-2849074

Post Office / City: Somers

State: NY

Zip: 10589

3. Name of Property Owner (if different than Applicant)

Same as Applicant

Mailing Address

Telephone

Email

Post Office / City

State

Zip

---

For Agency Use Only

Agency Application Number:

JOINT APPLICATION FORM 08/16

Page 1 of 4
4. Name of Contact / Agent

John M. Watson, P.E.

Mailing Address
Insite Engineering, Surveying & Landscape Architecture, P.C
3 Garrett Place

Post Office / City
Carmel

State Zip
NY 10512

Telephone 845-225-9690 Email jwatson@insite-eng.com

5. Project / Facility Name

Heritage Hills West Hills Drive Culvert Repair

Property Tax Map Section / Block / Lot Number:

Project Street Address, if applicable
West Hills Drive

Post Office / City
Somers

State Zip
NY 10589

Provide directions and distances to roads, intersections, bridges and bodies of water
Site is 100' west of intersection between Heritage Hills Drive and West Hill Drive, on West Hill Drive.

☑ Town: Village: City: County: Stream/Waterbody Name
Somers Westchester

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:
Latitude: 41° 20' 6"
Longitude: -73° 41' 25"

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. Attach plans on separate pages.

a. Purpose of the proposed project:

Repair of damaged and failing sections of existing open bottom arch culvert.

b. Description of current site conditions:

A stream is conveyed through an open bottom arch corrugated metal pipe culvert under West Hill Drive. Several panels are failing and the slope held back by the culvert has partially slid into stream.

c. Proposed site changes:

Removal and replacement of damaged panels. Proposed grass swale to divert road stormwater runoff discharging from road around steep slopes. Grading to reduce load on mitered section of culvert. Placement of boulders to protect area of culvert to be repaired. Removal of deposited soil in stream.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

Replacement of failing corrugated metal pipe panels. Placement of boulders and rip rap to protect culvert and slopes. Total area of disturbance 4,900 square feet. 60 square feet of (7 cubic yards) placed below ordinary / mean highwater.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

Removal of approximately 7 cubic yards of material from stream bed deposited by culvert failure.

f. Is tree cutting or clearing proposed? ✔ Yes If Yes, explain below. ☑ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut: Acreage of trees to be cleared:
g. Work methods and type of equipment to be used:
   Excavator, dump truck, hand tools, power tools, bypass pipe.

h. Describe the planned sequence of activities:
   1. Installation of erosion control and bypass pipe.
   2. Excavation and repair of culvert.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:
   Temporary pipe to bypass stream around work area.

j. Erosion and silt control methods that will be used to prevent water quality impacts:
   Silt fence, bypass piping, and excavation dewatering. Rip rap stabilization of excavated slopes.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:
   Damaged culvert panels are in regulated area and no alternative exists. The project proposes to replace only the damage culvert panels and address the soil loading conditions and drainage discharge that contributed to the failure.

l. Proposed use:  
   - Private [✓]
   - Public  
   - Commercial

m. Proposed Start Date: 4/11/19  
   Estimated Completion Date: 11/30/19

n. Has work begun on project?  
   - Yes  
   - No [✓]

o. Will project occupy Federal, State, or Municipal Land?  
   - Yes  
   - No [✓]

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:
   Unknown

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?  
   - Yes  
   - No [✓]

7. Signatures.
Applicant and Owner (If different) must sign the application.
Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

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<thead>
<tr>
<th>Signature of Applicant</th>
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<td>[Signature]</td>
<td>Apr 25/18</td>
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Applicant Must be (check all that apply):  
[ ] Owner  [ ] Operator  [ ] Lessee

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<tr>
<td>Patricia Ploss</td>
<td>President</td>
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<tr>
<td>John M. Watson, P.E., Insite Engineering</td>
<td>Sr. Principal Engineer</td>
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For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

[Agency Name] has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

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PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
HERITAGE HILLS SOCIETY LTD
8 HERITAGE HILLS DR
SOMERS, NY 10589
(914) 276-2908

Facility:
HERITAGE HILLS - W HILL DR CULVERT
W HILL DR
SOMERS, NY 10589

Facility Location: in SOMERS in WESTCHESTER COUNTY
Facility Principal Reference Point: NYTM-E: 609.591 NYTM-N: 4576.773
Latitude: 41°20’06.0” Longitude: 73°41’25.0”

Authorized Activity: This permit authorizes disturbance to approximately 4,900 square feet of NYS Freshwater Wetland F-1 (Class I) and its state regulated 100 foot adjacent area in order to replace failing corrugated metal pipe panels under and adjacent to West Hill Drive.

This permit also authorizes disturbance to approximately 50 linear feet of the bed and banks of a Tributary of New Croton Reservoir (Waters Index No. H-31-P 44-18, Class C[T]).

All work must be conducted in strict accordance with the plans referenced in Natural Resource Condition No. 1 and as conditioned by this permit.

Permit Authorizations

Freshwater Wetlands - Under Article 24
Permit ID 3-5552-00210/00001
New Permit Effective Date: 3/6/2019 Expiration Date: 12/31/2022

Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 3-5552-00210/00002
New Permit Effective Date: 3/6/2019 Expiration Date: 12/31/2022

Stream Disturbance - Under Article 15, Title 5
Permit ID 3-5552-00210/00003
New Permit Effective Date: 3/6/2019 Expiration Date: 12/31/2022

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.
Permit Administrator: TRACY L O'MALLEY, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature: [Signature]
Date 3/6/2019

Distribution List

Supervisor, Town of Somers
NYCDEP
J. Watson, Insite Engineering
J. Fisher, R3 Ecosystem Health

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS; WATER QUALITY CERTIFICATION; STREAM DISTURBANCE

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Insite Engineering, titled "Heritage Hills / West Hill Drive Culvert Repair", dated September 14, 2018, and last revised February 15, 2019 (3 Sheets: EX-1, SP-1, SP-2).

2. No Work Other Than Authorized Herein No other modifications to the bed or banks of the stream are authorized by this permit.

3. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

Page 2 of 6
4. Notice of Intent to Commence Work  The permittee shall notify Josh Fisher, DEC Bureau of Habitat via electronic mail (joshua.fisher@dec.ny.gov) at least 48 hours in advance of the time of work commencement.

5. Precautions Against Contamination of Waters  All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

6. Install Erosion Controls  Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked straw bales as shown on the plans or drawings referenced in this permit. These erosion control devices shall be maintained until all disturbed land is fully vegetated to prevent any silt or sediment from entering the freshwater wetland or its adjacent area. Silt fencing, hay bales and any accumulated silt or sediment shall be completely removed for disposal at an appropriate upland site.

7. Install Coferdam  Prior to commencing the project, a temporary cofferdam made of clean gravel, sandbags and/or plastic liners shall be installed to isolate the work area from the rest of the stream. The cofferdam shall be entirely removed immediately upon completion of work.

8. Pump Around Outlet  Pump around outlet must be stabilized with temporary rip rap pad.

9. Invasive Species (Non-native Vegetation)  To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within the state regulated freshwater wetland or its 100 foot adjacent area.

10. Maintain Water Flow During Work  During periods of work activity, sufficient flow of water shall be maintained at all times to sustain aquatic life downstream.

11. Discharging Concrete Contaminated Waters  Wet concrete is highly toxic to fish and other aquatic organisms. Water which comes into contact with fresh concrete or is contaminated by concrete leachate shall be pumped to an upland vegetated area prior to any discharge to Tributary to New Croton Reservoir.

12. Seed, Mulch Disturbed Areas  All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grasses listed as described in Natural Resource Condition No. 12, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first. Mulch shall be maintained until suitable vegetative cover is established to the department's satisfaction.

13. Native Seed Mix Specifications  Temporary stabilization seed mix shall be annual ryegrass (Lolium perenne spp.) applied at a rate of 30 lbs./acre. Permanent seed mix shall contain 30% annual ryegrass and 70% of a mixture of two or more native grasses such as big bluestem (Andropogon gerardii), little bluestem (Schizachyrium scoparium), switchgrass (Panicum virgatum), indiangrass (Sorghastrum nutans), tufted hairgrass (Deschampsia cespitosa), deer tongue (Dicanthelium clandestinum), Canada wild rye (Elymus canadensis), Virginia wild rye (Elymus virginicus), and/or sideoats grama (Bouteloua curtipendula) and be applied at a rate of 100 lbs./acre.
14. No Mowing of Mitigation Area The permittee shall ensure that no mowing of the mitigation area(s) shall occur.

15. Long Term Survival of Wetland/Adjacent Area Plantings The permittee is responsible for replacement of lost wetland and/or wetland adjacent area plantings if the survival rate of the initial plantings is less than 85% within one year after planting. During the subsequent years of monitoring the success of these plantings as required by this permit, if the survival rate of these plantings remains less than 85% or invasive species are noted at levels greater than 10-15%, the permittee must evaluate the reasons for these results and develop and implement a remediation plan approved by the Department to ensure a successful plantings mitigation.

16. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

17. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

18. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS**

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.
GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department’s representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

   Regional Permit Administrator
   NYSDEC Region 3 Headquarters
   21 S Putt Corners Rd
   New Paltz, NY 12561

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Stream Disturbance, Water Quality Certification.

5. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

   a. materially false or inaccurate statements in the permit application or supporting papers;

   b. failure by the permittee to comply with any terms or conditions of the permit;

   c. exceeding the scope of the project as described in the permit application;

   d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer  Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: SEQR Type II Action  Under the State Environmental Quality Review Act (SEQR), this project has been determined to be a Type II Action and therefore is not subject to further procedures under this law.
April 24, 2019

Town of Somers Planning Board
335 Route 202
Somers, New York 10589

RE: Heritage Hills
West Hill Drive
Tax Map # 17.06-10-16

Dear Chairman Currie and Members of the Board:

Enclosed please find fourteen (14) copies of the following in support of site plan and associated permits for the above referenced project:

- Letter from Receiver of Taxes indicating taxes have been paid, dated April 22, 2019.
- Affidavit for Corporate Owner, dated April 24, 2019.
- Applicant Acknowledgement, dated April 24, 2019.
- Applicant Processing Certification, dated April 24, 2019.
- Wetland and Watercourse Protection Permit, dated April 24, 2019.
- Short Environmental Assessment Form, dated April 24, 2019.
- Site Plan Drawing Set, 3 sheets, last revised February 15, 2019.

This project proposed the repair of an open bottom arch culvert with slope stabilization.

If you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:

John M. Watson, P.E.
Senior Principal Engineer

JMW/ems/amk

Insite File No. 18162.100
CONSERVATION EASEMENT

This Easement Agreement is made this _____ day of MAY, 2019 between

Gary G. Mitchell and Ann L. Mitchell, having a principal place of residence at 197 Tomahawk St., Somers, NY 10589 (hereinafter referred to as “Mitchell, Grantor and/or Declarant”);

The Town of Somers, with its offices located at 335 Route 202, Somers, NY 10589 (hereinafter referred to as “the Town”); and

Tomahawk Chapel Homeowners Association Inc. with an address of c/o Mitchell, 197 Tomahawk St., Somers, NY 10589 (hereinafter referred to as “the HOA”);

WHEREAS, the Grantor is the owner of certain real property shown on a certain map entitled “Final Subdivision Plat Prepared for Gary and Ann Mitchell, dated January 10, 2018”, and filed in the Office of the Westchester County Clerk, Division of Land Records on ________________, 2019 as Map No. _____ (the “Subdivision Map”); and which said property is designated on the tax map of the Town of Somers as Section 16.09, Block 1, Lot 9; and

WHEREAS, as a part of the approval of said Subdivision, the Town of Somers has required that certain covenants, restrictions and easements be placed against that certain lot shown on the above Subdivision and designated as DEED RESTRICTED CONSERVATION PARCEL (the Conservation Parcel), which said covenants, restrictions and easements specifically relate to the use of the Conservation Parcel and the use thereof; and

WHEREAS, in fulfillment of these conditions, Grantor is desirous of enacting and imposing this Easement establishing such covenants, restrictions and easements; and

WHEREAS, these covenants, restrictions and easements shall run with the land and continue upon the transfer of ownership, in perpetuity;

NOW THEREFORE, Grantor, for itself, its successors and assigns, in consideration of the premises and for the purpose of carrying out the intentions hereinabove expressed does hereby publish, declare, covenant and agree that the following restrictions shall apply to all that land constituting the CONSERVATION EASEMENT (hereinafter referred to as the “Easement Area”), as is more particularly described on Schedule “A” attached hereto and made a part
hereof:

1. No future construction activity or land alteration activities shall be permitted within the Easement Area; and such Easement Area shall remain in its natural state in perpetuity;

2. All of the following restrictions shall apply to the Easement Area:
   
   A. No building, structure, improvement or facility shall be constructed or maintained;
   
   B. No filling, grading or changes of topography shall occur;
   
   C. No quarrying, excavation or removal of rocks, minerals, gravel, sand, topsoil or other similar materials shall be permitted;
   
   D. No dumping or abandoning of any materials, including without limitation, solid waste, junk, brush, leaves, grass clippings, liquid wastes or chemical substances on or in the ground shall be permitted;
   
   E. There shall be no man-made fires (including, but not limited to campfires and bonfires);
   
   F. There shall be no motorized or wheeled conveyances of any kind permitted;
   
   G. All subsequent owners of the any lots in the Subdivision shall be subject to this Easement Agreement;

3. The HOA shall be responsible for enforcing the covenants and restrictions imposed by this Easement and shall have a perpetual easement for the purposes of entering the Easement Area for such purposes;

4. The Town of Somers shall likewise have a perpetual Easement allowing the Town to enforce the provisions of this Easement should the HOA fail to do so. In the event the HOA fails to enforce the terms of this Easement Agreement, the Town may assess the HOA and/or each individual homeowner for any costs the Town may incur as a result of enforcing this Easement Agreement and/or restoring the Easement Area;

5. This Easement shall run with the land in perpetuity.

6. This Easement is filed in accordance with notes as shown on the aforementioned Subdivision Map.

7. Portions of the Easement Area may be disturbed during period of construction of
the Subdivision, however the Grantor agrees to, and shall be responsible for, restoring the affected areas.

IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year written above.

__________________________________________
Gary G. Mitchell

__________________________________________
Ann L. Mitchell

THE TOWN OF SOMERS

By: ______________________________________,
    Town Supervisor

TOMAHAWK CHAPEL HOMEOWNERS ASSOCIATION, INC.

By: ______________________________________
    Gary G. Mitchell, Pres.

STATE OF NEW YORK  )
COUNTY OF WESTCHESTER ) ss:

On the _____ day of ____________, 2019 before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Gary G. Mitchell and Ann L. Mitchell personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is/are subscribed to the within instrument and acknowledged to me
he/they executed it in his/their capacity, and that by his/their signature(s) on the instrument, the individual(s) executed the instrument.

Notary Public

STATE OF NEW YORK  
COUNTY OF WESTCHESTER) ss.:

On the _____ day of ____________, 2019 before me, the undersigned, a Notary Public in and for the State of New York, personally appeared personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is/are subscribed to the within instrument and acknowledged to me he/they executed it in his/their capacity, and that by his/their signature(s) on the instrument, the individual(s) executed the instrument.

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Notary Public
Kim DeLucia

From: Teresa Stegner
Sent: Thursday, April 18, 2019 3:07 PM
To: Rick Morrissey
Cc: Kim DeLucia
Subject: Re-appointment of Sole Appointed Assessor

Rick,

My current appointment to the Town of Somers will expire on September 30, 2019. Every NY State sole appointed assessor* must be appointed on October 1, 2019 for a 6-year term per NY State law. The Town may choose to make a good faith gesture by agreeing to reappoint me prior to this date effective for October 1, 2019. This new appointment will expire on September 30, 2025.

*NY State municipalities may have sole elected assessors or a 3-person elected board of assessment in place of a sole appointed assessor. This was common decades ago. NY State law changed in 1970 to create sole appointed assessors with six year terms to encourage professionalism and stability in assessing. Approximately 70, or 6% of all municipalities, still use elected boards or sole elected assessors.

Teresa Stegner, IAO
Assessor
Town of Somers
335 Route 202
Somers, NY 10589
(914) 277-3504
MEMORANDUM

April 22, 2019

TO: Town Board

FROM: Teresa Stegner, Assessor

RE: Part-time Assistant Assessment Clerk (non-competitive 0090-02) Recommendation for Loretta Pugliese

I am recommending Loretta Pugliese of 35 Stone Ridge Rd., Brewster, for the open position of Part-time Assistant Assessment Clerk (non-competitive). I believe Loretta’s background as a paralegal and legal secretary will provide valuable experience for this position. Ms. Pugliese will be available to work 17 hours each week.

Ms. Pugliese has been approved by the Westchester County HR Exam Unit. Please approve of her appointment effective April 23, 2019 for a probationary period determined by the Town Board at a salary of $15.30/hr.
April 26, 2019

Memo

TO: Town Board

FROM: Rick Morrissey, Town Supervisor

RE: Maria Rukaj

Maria Rukaj’s seasonal appointment as an Office Assistant in the Building Department ended on March 27, 2019. I am requesting authorization to appoint Ms. Rukaj as a Temporary Office Assistant in the Building Department at her current hourly rate of $15.26 for a duration not to exceed ninety (90) days retroactive to March 28, 2019 while we canvass the eligible list for a replacement.

Thank you.

Cc: Thomas J. Tooma, Jr. – Building Inspector
    Patty Kalba - Town Clerk
    Roland Baroni – Town Attorney

RM/kd
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Memo To: Supervisor  
Town Board

From: Thomas E. Chiaverini  
Supt. of Highways

Date: April 8, 2019

Re: Anthony Giannotti – Highway Dept.

Please be advised that I will be hiring Anthony Giannotti Full Time at the Highway Department as a Road Maintainer effective April 22, 2019 contingent upon the successful results of a physical, drug test, reference, background and NYS driver’s license checks. at an annual salary of $53,122.00 which he will receive 90% of it for the first six months at an hourly rate of ($22.9855) then after the 26 weeks 95% upon completion of one year of service the employee shall receive the full salary rate of pay.

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

Yours truly,

Thomas E. Chiaverini  
Supt. of Highways

Cc: Finance Dept  
Town Clerk
Date: April 8, 2019

To: Town Board

From: Steven Woelfle
Engineering

RE: Papazian/Festo Steep Slopes/Stormwater Management and Erosion and Sediment Control/Tree Preservation Permit #AS5SMESC2016-36
TM: 17.13-2-3
Release of Erosion Control Bond
Check Received October 5, 2016

This office has no objection to the return of the Erosion Control Bond in the amount of $500.

Please return to:

North County Homes, Inc.
156 Tomahawk Street
Yorktown Heights, NY 10598

SW/wg
cc: Town Clerk
Director of Finance
North County Homes, Inc.
Date: April 11, 2019

To: Town Board

From: Steven Woelfle

Engineering Department

RE: Caracciolo/Festo, North County Homes Steep Slopes/Stormwater Management and Erosion and Sediment Control/Tree Preservation/Wetlands Permit #SSSMESCTW2015-42

TM: 36.20-1-59

Release of Erosion Control Bond-Check Received October 23, 2015

This office has no objection to the return of the Erosion Control Bond in the amount of $500.

Please return to:

North County Homes, Inc.
156 Tomahawk Street
Yorktown Heights, NY 10598

SW/wg

cc: Town Clerk
    Director of Finance
    North County Homes, Inc.
INTEROFFICE MEMORANDUM

TO: TOWN SUPERVISOR AND MEMBERS OF THE TOWN BOARD
FROM: PROGRAM DIRECTOR, BARBARA TABERER
SUBJECT: 2019 WIN & NSIP FUNDING
DATE: APRIL 17, 2019
CC: TOWN CLERK AND FINANCE DIRECTOR

Program Director, Barbara Taberer respectfully requests the Town Supervisor execute the WIN, NSIP funding contract for the period of April 1, 2019 through March 31, 2020

See attached letter of intent.
April 17, 2019

Ms. Barbara Taberer
Director, Somers Nutrition Program
Town of Somers
P.O. Box 236
Wayne Van Tassel Memorial Park
Lincolndale, NY 10540

RE: Wellness in Nutrition Program (WIN) & Nutrition Services Incentive Program (NSIP) Contract, PY 2019-2020

Dear Ms. Taberer:

Enclosed is a blank copy of the WIN and NSIP contract for Nutrition Services to be provided by the Town of Somers. The contract is comprised of an Agreement and Schedules "A," "B" and "C" and will cover the program period commencing on April 1, 2019 and continuing through March 31, 2020. Funding for the 2019 - 2020 program year will be in an aggregate amount not-to-exceed $97,090, comprised of the following:

- $74,915 in funding for the WIN program, and
- $22,175 in estimated funding for the NSIP program.

Please be aware that the NSIP funding listed on the allocation are high estimates to cover your program for the projected annual NSIP allocation.

You MUST use the original electronic contract documents that we have provided. NO ALTERATIONS may be made to the contract without the prior consent of the Dept. With the exception of the applicable Excel Pages, DO NOT fill out the contract electronically as we want to maintain the integrity of the document. Non-compliance with these requests will result in the contract returned to your agency. We also recommend that you keep a blank copy of the contract in the event that you need to reprint a page.

Print a copy of the contract and fill it out making sure that where signatures are required on all documents that they are original. Contracts with COPIED signatures are unacceptable. We also suggest that you keep a completed copy of the contract for your records. Return the ENTIRE completed originally signed agreement and all supporting schedules to me at the address in the footer below.
Please refer to the “Standard Insurance Provisions” on pages 1 to 3 of Schedule “A” for detailed information regarding ALL required insurances. Contracts will be on hold pending receipt of any missing Insurance form. Remember to list the County of Westchester as an Additional Insured on the Certificate of Liability insurance NOT the Department of Senior Programs and Services. ALL required insurances should be submitted with the contract, or the contract will be on hold pending receipt of these documents.

All Nutrition Program Contractors are required to mail in the completed PeerPlace MONTHLY NUTRITION REPORT signed by the staff member responsible for the report. The reports should be received by the County no later than the tenth (10th) day of the following month. The County reserves the right to withhold payment to Contractor for its failure to submit the monthly report by the deadline, until the monthly report is received by the County.

Please direct program-related questions to your program liaison Patricia Szeliga at 914-813-6432. You may also contact me at 914-813-6058 or via e-mail at ssj3@westchestergov.com for questions pertaining to the processing of the contract.

Sincerely,

Sharon Johnson
Program Administrator

Encl.