

John Currie, *Chairman*  
Jan Corning  
Vicky Gannon  
Nancy Gerbino  
Eugene Goldenberg  
Dennis McNamara  
Bruce Prince

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

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**SOMERS PLANNING BOARD MINUTES**  
**MAY 9, 2018**

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**ROLL:**

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**PLANNING BOARD**  
**MEMBERS PRESENT:**

Chairman Currie, Mr. Prince, Mr. Goldenberg  
Ms. Gerbino, and Mr. McNamara

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**ALSO PRESENT:**

Director of Planning Syrette Dym  
Town Attorney Joseph Eriole  
Intermediate Clerk, Barbara Sherry

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**ABSENT:**

Ms. Corning, Ms. Gannon and Consultant Town  
Engineer Joseph Barbagallo

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The meeting commenced at 7:30pm. Intermediate Clerk Barbara Sherry called the roll and noted that the required quorum of four members was present in order to conduct the business of the Board.

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**TIME EXTENSION:**

**XENIA STEPHENS SUBDIVISION (TM: 28.07-1-1)**

Chairman Currie stated the first item on the agenda is a request for a third 90-day extension of the Final Subdivision Approval and Stormwater Management and Erosion and Sediment Control Permit from June 13, 2018 up to and including September 10, 2018 pursuant to Town Law 276 (7) (c) and Town Code Section 150-13M. This is the third request for an extension. The property is located at the corner of Route 100 and Route 138 and is in the R-80 Zoning District.

39 Chairman Currie asked if there were any comments from the Board. There were  
40 none.

41  
42 On motion by Chairman Currie, seconded by Mr. McNamara and unanimously  
43 carried, the Board moved to grant the third 90 day time extension for the  
44 Conditional Final Subdivision Approval and Stormwater Management and Erosion  
45 and Sediment Control Permit from June 13, 2018 up to and including September  
46 10, 2018 in accordance with Town Law Section 276 (7) (c) and Section 150-13.M  
47 of the Code of the Town of Somers.

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49 **INFORMAL APPLICATION:**

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51 **DECICCO & SONS (TM: 17.15-1-15.1)**

52 Chairman Currie stated this was an informal application for the installation of three  
53 underground, 1980-gallon propane tanks and slight modification of the retaining  
54 wall alignment. The project is located in the MFR-DH District and the  
55 Groundwater Protection Overlay District. The applicant requests a determination  
56 of change as a minor site plan modification and referral to the Zoning Board of  
57 Appeals for an area variance.

58 Director of Planning Dym stated at the last meeting the Board had questions  
59 regarding the type of tank and fill to be used to bury the tank. The applicant has  
60 submitted new information. Consultant Town Engineer Joseph Barbagallo could  
61 not be here this evening but his main issues to be addressed are: the drainage and  
62 how it is connected from the slab to the wall; that the applicant include sand back  
63 fill and that the tank be fiberglass rather than steel.

64 Director of Planning Dym explained the steps that need to be taken so the Board  
65 can waive the Site Plan and the findings and send a recommendation to the Zoning  
66 Board of Appeals for an area variance.

67 Mr. John DeCicco, applicant/owner, approached the Board along with his  
68 Architect, Lucio DiLeo, Stuart Soycher, from Paraco Gas, and David Latourell,  
69 Safety Director from Paraco Gas, to explain how the inspection process will work  
70 for the tanks and on an ongoing basis. Mr. DeCicco stated that tanks are steel  
71 epoxy coated not plastic; fiberglass tanks do not exist at this point in time.

72 Mr. McNamara stated the epoxy retards the rust under the steel and adds to the  
73 useful life of the tank but there is still an absolute life to the tanks and will have to  
74 be replaced at some point.

75 Mr. Latourell stated the option for fiberglass works for the chemical flammable  
76 liquids, however propane is a pressure vessel and the containers are steel and,  
77 because they are steel, they go in the ground. Since steel does corrode, there is a  
78 requirement under the guidelines of the National Fire Protection Association  
79 (NFPA) and through the national anti-corrosion exhibit that they all have cathodic  
80 protection installed on them as required in 2011 and a regular testing process to  
81 insure that the corrosion protection is in existence so that it does not corrode  
82 underground. So what we have is a steel container painted with an epoxy covering  
83 on it as well as the cathodic protection system using anode bags to prevent it from  
84 being damaged by stray voltage, which is required under NFPA 58 and the  
85 International Fire Code.

86 Director of Planning Dym asked Mr. Latourell if he would send her an email with  
87 all the correct verbiage for inclusion in the Planning Board Resolution.

88 Mr. Latourell responded yes.

89 Chairman Currie asked if it is the same process that is used on boats.

90 Mr. Latourell stated yes, very similar. He explained that there is actually a rigid  
91 testing procedure where you guarantee that the cathodic protection is still in place  
92 and if it is deteriorating you upgrade it to continue to extend the life.

93 Mr. Prince asked if there is a life expectancy on the tanks, or if anything happens  
94 to the tanks do you just keep upgrading them.

95 Mr. Latourell stated there is no life expectancy on the container, but there is a  
96 regular testing process to verify that the cathodic protection is in place and as it  
97 adjusts in a negative direction it can then be adjusted back to a proper direction,  
98 basically making the container an anode so it is not subject to stray voltage that  
99 could potentially create corrosion and damage to the container and deterioration.

100 Mr. Prince asked what is meant by stray voltage.

101 Mr. Latourell replied that there is always stray voltage in the ground, especially if  
102 there are water basins around. If you do not have cathodic protection it can attack  
103 steel and that is what causes rust and potential damage for a tank to break down.  
104 That has been identified and rectified by the Code Boards that oversee this  
105 industry.

106 Mr. McNamara explained that the skin of the Dream Liner Aircraft is carbon fiber,  
107 and asked why these tanks can't be made of a similar product.

108 Mr. Latourell stated that these containers are built to the specifications of the  
109 American Society of Mechanical Engineers. Although I cannot answer your  
110 question, I can reach out to my contact in the industry to determine who is doing  
111 this sort of research, but I do not think there is a demand for it based on the  
112 completed research and the processes in place, but I can research it for you.

113 Mr. McNamara asked Mr. Latourell if he understood why he is asking these  
114 questions.

115 Mr. Latourell responded yes.

116 Mr. McNamara stated because they do not corrode.

117 Mr. Latourell responded neither will ours.

118 Mr. McNamara asked if there is a way to establish and monitor the tanks pressure  
119 and if the pressure would fall below a specific point an alarm would go to some  
120 agency, some way of electronically monitoring the pressure of the tanks so that  
121 there is a positive action taken in the event of a fall in the pressure, which would  
122 indicate a problem.

123 Mr. Prince added, Mr. McNamara is asking for a failsafe system.

124 Mr. Latourell stated the pressure is constantly changing in the containers based on  
125 the temperature, a little less so with underground tanks because of the insulation.  
126 He continued saying he was sure in this day and age there is a capability for it  
127 however there is no requirement nor is this a very common feature in the industry,  
128 but the answer to your question is there is probably something that could be done,  
129 but I do not have the answer to that.

130 Mr. Latourell explained to Mr. McNamara that he works at facilities that have  
131 250,000 gallons of propane in them and he has spent a great deal of time trying to  
132 prevent some of the concerns and the fallacies existing with this topic.

133 Mr. McNamara stated he is asking because he does not know.

134 Mr. Latourell went on to explain how safe these tanks are, not only here but all  
135 over the country and the world, adding that this system proposed here is top of the  
136 line.

137 Mr. Soycher added that there are underground tanks at Le Fontane, Il Forno,  
138 Somerstown Shopping Center. Mr. DeCicco added there are multiple, thousand  
139 gallon underground tanks there.

140 Mr. Prince asked, how often you check the tanks to assure that the pressure is  
141 being maintained; is there a schedule?

142 Mr. Latourell responded, under Paraco's guidelines the containers are inspected  
143 every time the tanks are filled, under the cathodic protection guidelines they are  
144 inspected at time of installation, verified within one (1) year and if it is holding it  
145 will go to a three year (3) cycle. When the tanks are filled the technician will  
146 verify for leaks, looking at the condition of the container to make certain it is safe  
147 to continue filling; there are regular reporting processes.

148 Mr. Prince thanked Mr. Latourell.

149 Mr. DeCicco pointed out that there are currently tanks at the Millwood location  
150 and Paraco is there three (3) time a week for fill ups. He anticipates the same fill  
151 up schedule here in Somers so there would be three (3) inspections a week. If we  
152 see that we go from using three thousand (3,000) gallons a week to only using  
153 fifteen hundred (1,500) gallons a week, obviously there is a problem.

154 Mr. McNamara stated he is not looking to add any costs to your project or time to  
155 your study, I am just asking the questions that maybe the tanks will at some point  
156 be made out of material other than steel. That would preclude ever having to  
157 replace the tanks, which will cost a lot of money.

158 Director of Planning Dym stated that in Consultant Town Engineer Barbagallo's  
159 email, everything said this evening has verbally answered his first question which  
160 is that the applicant has to submit a maintenance and inspection procedure. What  
161 is needed now is a written maintenance procedure that you have just verbally  
162 described. Consultant Town Engineer Barbagallo's second question is that Mr.  
163 DeCicco stated the tanks will be buried in sand as per the Code, so the water will  
164 drain through the sand. Mr. DeCicco and Mr. Di Leo spoke about placing drainage  
165 around the cement slab which the tanks will be on, that would then tie into the  
166 drainage of the wall adjacent to it.

167 Director of Planning Dym stated drawings and written statement relating to the  
168 above are needed.

169 Director of Planning Dym explained to the Board that those two (2) items are what  
170 you would be making your motions on, subject to their submission of all necessary  
171 documentation.

172 Mr. McNamara stated the sand around the tank is great as long as the drainage is  
173 further below so the sand is not attracting water as it is dispensing water.

174 Mr. DeCicco stated the drain would be around the bottom of the cement/slab so the  
175 tank will be buried in sand, a cement slab on the bottom and around the cement  
176 slab is a drainage pipe which will collect the water and put it in the drainage on the  
177 bottom.

178 Director of Planning Dym stated all the above is needed in both writing and in  
179 drawings.

180 Director of Planning Dym went on to explain the process that the Board can take  
181 now toward the waiving of an amended site plan.

182 On motion by Chairman Currie, seconded by Ms. Gerbino, with Mr. Goldenberg  
183 recusing himself, the Board moved:

- 184       • To grant a waiver of site plan approval procedures with regard to a  
185       modification of an approved site plan Resolution #2017-12 of June 14,  
186       2017 for the commercial portion of the Somers Crossing development  
187       to permit DeCicco's & Sons to locate three underground propane tanks  
188       and slightly modify the alignment of the adjacent retaining wall as  
189       permitted by Section 170-114B based on the following findings of  
190       Section 170-4F (3) and subject to granting of an area variance by the  
191       Zoning Board of Appeals relative to the placement of such tanks in a  
192       Groundwater Protection Overlay District:
- 193       ○ "(a) The proposed action will not conflict with the site plan standards of  
194       Article IV of Chapter 144, Site Plan Review of the Code of the Town of  
195       Somers since the only change is the addition of storage tanks and  
196       retaining wall realignment, and
  - 197       ○ (b) The proposed action will not require physical site work that is  
198       subject to Planning Board review or, in the case of a revision to an  
199       approved but not fully constructed site plan will not require physical site  
200       work with a scope significantly greater than that shown on the originally  
201       approved site plan." Since this is a revision to a not fully constructed site  
202       plan, the Planning Board determines that the approximately 320 square  
203       foot area for the tanks is an area that would have been disturbed as part  
204       of overall site construction and burial of tanks maintains overall visual  
205       character of the site as previously approved, thereby meeting the criteria  
206       for approval.
- 207

208 On motion by Chairman Currie, seconded by Ms. Gerbino, with Mr. Goldenberg  
209 recusing himself, and carried, the Board moved to send a letter to the Town of  
210 Somers Zoning Board of Appeals in support of granting an area variance to  
211 DeCicco's and Sons for placement of three underground propane tanks on their site  
212 within the Groundwater Protection Overlay District.

213  
214 Director of Planning Dym asked the Board if they had any  
215 comments/modifications to the draft letter to the Zoning Board of Appeals.

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217 Mr. McNamara stated that the letter should be "subject to receipt of your  
218 conditions/comments."

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220 **TEXT AMENDMENT DISCUSSION:**

221 Chairman Currie stated this is a Proposed Text Amendment to Chapter 170,  
222 Zoning, Article XXII, Signs, Section 170-126 Business Districts relative to signs in  
223 the Business Historic Preservation (B-HP) District of the Code of the Town of  
224 Somers. He stated the Town Board is asking for signs to be 1½ feet by 2 feet,  
225 setback 10 feet from the street line.

226

227 Director of Planning Dym explained to the Board that there had been one or two  
228 signs that had visuals on them and the Zoning Board of Appeals (ZBA) and the  
229 Architectural Review Board (ARB) felt this type of sign did not comply with the  
230 Code of the Town of Somers. There was a request to have some modifications in  
231 the Code, so the recommendations before you were developed by the Sign Review  
232 Board that had been created, for your review and comment. Your  
233 recommendations will be forwarded to the Town Board for their discussion.

234

235 Chairman Currie asked if the Board's response could only include wording and  
236 numbers.

237

238 Director of Planning Dym responded yes.

239

240 Mr. McNamara asked if the visual was a logo or something as simple as that.

241

242 Director of Planning Dym replied that the ARB felt it is "visual clutter" in the  
243 Historic District.

244

245 Discussion ensued about the wording on the signs, and the size of the sign.

246

247 Mr. McNamara suggested being able to use the words “For Rent”, “For Lease”,  
248 adding the wording should be variable and if a phone number is added, the sign  
249 should be larger.

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251 Ms. Gerbino stated this is the Business Historic District adding it is unfair to make  
252 it so small.

253

254 As discussion ensued it was revealed that the sign requirements for the different  
255 districts in town are all 18” x 24” with lettering at 6”.

256

257 Mr. Prince stated that anything larger than the previously mentioned signs and  
258 lettering is what is allowed. He added that if we are supposed to be helping  
259 businesses we should come into the twentieth century.

260

261 The Board agreed to send a memo to the Town Board recommending signs be no  
262 larger than 18” x 24” with lettering at 6”, but variable wording permitted, to  
263 include “To Let”, “To Lease”, “To Rent” or “For Sale”.

264

265 Town Attorney Eriole added that with a general recommendation there should be a  
266 provision adopted for that zone, consistent with the size that is permitted in other  
267 districts.

268

269 Tim Allen, Engineer from Bibbo Associates, added that any Realtor will want to  
270 advertise and use their logos.

271

272 Ms. Gerbino stated the Code already allows realtors to put up a temporary sign.

273

274 Discussion ensued about how the sign will be placed.

275

276 Director of Planning Dym stated that the Code does not define how a sign will be  
277 placed, i.e. lawn signs or part of a permanent structure, and added that will be  
278 included in the memo to the Town Board.

279

280 Ms. Gerbino read from the Code stating “In the Business Historic District  
281 permitted signs shall be as set forth in Sections 170-17.2D.”

282

283 Town Attorney Eriole stated it appears that the Town Board is talking about signs  
284 on a pole or stake, something temporary, and in the end it does speak about a ten  
285 foot setback. The Board does not have to address permanent signs or even realtor  
286 signs as long as the size requirement is met.

287 Mr. Prince suggested placing this as a question...are we talking about "For Rent"  
288 signs that are hooked onto existing signage or to include signs that are on a  
289 temporary pole or stick; is there a minimum or maximum height requirement?  
290

291 Chairman Currie asked if there were any other comments from the Board and there  
292 were none.  
293

294 There being no further business, on motion by Chairman Currie, seconded by Mr.  
295 McNamara, and unanimously carried, the meeting was adjourned at 8:15pm.

296 Chairman Currie announced that the next Planning Board meeting will be held on  
297 Wednesday June 13, 2018 at 7:30pm.  
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Respectfully submitted,

Barbara J. Sherry, Intermediate  
Clerk, Somers Planning Board