

John Currie, *Chairman*
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
Dennis McNamara
Bruce A. Prince
Christopher Zaberto

PLANNING BOARD

Town of Somers

WESTCHESTER COUNTY, N.Y.

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**SOMERS PLANNING BOARD MINUTES
REMOTE MEETING HELD VIA ZOOM
AUGUST 12, 2020**

ROLL:

PLANNING BOARD

MEMBERS PRESENT:

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

ALSO PRESENT:

Director of Planning, Syrette Dym
Woodard & Curran, Project Engineer, Jennifer
Martinez
Town Attorney, Joseph Eriole

The meeting commenced at 7:30 p.m. Chairman Currie asked everyone to stand for the Pledge of Allegiance.

Director of Planning Syrette Dym called the roll and noted that a required quorum of four members was present in order to conduct the business of the Board.

Chairman Currie acknowledged Barbara Sherry and all her years of dedication working with the Somers Planning Board and stated it was a pleasure working with her.

APPROVAL OF DRAFT MINUTES AND DVD OF THE PLANNING BOARD MEETING HELD ON MAY 13, 2020 AND JUNE 10, 2020.

Chairman Currie noted minutes were submitted for the Board's approval, the draft minutes and DVD of the Planning Board meeting held May 13, 2020 prepared by Office Assistant, Mariann Aakjar.

Chairman Currie asked if there were any comments or corrections from the Board on the draft minutes of the May 13, 2020 Planning Board Meeting minutes and no one replied.

On a motion by Chairman Currie, seconded by Mr. Zaberto, and unanimously carried, the draft minutes and DVD of the May 13, 2020 Planning Board meeting were approved.

Chairman Currie noted minutes were submitted for the Board's approval, the draft minutes and DVD of the Planning Board meeting held June 10, 2020 prepared by Senior Office Assistant, Wendy Getting.

Chairman Currie asked if there were any comments or corrections from the Board on the draft minutes of the June 10, 2020 Planning Board Meeting minutes. Ms. Gerbino stated that there were two changes and they were already made.

On a motion by Chairman Currie, seconded by Mr. Zaberto and unanimously carried, the draft minutes and DVD of the June 10, 2020 Planning Board meeting were approved.

PUBLIC HEARING:

**BLUESTONE PEAK ACADEMY (NEW PRIVATE SCHOOL IN SOMERS)
TM: 17.19-1-1 (Opened February 12, 2020; Adjourned April 15, June 10,
and July 8, 2020)**

Chairman Currie explained that the application is for an Amended Site Plan Approval, Stormwater Management and Erosion and Sediment Control, Wetland and Watercourse Protection, Steep Slopes Protection and Tree Preservation and Preliminary Subdivision approval for the adaptive reuse of the former IBM property. The property is located at 294 Route 100 on the easterly side of Route 100 and is in an OB-100 Zoning District,

On motion by Chairman Currie, seconded by Mr. Goldenberg and unanimously carried, the Board moved to adjourn the Public Hearing until September 9, 2020.

**HANFORD WETLAND AND WATERCOURSE PROTECTION PERMIT
TM: 17-09-3-3**

Chairman Currie explained that this is an application for Wetland and Watercourse Protection Permit for the construction of an in-ground pool and patio at 4 Boniello Drive on the east side of Boniello Drive, 200 feet from the intersection of Londonderry Lane. The project is located in an R-40 District.

Chairman Currie suggested that before the Board opens the meeting to the public, if the applicant had any comments.

The applicant's representative, William Besgart stated the applicant does not have any comments. He stated that the applicant's Engineer, Roy Fredrickson, has been working with the Town to resolve the issues. Mr. Besharat explained that infiltrators have been introduced to accommodate the roof runoff, not for the swimming pool, the patio around the swimming pool is going to be pervious material with a gravel base underneath it and he stated that all comments have been addressed.

Chairman Currie questioned Jennifer Martinez, Project Manager with Woodard and Curran, if she had any comments as when he reviewed Woodard & Curran's memo, the majority of the items were not addressed.

Project Manager Martinez confirmed with Chairman Currie and stated that although infiltrators are now being proposed to treat the existing impervious surfaces within the wetland buffer, the calculations need to be revised, and a perk test and a depot test need to be performed to prove the feasibility of installing an

infiltration practice, in addition to treatment that is being proposed for the new impervious surfaces, which was discussed with the Engineer, Roy Fredrickson. She noted that over all, the stormwater management is a large piece that we will be working with the Engineer to resolve.

Chairman Currie asked Director of Planning, Syrette Dym, for the posting and mailing of the Public Notice.

Director of Planning Dym, stated the Public Notice was published in the July 30, 2020 edition of the Somers Record and the adjourning property owners were notified with mailings on July 30, 2020.

Chairman Currie acknowledged that the Planning Board heard from one of the neighbors, Kendra Altschuler, via email, which was received on August 2, 2020 at 4:18pm. He noted that Ms. Altschuler stated "I received the Public Notice for the above and my questions are two fold; was an environmental impact report done and what is the impact to the wells for the homes in the area". Chairman Currie directed the question to Ms. Martinez and asked if Ms. Martinez felt comfortable answering the two questions.

Ms. Martinez stated that she did not feel comfortable answering the questions until she followed up with Consulting Town Engineer Barbagallo.

Ms. Gerbino asked Ms. Martinez what the elevation of where the in-ground pool would be going and what is the elevation of Route 202 below it.

Ms. Martinez answered that she is unsure of the Route 202 elevation however, based on the plans submitted, the pool is at an elevation of approximately 464.

Ms. Gerbino stated that Route 202 is occasionally affected by runoffs from the higher elevation, hence the question. Ms. Gerbino stated that this is why Consulting Town Engineer Barbagallo is asking for certain information. She opined that physically this will impact runoff in some manor and the infiltration aspect will mitigate all that.

Mr. Besharat explained that any additional water, due to impervious, will be 100% treated onsite so there will be zero impact from the additional impervious surfaces that are added onto Boniello Drive, along 202, that everything will end up on

Londonderry, which is below. He stated that all the impervious areas are being treated plus additional water from the roof itself which was what Consulting Town Engineer Barbagallo suggested we do. Mr. Besharat noted that the treatment is not only for the surface from the swimming pool, which the pavers that are being proposed are pervious, but impervious areas existing on the property are being treated, which is from the roof itself.

Mr. Zaberto questioned Mr. Besharat that with this pool, is there any question about the wells and is there any concern that maybe the pool water itself could leache through the bottom surface of the pool into the water table or is that generally something that does not happen with in-ground pools.

Mr. Besharat assured the Board that this swimming pool is a one piece unit made out of fiberglass, not gunite, stucco or a liner and if it leaks, that means that the pool has to be ripped up immediately. The odds of it leaking are slim to none. Mr. Besharat confirmed the water is not chlorinated, it is solid and it is self-contained. He explained that there is no backwash system, there is no dumping of water, there are no chemicals and the water will have to be full at all times to maintain balance pressure between the outside and inside.

Mr. Zaberto asked if Mr. Besharat felt comfortable saying that the pool water itself should not contaminate the wells in the area.

Mr. Besharat assured Mr. Zaberto that the pool water would not contaminate the wells.

Ms. Gerbino questioned if they would use Durkin, or a similar service, to fill the pool.

Mr. Besharat answered yes.

Mr. Prince questioned if anyone knew the depth of the wells in the area.

Chairman Currie commented that would be different for each property. Chairman Currie asked Director of Planning Dym if she had any comments on this.

Director of Planning Dym stated she did not.

Chairman Currie inquired if Woodard & Curran would be confident that the outstanding items can be addressed and satisfied and would they suggest having a Resolution be prepared for his signature.

Project Engineer Martinez assured that a Resolution can be prepared with all the conditions in our review memo and then between Woodard and Curran and the applicant's engineer, all the outstanding comments can be resolved.

Chairman Currie advised for someone from the applicant's office to please respond back to Ms. Altschuler with the answer to her two questions and copy the Planning office on that response.

On motion by Chairman Currie, seconded by Ms. Gerbino, and unanimously carried, the Board moved to close the Hanford Public Hearing.

On motion by Chairman Currie, seconded by Mr. Zaberto, and unanimously carried, the Board moved to approve the proposed Resolution for Chairman's signature, assuming all the items have been taken care of, and that Director of Planning Dym is in receipt of the response letter to Ms. Altschuler.

**T-MOBILE NORTHEAST LLC APPLICATION FOR SPECIAL PERMIT
RENEWAL FOR THE PROPERTY KNOWN AS 325 ROUTE 100
(SOMERSTOWNE SHOPPING CENTRE)
TM: 17.15-1-13**

Chairman Currie stated the application is for T-Mobile Northeast LLC Special Permit renewal for the property known as 325 Route 100 (Somersetowne Shopping Centre) for an existing approved Telecommunications Facility pursuant to the Town Code Section 170-129.6 (G).

Chairman Currie asked Director of Planning Dym for the posting and mailing of the Public Notice and if a sign was posted.

Director of Planning Dym stated the Public Notice was published in the Somers Record on July 30, 2020, the mailings went out on July 30, 2020 and a sign stating the date and location of the Public Hearing was posted on the site on July 28, 2020.

On motion by Chairman Currie, seconded by Mr. Goldenberg, and unanimously carried a motion was made to open the Public Hearing and immediately adjourn it until the next Planning Board meeting on September 9, 2020.

Town Attorney Eriole spoke and it was totally inaudible!!

Director of Planning Dym stated that what Town Attorney Eriole just spoke about was totally inaudible but it is believed that he was trying to confirm the opening and adjournment of the meeting until September 9, 2020 and he wanted comments from David Kenny, applicant's attorney from Snyder & Snyder who is not on this call tonight.

Partner at Snyder & Snyder, Attorney Jordan Fry stated he was acting for their clients T-Mobile Northeast LLC Special Permit renewal for the property known as 325 Route 100 (Somerstowne Shopping Centre) for an existing approved Telecommunications Facility pursuant to the Town Code Section 170-129.6 (G) and it was his understanding from my colleague, Attorney David Kenny, that there was a discussion with the Town Engineer's office and there's some more information or clarification that's required on the structural certification letter, which his firm is working on obtaining and providing so they have no issues with adjourning the Public Hearing to September 9, 2020.

Chairman Currie asked if any discussion was needed tonight on the coverage information or do we wait until the September 9, 2020 meeting.

Director of Planning Dym stated that doesn't have to part of the Public Hearing that the discussion can just be an issue that if the Board needs any more information or if they are satisfied, the applicant would like to know. She explained that the Board had asked for information regarding coverage and the applicant provided a map showing the coverage and the Board should indicate that if it is satisfied with what has been provided or if the Board has any questions.

Ms. Gerbino questioned what type of backup the Town requires; is it two batteries, two automobile batteries, specifically what is it the Town requires for backup power at the T-Mobile sites. What does the code state. She questioned what does the code state and that she looked but couldn't find an answer in the code book.

Director of Planning Dym stated that she could not answer Ms. Gerbino.

Mr. McNamara stated he thought it was 48 hours.

Ms. Gerbino directed her question to Town Attorney Eriole and that maybe he could get back to the Board with an answer. Ms. Gerbino stated that she has reasons for asking and that the county wants to put forth their own code.

Attorney Fry stated that he could tell from Mr. Gaudio's letter dated July 29, 2020, it explains to the Board that T-Mobile uses an industrial battery designed for wireless facilities to power up the facility. He noted that these batteries are in compliance with FCC requirements, which is what would govern.

Ms. Gerbino acknowledged that that is why she couldn't find any information on them, because it was an FCC requirement, not a town requirement. Ms. Gerbino noted that she was fine with that answer.

Chairman Currie stated that he received the same phone call as Ms. Gerbino asking about the proposed legislation and thinks that the Board should ask Consulting Town Engineer Barbagallo and not hold up this application.

Mr. Prince questioned if Attorney Fry that it meets the FCC standards and what those standards are.

Attorney Fry stated he did not know what the exact standards are but they can provide it at the next Board meeting. He acknowledged the carriers are required to comply with that and based on Mr. Gaudio's letter, he confirmed that the tower does have the necessary battery backup.

Mr. Prince noted to just get the Board the information on how many hours the backup is for.

Director of Planning Dym stated that although she doesn't know what the FCC regulation is, the letter from Mr. Gaudio indicated that the T-Mobile site has battery backup for 24 hours. Director of Planning Dym stated it was unknown if that time met FCC regulations, that is what the Board needs Attorney Fry to provide.

Chairman Currie stated that he has to believe that it meets FCC regulations, otherwise he doesn't think the tower would have been approved initially.

Mr. Zaberto asked if the Board bases their approvals based on federal regulations, is the Town aware of the federal regulations to enforce them is to confide somewhere within our ?? (inaudible)

Director of Planning Dym stated that if there isn't anything else in the code, then the Town has no choice. She noted that if there is county legislation, that is something that the Board will be able to hang its hat on and anytime there is some body who comes back for any type of change, renewal, etc., that is when you'll be able to meet that requirement.

Chairman Currie asked if there were any more comments on this item.

On motion by Chairman Currie, seconded by Mr. Goldenberg, and unanimously carried, the Board moved to adjourn the Public Hearing until September 9, 2020 at 7:30pm.

T-MOBILE NORTHEAST LLC APPLICATION FOR SPECIAL PERMIT RENEWAL FOR THE PROPERTY KNOWN AS 80 ROUTE 6 (SOMERS COMMONS)

TM: 4.20-1-11

Chairman Currie stated the application is for T-Mobile Northeast LLC Special Permit Renewal for the properties known as 80 Route 6 (Somers Commons) of an existing approved Telecommunications Facility pursuant to the Town Code Section 170-129.6 (G).

Chairman Currie acknowledged that this is a very similar application process as the previous facility at 325 Route 100 (Somerstowne Shopping Centre) and that the questions are the same.

Chairman Currie asked Director of Planning Dym for the posting and mailing of the Public Notice and if a sign was posted.

Director of Planning Dym stated the Public Notice was published in the Somers Record on July 30, 2020, the mailings went out on July 30, 2020 and a sign stating

the date and location of the Public Hearing was posted on the Site on July 28, 2020.

On motion by Chairman Currie, seconded by Mr. Goldenberg, and unanimously carried a motion was made to open the Public Hearing and immediately adjourn it until the next Planning Board meeting on September 9, 2020.

Chairman Currie opined that the structural integrity layer and the adequacy of coverage, unless there are any questions about this one, will be answered between now and then.

Mr. McNamara stated that there are the same issues at both facilities there is one other question, are these G4 or G5.

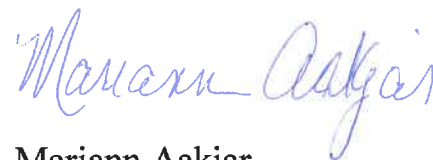
Attorney Fry stated that he will make sure that question is answered.

Ms. Gannon wanted to state for the record that neither of these applications had text messages coming in.

On motion by Chairman Currie, seconded by Ms. Gerbino, and unanimously carried, the Board moved to adjourn the Public Hearing until September 9, 2020 at 7:30 P.M.

There being no further business, on motion by Chairman Currie, seconded by Ms. Gerbino and unanimously carried, the meeting adjourned at 8:00 P.M. Chairman Currie announced that the next Planning Board meeting will be held on Wednesday, September 9, 2020 at 7:30 P.M.

Respectfully submitted,



Mariann Aakjar
Office Assistant