

PLANNING BOARD

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

Town of Somers

WESTCHESTER COUNTY, N.Y.



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SOMERS PLANNING BOARD MINUTES REMOTE MEETING HELD VIA ZOOM JUNE 9, 2021

ROLL

PLANNING BOARD MEMBERS PRESENT: Chairman John Currie, Nancy Gerbino, Jack Mattes, Dennis McNamara, Bruce Prince, Christopher Zaberto

ALSO PRESENT: David Smith, Consulting Town Planner, Planning & Development Advisors; Steve Robbins, Consulting Town Engineer, Woodard & Curran; Joseph Eriole, Attorney to the Planning Board

ABSENT: Vicky Gannon

MEETING COMMENCEMENT

The remote meeting commenced at 7:30pm.

Chairman Currie requested participants to say the Pledge of Allegiance.

Consulting Town Engineer Steve Robbins called the Roll and noted the required quorum of four members is present to conduct the business of the Board.

MINUTES

Draft minutes for the April 14, 2021 Planning Board Meeting:

Chairman Currie moves to accept the minutes as presented. Member Mattes seconds. All in favor. Motion passes.

Draft minutes for the May 12, 2021:

Chairman Currie moves to accept the minutes as presented. Member Gerbino seconds. All in favor. Motion passes.

EXTENSION REQUEST

265 Route 202: TM 17.11-1-21 Request for Extension of Temporary Medical Office

Donato Settanni, Owner and Dr. Rondalph Taylor, Director of Healthy Therapeutics present.

Mr. Settanni provided background on the initial approval and extension. The Planning Board approved the site for a temporary 6-month use of the site for a COVID-19 testing site in December 2020. Mr. Settanni and Dr. Taylor are requesting a six-month extension.

Dr. Taylor relayed that the testing site conducted more than 3,000 tests by appointment only. COVID-19 tests will continue to be important for students attending camps, college, medical procedures, attending concerts and other public venues, and travel. They've added rapid PCR testing to their offerings. Dr. Taylor expressed his gratitude for allowing them to run the testing site.

Separate from the extension, Mr. Settanni and Dr. Taylor are requesting the addition of providing the Moderna COVID-19 vaccinations to the scope of permitted services.

Member Prince asked if they provide antibody testing. Dr. Taylor confirmed they do, but the samples are sent to Quest Diagnostics for analysis.

Member Zaberto requested additional information regarding their vaccination protocols, specifically if the Moderna vaccine approved for children. Dr. Taylor explained that their facility is approved to administer the Moderna vaccine, they record all vaccinations with the NYS system, and have an observation area and medications to administer if someone has an allergic reaction. However, only the Pfizer vaccine is approved for children 12-17 years old at this time.

Chairman Currie moves to extend their use of the facility for COVID-19 testing and expand the scope of services to provide COVID-19 vaccinations through December 2021. Member Mattes seconds. All in favor. Motion passes.

Consulting Town Planner Dave Smith is researching if a Resolution is required to further document the extension. Staff will prepare a resolution if needed.

PUBLIC HEARING

**Property Along Route 100: TM 28.14-25-1
NYC DEP Wetland and Watercourse Protection Permit Application**

Application for herbicide treatment for invasive aquatic plant control.

Meredith Taylor from the DEP is present.

Ms. Taylor provided background on the DEP's application. The DEP would like to apply an herbicidal treatment to manage hydrilla in the reservoir. They do not anticipate any impacts to fish or wildlife or to impact fishing activities on the reservoir. The DEP is planning to use three different products:

1. Sonar H4C granular product is the primary product, which stays localized at the base of the plant and is safe to use within a quarter of a mile of drinking water.
2. Sonar ONE is slightly larger pellet for high flow and high exchange conditions.
3. Sonar Genesis is a liquid product used to bump up target concentration.

Consulting Town Engineer Steve Robbins finds the application to be complete and appropriately protective.

Consulting Town Planner Dave Smith concurs with Mr. Robbins.

Chairman Currie opens the Public Hearing.

No one present from the public to participate in the Public Hearing.

Member Gerbino and Member Zaberto commend Ms. Taylor for the maps she provided to the Planning Board.

Chairman Currie moves to close the Public Hearing. Member McNamara seconds. All in favor. Motion passes and the Public Hearing is closed.

Mr. Zaberto asked how the herbicide is applied. Ms. Taylor explained the herbicide is applied in pellet form on a boat-mounted spreader.

Chairman Currie moves to grant the NYC DEP a wetlands permit for application of the prescribed herbicide to manage hydrilla. Mr. Zaberto seconds. All in favor. Motion passes.

The Engineering Department will prepare a Resolution.

PROJECT REVIEW

**2875 Route 35 (1 Pepsi Way): TM 38.18-1-1
Special Use Permit for Wireless Telecommunications Facility**

Modification of an existing Special Use Permit for existing wireless telecommunications facility on the rooftop of an existing building.

David Kenny, the attorney for the applicant, T-Mobile, and Robert Marsac, the applicant's architect, are present.

Mr. Kenny gave a brief presentation on the modification of the existing antennas, which includes moving them to a lower roof surface and adding one antenna, for a total of three, at each sector. Mr. Kenny maintains that this is considered an eligible facilities request by the FCC and that the Planning Board must approve their request.

Mr. Kenny requests that because it is an eligible facilities request, that the Planning Board waive the Site Plan Approval and the Public Hearing.

Consulting Town Engineer Steve Robbins previously provided comments to the Applicant that were addressed by a licensed engineer in the State of New York.

Consulting Town Planner Dave Smith concurred with the Applicant that a request to waive the Site Plan Approval and Public Hearing is appropriate.

Member Prince asked why T-Mobile is changing the antennas and if there is a benefit to T-Mobile customers.

Mr. Kenny explained that they are simply replacing and relocating old antennas to provide improved service.

Member Mattes asked if the new antennas will provide 5G service. Mr. Kenny said he is not certain.

Member Zaberto asked Mr. Kenny who determines or defines if the change meets the definition of "substantial." Mr. Kenny said it is the FCC, based on:

1. The proposed antennas will not increase the height of the existing facility by more than 10 feet.
2. The proposed antennas will not protrude from the edge of the existing facility by more than 6 feet.
3. The number of equipment cabinets will not be increased by more than four.
4. There will be no excavation or deployment outside of the existing base station's current site.
5. The proposed modification will not defeat the concealment elements of the existing base station.

6. The proposed modification will not violate any prior conditions of approval of the existing base station.

Planning Board Attorney Eriole and Mr. Zaberto clarified that the Applicant's counsel is correct about the eligible facilities designation, but that the Planning Board has the authority to vet the project and determine if the work conducted in the field conforms to the plans presented here.

Chairman Currie moves to approve the Special Use Permit. Mr. Zaberto seconds. All in favor. Motion passes.

A Resolution will be prepared by Staff.

**100 Route 202: TM 27.07-1-1.1
Anglebrook Golf Club Proposed Patio Expansion**

Application for site plan approval for expanded patio at Anglebrook Golf Club, located in the R-120 Zoning District.

Andrew Tung of Divney, Tung, & Schwalbe, representative of Anglebrook Golf Club, joined the meeting along with Matthew Sullivan, the General Manager of the Club.

Mr. Tung made a presentation of the proposed expansion of a patio with awning. The existing bluestone terrace is under the overhang of the roof, with a small bump out in the center.

The proposal is to extend the terrace to be in line with an existing bluestone strip in the lawn, with a building-mounted awning covering the expanded patio. This will provide three season dining outdoors. The current approach is to extend the center to the bluestone strip this season and add the sides at a later date. The slope of the terrace will be one to two percent to allow runoff to be directed to gravel strips connected to a drywell.

The Applicant received comments from the Consulting Town Engineer Steve Robbins, including a requirement to provide a local Stormwater Pollution Prevention Plan.

Mr. Tung requested the Planning Board waive the Public Hearing requirement scale of the proposed modifications.

Member Zaberto inquired as to whether Anglerbook is a private or public club. It is a private club. Mr. Zaberto says given the scale of the project and the minimal impact to the public that it is reasonable to waive the Public Hearing.

Member Prince asked why the Applicant is not extending the terrace to meet the existing curve of the bluestone strip. Mr. Tung said it is to keep the terrace design simple, it will mirror the awning's straight edge, and with the step the grass below will not be easily visible.

Mr. Prince expressed concern about the three steps in the middle of the terrace causing a tripping hazard for individuals moving between tables. Mr. Tung replied that the membership liked the architectural feature of the steps.

Mr. Prince asserted that since the primary use of the terrace will be for dining that having two or three steps creates a potentially dangerous situation for diners and waitstaff.

Chairman Currie moves to waive the Public Hearing. Member Gerbino seconds. All in favor. Motion passes.

Chairman Currie moves to conditionally approve the Site Plan to expand the patio subject to all outstanding conditions being addressed. Mr. Zaberto seconds. All in favor. Motion passes.

Staff will prepare the appropriate Resolutions.

**Hillside Drive: Vicinity of TM 16.05-3-6
Mastrantoni Brothers Wetland & Water Course Protection Permit Application**

Widening and stormwater improvements to approximately 550 LF of Hillside Drive from the intersection with Overhill Road.

Paul Lynch, Engineer, representing the Applicant, is present.

Mr. Lynch explained the owners purchased the lot several years ago with the understanding that Hillside Drive was a Town Road. It currently is used as a driveway to serve a single lot.

Mr. Lynch presented two plans: convert the road into a Town Road or widen the road to meet the common driveway standards. The Town Road scenario creates more disturbance and greater impervious surface.

The first 550 feet of the road is within a NYS DEC wetland setback, requiring a NYS DEC wetlands permit regardless of which plan is selected.

The new impervious surface will require stormwater mitigation efforts within the right of way.

Mr. Lynch requested that the Planning Board and DEC work together on a wetlands permit, which likely requires the Town Supervisor to sign the application.

Consulting Town Engineer Steve Robbins explained the need for consistency when reviewing projects like this, but that specific site conditions, including fire protection access, should be taken into consideration.

Member Gerbino asked if this is to make a lot buildable.

Mr. Lynch responded yes.

Ms. Gerbino asked if the Planning Board should have a site walk. Member Zaberto concurred with Ms. Gerbino.

Member Prince asserted the common driveway is both easier and more cost effective.

Member McNamara concurred with Mr. Prince, including the environmental impact of making a Town Road, and that a turnaround could be used to accommodate fire trucks.

Mr. Robbins said the Applicant does propose a hammerhead to accommodate fire trucks outside of the right of way but still within Town property. Mr. Robbins also asked Mr. Lynch if width of the road with shoulder is sufficient to allow two emergency vehicles to pass.

Mr. Lynch indicated the shoulders are two to three feet of hardpan.

The Planning Board will conduct a site walk on Saturday, June 12. Mr. Lynch indicated there's room for parking for four cars. The Planning Board will therefore conduct two rounds of site walks: the first at 9am and the second at 9:30am.

**22 Dr. Tony's Road: TM 37.91-1-1
Cobbling Rock Estates Final Subdivision Application Extension**

Application for 9-lot Conservation Subdivision with construction of two Town roads. The property is located on the south side of Cobbling Rock Drive and Dr. Tony's Road in the R-120 Zoning District.

Matthew Gironda, Applicant's Engineer, and Vito Andriano, Applicant are present.

Consulting Town Planner Dave Smith indicated that the Applicant is requesting a 180-day extension, which is a reasonable request.

Mr. Gironda of Bibbo Associates asserted that they are before the Planning Board for a Final Subdivision Application Approval, not an Application Extension. They received DEC SWPPP approval and submitted their application for Subdivision prior to the expiration of the prior Resolution.

Mr. Smith and Consulting Town Engineer Robbins clarified that there is additional information requested or that need to be reviewed, including legal instruments that were circulated only two hours prior to this meeting.

Mr. Gironda asserted that the legal agreements can be conditional upon the approval.

Planning Board Attorney Eriole indicated that he does not have any concerns about incorporating the legal instruments into a conditional approval.

Mr. Gironda also requested a waiver of a second Public Hearing and asks for conditional final approval tonight.

Member Prince said that the project is well-designed, and that the Applicant addressed all previous concerns about steep slopes, conservation areas, and clustering.

Chairman Currie moves to waive the second Public Hearing. Member McNamara seconds. All in favor. Motion passes.

Mr. Robbins indicated he has no reservations with the Planning Board granting a conditional final approval.

Chairman Currie moves to grant a conditional final approval. Member Mattes seconds. All in favor. Motion passes.

Staff will prepare the Resolutions.

No extension is required at this time.

Mr. Andriano thanked the Planning Board for their professionalism over the last three years.

**259 Route 100: TM 28-06-1-15
Londondery Group, Inc. Future Site Plan Application Project Update Review**

Steven Wrabel of McCollough, Goldberger, and Stout and Enrico Dinardo, Applicant are present.

The Applicant anticipates receiving zoning to approve two multifamily buildings on the lot. The Applicant circulated alternatives taking into considering the Planning Board's concerns about building orientation and parking location.

Mr. Dinardo gave a presentation of the options:

Options 1A and 1B were discussed previously by the Town Board and Planning Board.

Option 2 rotates Building 2 to have the long side parallel to Route 100.

Option 3 rotates both buildings to be parallel to Route 100. Half the apartments look onto Route 100 and half face the parking lot.

Option 1A gives half the occupants of Building 1 a wooded view and the other half a landscaped/parking view. The Town Board previously asked the Applicant to situate the buildings to avoid having the long axis face Route 100 and to keep parking out of the view of vehicles passing by.

Member Prince pointed out that the Boniello condos going for \$1M face Route 100, so it is inconsistent to ask this developer to not face their buildings to Route 100 if it provides better conditions for the occupants.

Member Gerbino asked where the wells are located.

Mr. Dinardo indicated the wells are 100 to 200 feet from the septic, and located toward the front of the property along Route 100.

Member Zaberto indicated his preference for Option 1B, where there is no parking along the rear of Building 2 which allows for green space. He asked if the property is on grade with Route 100.

Mr. Dinardo said the property is on grade with Route 100, and that they are planning to construct a stone wall and fence, and plant trees along the frontage of Route 100. He clarified that Lawton Adams is situated across the highway.

Mr. Prince asserted that it is more important for the residents to have green space, rather than protect drivers along Route 100 from seeing parking.

Mr. Zaberto acknowledges that there is a middle ground between the Town Board's preference, the Planning Board's preference, the Applicant, and the future residents of the buildings.

Mr. Prince asked Mr. Dinardo for his personal preference. Mr. Dinardo ultimately indicates he prefers Options 1A or 1B, which minimizes exposure of residents to Route 100 and the view of Lawton Adams.

Mr. Zaberto, Mr. Prince, Mr. McNamara, Mr. Mattes, and Ms. Gerbino indicated their preference for Option 1B, which represents all elements that the Planning Board is charged to consider.

Consulting Town Planner Dave Smith confirmed that the Town Board has Zoning Board approval, while the Planning Board retains final Site Plan approval.

Ms. Gerbino inquired if the propane tanks are in ground or above ground.

Mr. Dinardo replied that they would be in ground.

Mr. Prince asked if the landscaping plan can accommodate more of a green view for the residents and block an exposed view of parking.

Mr. Dinardo thanked the Planning Board for their time and input.

DISCUSSION

23 Clayton Boulevard: TM 4.20-1-15.7 Potential Tractor Supply Company

Matt Darling, of New England Retail Properties, is present to provide background on the proposed project.

Mr. Darling represents the preferred developer for Tractor Supply Company (TSC) in the region. TSC is a 20,000+ square foot retailer of garden and farm equipment. Facilities also have about 20,000 square feet of outdoor display and retail space, with approximately 5,000 of that for a greenhouse. Mr. Darling and his firm have completed 30 TSC developments across New England. Their latest is in Wappinger's Falls.

Chairman Currie indicated that they must get a zoning change before the Planning Board could consider a proposal.

Consulting Town Planner Dave Smith and Mr. Darling explained that they are just exploring the possible opportunity at this point and seeking initial feedback from the individuals with their fingers on the pulse of the community. Both recognize the need for a zoning amendment or variance of some kind.

Member Gerbino raised the issue of not having much of an agricultural presence in Somers. Mr. Darling explained that they do carry equestrian supplies, pet supplies, and hand tools attractive to suburban landowners.

Mr. Darling indicated that the building layout itself is fairly rigid due to the operations of TSC. The roof parapets, colors, and fencing are negotiable and that the outdoor retail space can be on any side of the building.

Member Prince said that a visual screening of some kind would be required between TSC and the Avalon Apartments.

Member Mattes pointed out that there is walking trail, which would allow for pedestrian traffic as well as accessibility from Stop & Shop and the Avalon.

Member Zaberto asked where their trucking traffic would be routed.

Mr. Darling said TSC receives one large delivery truck (67-footer) a week. The remainder of their deliveries are by FedEx and UPS. The hours of trucking can be limited to regular business hours. They can also limit idling.

Mr. Darling asked what kind of zoning change is required.

Ms. Gerbino and Chairman Currie indicated that they need to make a presentation to the Town Board as a first step.

Mr. Darling indicated that the seller of the property is working with Attorney Linda Whitehead.

Mr. Darling also explained that TSC has about 2,000 stores and their preferred parking count is 70 stalls, which is less than what most towns require, so it may require a variance as well.

Mr. Prince indicated that it would be preferable to have the yard to the left with the building on the right to provide the best visual screening. Ms. Gerbino concurred.

Mr. Zaberto explained that Somers is a pedestrian-, bicycle-, and EV- friendly town and the layout should reflect this.

Member Mattes thanked Mr. Darling for his time.

MEETING ADJOURNMENT

Chairman Currie reminded the members that the next Planning Board Meeting is July 14, 2021.

Chairman Currie made the motion to close the meeting. Member Zaberto seconds. All in favor. Meeting adjourned at 9:41pm.

Respectfully submitted,



Janelle Robbins, Transcriber

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