John Currie, Chairman Vicky Gannon Nancy Gerbino Ken Kristensen Jack Mattes Bruce Prince Christopher Zaberto

#### **PLANNING BOARD**

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
TEL (914) 277-5366
FAX (914) 277-4093
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PLANNINGBOARD@SOMERSNY.COM



#### SOMERS PLANNING BOARD AGENDA

May 10, 2023, 7:30PM

## **MINUTES**

Draft Minutes for consideration of approval: April 12, 2023.

## PROJECT REVIEW

1. ARSEC CORPORATION, SITE PLAN APPROVAL FOR PARKING LOT EXPANSION LOCATED AT 378 ROUTE 202 TM: 17.11-2-18&19.

Site plan review for parking lot expansion; installation of 12 new parking spaces, to be utilized for overflow parking and an area to plow snow. The 1.06-acre property is located in the B-HP district.

2. LINCOLNLAND, LLC APPLICATION FOR AMENDED SITE PLAN APPROVAL FOR FACILITY LOCATED AT 154 NYS ROUTE 202. TM 16.16-1-14.

Project introduction and escrow establishment for Site Plan modification for improvements made since prior Approved Site Plan, including new concrete pads and removal of vegetated buffer. The 2-acre property is in the NS zoning district.

3. APPLICATION FOR SPECIAL PERMIT RENEWAL FOR NEW CINGULAR WIRELESS PCS, LLC ("AT&T") AT 115 ROUTE 202 (87 ROUTE 202) – TM 16.15-1-1.1.

Application for special permit renewal for existing wireless telecommunications facility as per Resolution BZ01B/04.

4. APPLICATION FOR SPECIAL PERMIT RENEWAL FOR EXISTING WIRELESS TELECOMMUNICATIONS FACILITY - CINGULAR WIRELESS PCS, LLC ("AT&T") AT 121 ROUTE 100 – TM 8.17-1-5.

Application for special permit renewal for existing wireless telecommunications facility as per Resolution BZ10/18.

5. APPLICATION FOR SPECIAL PERMIT RENEWAL FOR EXISTING WIRELESS TELECOMMUNICATIONS FACILITY - CINGULAR WIRELESS PCS, LLC ("AT&T") AT 243 ROUTE 100 (247 ROUTE 100) – TM 28.10-1-6.1.

Application for special permit renewal for existing wireless telecommunications facility as per Resolution BZ11/18.

6. APPLICATION FOR SPECIAL PERMIT MODIFICATION FOR AMERICAN TOWER CORP. (VERIZON) AT 2580 ROUTE 202 - TM 37.13-2-3.

Application for special use permit for modifications to existing wireless telecommunications facility, including removing and replacing existing (6) antennas and (9) remote radio heads (RRHs). The property is located in the R-80 zoning district.

## **INFORMATIONAL PRESENTATION**

7. APPLICATION FOR STEEP SLOPE, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMIT FOR 9 JEAN WAY.

#### REFERRAL TO THE PLANNING BOARD

8. ZONING PETITION FROM GLNEIDA REALTY, INC. FOR REZONING OF 259 ROUTE 100, TM 28.06-1-15, FROM MFR-100 TO OLI.

## **MEETING ADJOURNMENT**

## Issued: May 5, 2023

# The next Planning Board Meeting is scheduled for Wednesday, June 14, 2023 at 7:30pm.

Agenda Subject to Change

#### PLANNING BOARD

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

## Town of Somers

WESTCHESTER COUNTY, N.Y.



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SOMERS PLANNING BOARD MINUTES
April 12, 2023
7:30PM

ROLL

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

PLANNING BOARD BY ZOOM:

**ABSENT:** 

ALSO PRESENT: David Smith, Consulting Town Planner, Planning & Development

Advisors; Planning Board Attorney Gerry Reilly;

PRESENT BY ZOOM: Steve Robbins, Consulting Town Engineer, Woodard & Curran

## MEETING COMMENCEMENT

The meeting commenced at 7:30 p.m.

Chairman John Currie requests participants say the Pledge of Allegiance.

Consulting Town Engineer Steve Robbins calls the Roll.

Mr. Currie announces that the agenda item for Dynamite Properties is no longer on the agenda for today's meeting due to the sign not being posted.

**MINUTES** 

Regarding the meeting minutes for the February 8, 2023, Planning Board Meeting, Mr. Currie moves to accept the updated meeting minutes as they are presented in front of the Board. All in favor.

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Regarding the meeting minutes for the March 8, 2023, Planning Board Meeting, Mr. Currie moves to accept the updated meeting minutes as they are presented in front of the Board. Mr. Jack Mattes seconds. All in favor. Motion passes.

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## EXTENSION REQUEST

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1. GRANITE POINTE FINAL SUBDIVISION APPROVAL, STEEP SLOPES, TREE PRESERVATION, STORMWATER MANAGEMENTS, AND EROSION AND SEDIMENT CONTROL PERMITS RE-GRANT ROUTE 118/202 TM: 27.05-1-2&5

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Request for the 23<sup>rd</sup> - 90-day time extension for the Granite Pointe Subdivision Re-Grant of Final Submission Approval, Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits for 23 lots in a Cluster Subdivision, as per Resolution 2017-10, form April 24, 2023 up to and including July 23, 2023 as per Town Law Section 276 (7) (c) and Town Code Section 150-13M.

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Mr. Mattes moves to approve the extension. Ms. Nancy Gerbino seconds. All in favor. Motion passes.

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## **PUBLIC HEARING**

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## 2. PANNY PROPOSED 2 LOT SUBDIVISION AT 19 OLIVE DRIVE - TM 5.15-1-90

29 30 Application for Preliminary Subdivision, Tree Removal, Stormwater Management and Erosion and Sediment Control Permit and Steep Slope Permit for creation of two lots from one existing lot with a single-family house and where proposed access to new lot is only available from an unimproved but mapped Town road in an R-10 District located at 19 Olive Drive.

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Mr. Jack Karell presents for the Applicant. Mr. Karell states that Consulting Town Engineer Mr. Steve Robbins provided information regarding wells on Peach Road. He states that the wells have been surveyed for 100 foot setback and keyhole or direct line of drainage, and the proposed septic system does not have any effect on the downstream wells. Mr. Karell states that he has received a comment letter from the Health Department, but there are only minor comments and they do not concern the wells. He states he believes the Health Department will approve the proposed project.

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Mr. Karell states that in the Stormwater Management Plan, the rain gardens have been replaced with infiltrators on the new lot.

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Mr. Karell states he has submitted a response to the Elmendorf letter, which indicates a member of the public believed the proposed project is not feasible as discussed in the March

8, 2023 Planning Board Meeting. He explains that if the Health Department can't approve the project, then the subdivision cannot proceed.

Consulting Town Planner Mr. David Smith states that he has no comments regarding the project currently.

Mr. Robbins states that Woodard & Curran still have a few remaining comments related to confirmation of a few design details on the stormwater system. He states that over the multiple revisions that the project has gone through, Woodard & Curran is expecting the Applicant to make a full resubmittal to ensure all pieces of the document are correct. He states the Applicant has shown that the project meets the required setbacks from the stormwater and septic systems to the wells including the two wells across Peach Road.

Mr. Donald Elmendorf presents to the Board. He states that he is concerned that after completion of the project, the steep slope will cause a large amount of stormwater runoff to flood the lower properties on Peach Road. He states that in the current plans for the project, he does not see any designs to mitigate velocities, future erosion, or accumulation of water on the lower properties. While he understands that the current proposed plan satisfies all requirements, he believes that the design will still cause future problems.

Mr. Christopher Zaberto asks who Mr. Elmendorf is.

Mr. Elmendorf explains he is a licensed professional engineer in New York State and has been in the business for 40 years.

Mr. Zaberto asks how Mr. Elmendorf is involved with the project.

Mr. Elmendorf explains that Mr. Signorelli has retained him as an Engineer.

Mr. Dante Duran from 5 Peach Road presents to the Board. Mr. Duran states that his property is directly at the downflow of where the proposed septic system would be. He states he has retrieved rough measurements and has found that his well cap is 149 feet from the end of the proposed septic system. He is concerned that additional septic systems would foul his well. Mr. Duran states that he has his well tested every couple of years and that tests have previously come back stating there is coliform in the well. He therefore has had to shock his well multiple times. He explains that the proposed septic location is at a high elevation, and during rain events, his property sees runoff come down off the steep hill onto his property. He explains that at the bottom of the hill, there are storm basins that eventually lead to Beaver Creek. Mr. Duran states he is worried that there would be additional biohazard contamination of the stream if the proposed septic system were installed, especially since Mr. Duran has a son who plays in Beaver Creek. Mr. Duran states he has lived at 5 Peach Road for 9 years, and when he first moved in, there was a large problem with stormwater runoff. He has had to install drains at the bottom of his driveway to divert water coming down the steep hill since the catch basins don't always catch all the runoff. He explains he has had a lot of work done to his house due to runoff from the hill. He states that he is a professional builder, and he would like to see the proposed plans.

Mr. Currie responds that Mr. Duran can view the proposed plans in the Planning Office.

Ms. Vicky Gannon states that Mr. Duran can submit his photos and other material to the Planning Board for review.

Ms. Gannon asks, regarding the water quality of the well, when issues with the water quality arise, how and/or if Mr. Duran reports the issue to someone.

Mr. Duran explains that usually he only tests the well water after a large rain event. He states he tries to test the water at least once a year in the spring since he uses the most water during that time of the year. He states that his family does not drink the well water from fear of it being contaminated. He states that he does not report these issues to the Department of Health since he believes the Department of Health will tell him to either dig a new well or continuously monitor the water quality, which Mr. Duran already does.

Ms. Gerbino confirms Mr. Duran's name. She states that she lives on well water and also is aware of the problems that come with well water. Ms. Gerbino states that she believes that Mr. Duran is not the only one in the area who does not drink the well water. Mr. Duran confirms Ms. Gerbino's belief and states that his recently moved-in neighbors do not drink the well water either.

Mr. Currie asks Mr. Robbins for guidance regarding Mr. Duran's previous comments.

Mr. Robbins states that the stormwater design plan is designed to infiltrate the 25-year storm. He explains that the runoff from the property would be lower than the existing amount of runoff.

Mr. Karell confirms that the stormwater plan is designed for the 25-year storm. He states that Mr. Duran's house and well are across the street from two existing houses which don't have as extensive infiltrators as the Applicant is proposing. He states the stormwater plan has been completed in accordance with the state requirements.

Ms. Gerbino asks if the size of the septic field is related to the number of bedrooms in a residence.

Mr. Karell confirms Ms. Gerbino is correct.

Ms. Gerbino asks if a three-bedroom house was to be proposed rather than the currently proposed four-bedroom house, then the septic field would be smaller.

Mr. Karell confirms she is correct.

Ms. Gerbino states that the Applicant is proposing a large house in a small space, and she doesn't understand why it is being proposed.

1 Mr. Karell states that the proposed subdivision meets the standards of the Health 2 Department. 3 4 Mr. Robbins asks Mr. Karell to correct the number of bedrooms in the house. 5 6 Mr. Karell states that the house is now proposed to be a three-bedroom house. 7 8 Mr. Robbins explains that the original application included plans for a four-bedroom house. 9 The application has been revised to include a three-bedroom house. 10 Mr. Karell explains that the septic field would be smaller than the septic field for a four-11 12 bedroom house. 13 14 Mr. Karell states that his experience includes 15 years in charge of the Public Water Supply Program for Westchester County Health Department, 14 years as director of the Putnam 15 County Health Department, and 15 years as Carmel Town Engineer. 16 17 Mr. Zaberto asks if it is Mr. Karell's opinion that the infiltrators being proposed will 18 mitigate stormwater up to a 25-year storm. 19 20 Mr. Karell states that he believes the infiltrators will mitigate stormwater up to a 25-year 21 storm. He states that a couple of weeks ago, he and Mr. Robbins walked around the site and 22 23 the house that is already built there. He states that there is no indication that the existing 24 infiltrators have reached their overflow capacity. 25 Mr. Zaberto asks what an infiltrator does. 26 27 28 Mr. Karell explains that an infiltrator takes the stormwater from the roof and driveway. 29 treats the stormwater in the infiltrator, and then lets water into the soil. He states the soil at 30 the lots is very sandy and can handle a large rate of infiltration. 31 Mr. Karell reiterates that the proposed project is dependent on the approval from the 32 33 Department of Health. He asks that the Board close the public hearing while the responds 34 from the Department of Health is pending. 35 36 Mr. Robbins clarifies that the site walk was attended by Mr. Karell, Mr. Robbins, and the 37 Engineering Technician Mr. Steve Woelfle. He states that there is evidence of erosion on 38 Lot 1. He believed that this occurred during construction and is not current and Woodard & 39 Curran has asked for that to be cleaned up. He states there is still a silt fence along the boundary of Lot 1, so it looks like the erosion is contained within the lot. 40 41 42 Regarding the comments about well water, Mr. Robbins states that there is a lot of things 43 that impact water quality in a well. He states that his home is on well water, and he gets the 44 well water tested. The tests have never come back positive for coliform bacteria. He asks for Mr. Duran to clarify if the shocks of the well were done out of an abundance of caution or if 45 46 they were done due to positive coliform tests.

 Mr. Duran confirms that the well shocks were in response to several positive tests for coliform. He states that because of this, he has installed a UV disinfection system for his home water. He states he has an ionizer for removal of sulfur as well as a water softener.

Mr. Robbins states that he believes the construction of the well may be in question. He states that the construction could impact the water quality.

Mr. Duran explains that he recently had his well pump changed, the casing was lined, and the bottom of the well was flushed, cleaned, and repacked. He states because of this there should be no reason for his well to be testing positive for coliforms other than contaminated groundwater.

Mr. Robbins states that grouting of the well bore hole could also be an issue. He states the Lincolndale is a dense neighborhood, and there are several other septic systems around Mr. Duran's home that do not meet the required separation for new septic distances. He states that those existing systems are all closer than the proposed system.

Mr. Karell agrees with Mr. Robbins and states that the previously mentioned existing systems do not meet today's standards for separation. He states that the well on Lot 1 that was drilled approximately 2 years ago passed all the coliform and metal tests.

Mr. Elmendorf asks Mr. Karell if the infiltrators are designed for 25-year storms.

Mr. Karell confirms the infiltrators are designed for 25-year storms.

Mr. Elmendorf states that it is more common for 50- and 100-year storms to occur. Since bigger storms are hitting more often, he asks why larger rainstorms were not used for design standard.

Mr. Robbins explains that the size of storm to use is based on the Town Code. The proposed house is a single-family residential development and is small enough not to require permitting from the New York State Department of Environmental Conservation. He states the proposed project does meet the 5,000 square foot disturbance limit that requires a Stormwater Pollution Prevention Plan that meets the requirements of the Town Code.

Mr. Bruce Prince asks if the Board approves the development, and if the residents in the area find that there is a problem with runoff, would the Applicant be willing to make the commitment to install additional measures to prevent any further runoff.

Mr. Karell explains that he cannot make that commitment, but the Town has the authority to require them to upgrade capacity. He states that the fact Lot 1 has not shown significant discharge down the hill.

Mr. Currie asks if the public hearing should be closed.

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Ms. Gerbino asks if the public hearing should remain open until the Health Department makes a decision.

Mr. Currie explains if the Health Department does not approve the project, the project will not progress any further.

Mr. Robbins states that the project is waiting for the Health Department's approval and the Planning Board's review.

Mr. Zaberto asks if the Department of Health will finalize their decision while the Public Hearing is still open, and the Board has not made a decision.

Mr. Currie explains that the two decisions are unrelated.

Mr. Paul Signorelli from 8 Peach Road presents to the Board. He states that his property is directly behind the proposed subdivision. He states that on the plan the proposed well is within 25 feet of Mr. Signorelli's well. He asks what is going to guarantee that his well has water after the proposed well is drilled.

Mr. Currie states that the law allows it.

Mr. Signorelli states that he thought the law defined the buffer to be 200 feet on the uphill side. He asks why the law is now 100 feet.

Mr. Currie states that this was clarified in the first presentation.

Mr. Signorelli states that, when Mr. Karell speaks about the soil being dry, the soil has only been dry for the past two years. He states that once the trees on the lot are removed and Somers experiences a bad winter there will be a lot of runoff down the hill.

Mr. Signorelli states that the lot behind is house is too narrow for a new house, and that for 45 years other Engineers have told him that the lot is too narrow for a house. He states that he saw a worker from the Health Department conduct a percolation test on the soil of the proposed lot, and that the worker said the lot is failing the test.

Mr. Currie explains to Mr. Signorelli that while the Board Members feel for Mr. Signorelli, none of them are Engineers. He explains that the Board must go with the Town's Consulting Engineer and the Applicant has to go with the Westchester County Board of Health.

Ms. Gannon asks if the Board must comply with the Westchester County Board of Health's decision on the project.

Planning Board Attorney Mr. Gerry Reilly explains that the Applicant must get approval from the Department of Health. Separately, the Planning Board must decide based off of everything if the Board is going to approve the project, or if something has come up that mandates the Board not approve it. He states that currently the board must decide whether to

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keep the Public Hearing open or close it. He states that it is his understanding that if the majority of the Planning Board want to, the Board can reopen the Public Hearing. He explains that the Town's experts have stated that there is basically nothing left for the Planning Board to hear, and the Application is not discretionary.

Mr. Zaberto suggests that the Board close the public hearing with the caveat that if anything major comes up, the Board will revisit the possibility of reopening the Public Hearing.

Mr. Currie states that the public can also write to the Board even after the Public Hearing is closed.

Ms. Gannon states that when the Board closes a Public Hearing, the Public Hearing remains open for 10 days for receipt of written comments. She asks Mr. Robbins to see the materials submitted to the Board.

Mr. Zaberto moves to close the Public Hearing and to keep it written for 10 days. If the Board receives anything, the Board will reopen the Public Hearing at the Board's discretion. Mr. Mattes seconds. All in favor. Motion passes.

## 3. NORTH EDGE REALTY CORP. & GOJCAJ PRELIMINARY SUBDIVISION APPLICATION, PROPOSED LOT LINE CHANGE TM: 4.19-2-1&2

Proposed lot line change for the development of the 17.5-acre parcel by North Edge Realty Corp. The lot is located at Route 6 & County Line Road, in zoning districts R-40 and R-80.

Mr. Tim Allen from Bibbo Associates presents for the Applicant. He states the project proposes to swap ownership of 4 acres of property. The property is located West of Mahopac Avenue and extends to County Line Road. He explains the lot line change is being proposed so that the Boniello's can purchase 4.1 acres of land.

Mr. Allen uses a drawing to illustrate the lot line change, and that the existing well and septic system will be located on a co-conforming 80,000 square foot lot. He explains the remainder of the property will remain vacant.

Mr. Allen explains that in the March 8, 2023 Planning Board meeting, the Board voted that the proposed project falls under the conditions of Section 150 15 abbreviated subdivision.

Mr. Currie opens a Public Hearing.

There are no comments from the public.

Mr. Currie moves to close the Public Hearing. Ms. Gerbino seconds. All in favor.

Mr. Robbins states that the legal notice was published in the Somers Record on March 30<sup>-</sup> 2023, the adjoining property owners were notified by mail on March 21, 2023, and the signs stating the date and location of the public hearing was posted on the site on March 31, 2023.

Mr. Smith states at the last meeting the Board directed staff to prepare a draft resolution that has been provided to the Board. He explains that the proposal is an abbreviated process as the lot line change is a Type 2 Action under SEQR. He states that the Board can act on the resolution before them.

Mr. Currie moves to accept resolution number 2023-2 for conditional, preliminary, and final subdivision approval for a lot line change to 45 Route 6 Town Tax Number 4.19-2-1&2. Ms. Gannon seconds. All in favor. Motion passes.

## **PROJECT REVIEW**

# 4. ARSEC CORPORATION, SITE PLAN APPROVAL FOR PARKING LOT EXPANSION LOCATED AT 378 ROUTE 202 TM: 17.11-2-18&19

Site Plan review for parking lot expansion; installation of 12 new parking spaces, to be utilized for overflow parking and an area to plow snow. The 1.06-acre property is in the B-HP district.

Mr. Tim Allen presents for the Applicant. He explains that approximately a year ago, the Board was presented with a lot line change for the property in question and the neighboring property 1 Deans Bridge Road. He explains that the Owner of the property installed an Item 4 Pad that accommodates 12 parking spaces on the property that takes up approximately a quarter of the land that was purchased from 1 Deans Bridge Road. He explains that this construction was done without the Board's permission. He explains that the extra parking allows for an area to plow snow in the winter, and additional space for employee parking and overflow parking. Mr. Allen states he is in receipt of Woodard & Curran comments.

Mr. Allen states that the area where the Item 4 Pad was constructed was relatively flat.

Mr. Allen states that there has been a meeting with the BHP committee where landscaping recommendations were received. He states a landscape plan will be provided later.

Mr. Allen proposes that a site visit should be conducted so the project can move forward. He states that the project has very little disruption.

Mr. Smith states that procedurally in the Town Code, there is a requirement to meet with the Business Historic Preservation District Technical Committee. He explains the Town Code specifically states who is on that committee. He states he provided the Board with a review memo dated March 31, 2023 which includes a draft of the meeting minutes. He explains there are multiple comments relating to landscaping and landscaping treatment. He believes Mr. Allen has provided a comprehensive overview of the process to date.

Mr. Robbins states the Applicant submitted plans for the project. Woodard & Curran reviewed the plans as if the project was not yet constructed. He states that in addition to the site being in the BHP district, the site is also in the Groundwater Overlay Protection district.

This requires the Applicant to submit additional information. He states there are questions involving stormwater sizing and volume of soil that will be removed.

Mr. Allen explains that on the site there is a depression in the ground. He says that in the BHP Committee meeting, Mr. Steve Woelfle stated that the depression is a natural detention area. He states that the soil is very permeable, and the depression will be utilized as a stormwater receptacle and there are no additional stormwater plans.

Ms. Gannon asks if the Applicant should submit more technical supporting material before the site walk.

Mr. Robbins suggests that the landscaping plan be submitted prior to the site walk or at least available to the Board during the site walk for context.

The site walk is planned for April 22, 2023 at 9:00 A.M.

## MEETING ADJOURNMENT

Chairman Currie reminds the members that the next Planning Board Meeting is Wednesday, May 10, 2023.

Chairman Currie makes a motion to adjourn the meeting. All in favor. Motion passes.

Respectfully submitted,

Kyle Nordquist, Transcriber Woodard & Curran 800 Westchester Avenue, Suite N507 Rye Brook, New York 10573

## RECEIVED

4/25/25

Scenera Planning Board Town House 105 Board 202 Scenera, NY 1988

APR 25 2023

RE: Proposed Expansion of Dr. Ration's Property

PLANNING-ENGINEERING TOWN OF SOMERS

Dom Planning Roand Manahore

On behalf of the Secrety Historical Society, the Landmarks Committee has completed a site visit of the subject property, and effor the following comments:

- Assuming that the site mechifications completed already, and those further contemplated, adhere is all applicable coming and building codes, we do not have a problem with the project.
- 2 Having just each that, we would like to rec a plan of the proposed fluidhed project, showing them is no flow the perfect production good changes will be addressed and finished, the purbing seen straiged, and if there is proposed lighting beyond the case light pole on the case side of the opening through the the stone wall.

place

Resportfully substituted.

Perderke L. Ponce Charman, Landenaria Co

CO Comminge Member Some Historical Society



## RECEIVED

FEB -2 2023

PLANNING-ENGINEERING Hand-Delivered TOWN OF SOMERS

& Via Email: wgetting@somersny.com

maakjar@somersny.com

John Currie, Chairman Town of Somers Planning Board 335 Route 202 Somers, NY 10589

**Project:** 

February 2, 2023

154 NYS Route 202, Lincolndale, NY 10540

Owner: Lincolnland LLC - Dan MacNamee, Managing Member (Property Currently Occupied by McNamee Construction Corp.

Section 15, Block 27, Lot 14)

Subject: Application for Amended Site Plan Approval

Dear Chairman Currie & Members of the Planning Board:

As a follow-up to our previous submission and in response to the comments received from the Town Consulting Engineer, attached please find six (6) hard copies of the following information:

- Drawing 1 Site Plan of Existing Conditions & Zoning Information with Reference Photographs (Last dated 1-18-23)
- Drawing 2 Grading, Storm Drainage, Utilities, Site Lighting, Landscape & Parking Layout Plans (Last dated 1-18-23)
- Drawing S-1 Site Plan Notes & Zoning Info. (Last dated 5/19/92)

A complete digital copy of this letter along with all the information listed above was also emailed to the Planning Board Office in PDF format to the attention of Ms. Wendy Getting and Ms. Mariann Aakjar as noted on the cover page of this letter.

On behalf of Lincolnland LLC, (the Owner & Applicant), below please find a written response to each of the comments found on Page 2 of the Consulting Town Engineers Memorandum from Woodard & Curran, dated January 4, 2022. The responses follow the order in which they appear in the Memorandum:

Comment #1 The Applicant shall clarify the multiple tax lot numbers provided in

the submittal.

<u>Response</u>: (From The Helmes Group, LLP – Architects)

The Tax Lot Numbers have been clarified and is as shown on the top right-hand corner of Drawing #1. (i.e., Section 15, Block 27,

Lot 14)

Comment #2 The Applicant shall provide an updated Site Plan that shows all site

structures, utilities, parking spaces, curbing, fencing, landscaping,

and the wetland buffer line.

Response: (From The Helmes Group, LLP – Architects)

See updated Site Plans - Drawings #1 and #2 for all items which are now clearly shown and legible, which was not the case on the

original Approved Site Plan.

Comment #3 The Applicant shall provide an accounting of all modifications from

the Approved Site Plan, including size and material.

Response: (From The Helmes Group, LLP – Architects)

All modifications from the Approved Site Plan have been indicated on the updated Site Plan. Please refer to the top left-hand corner of Drawing #1 for the "Impervious Coverage Chart." This chart indicates all impervious coverage added, beyond what was indicated on the Original 8/12/92 Approved Site Plan. Also, it shall be noted that the total area involved is less than 5,000 square feet.

Also, please see the bottom left-hand corner of Drawing #1 for a description of "Site Plan Modifications Made Since Original

8/12/92 Approved Site Plan".

<u>Comment #4</u> The Applicant shall provide details on how stormwater from the existing site and new impervious area is being managed.

Response: (From Name, PE – Civil Engineer)

The site is not located within a FEMA floodplain (Zone X) and does not have a history of flooding or drainage entering/leaving the property. The site is not located within a NYS DEC protected/regulated wetland. Additionally, there are no endangered/threatened/special concern/rare plants or animals.

The EPA's Best Management Practices (BMPs) for stormwater are utilized as noted. The grade on site is gradually sloped from west to east with approx. 20-foot grade change across 410-feet. Stormwater from the site is managed according to the following:

- Catch Basins with Sumps The drainage system on site provides stormwater surface runoff delay and captures sediment, debris, and associated pollutants. The catch basins are inspected and cleaned periodically. The outlets drain to a vegetated and riprap protected area near the northeast corner.
- Drywell The 8-feet diameter x 8-feet deep drywell on site reduces stormwater runoff by providing collection and storage for landscaping use.
- Riparian Buffer The undisturbed forested and native heavily vegetated stream buffer area is approximately 200'-300' wide to Plum Brook to the east, which qualifies as a wide buffer per the EPA. For the small 2.0-acre lot, the wide buffer supports ample soil saturation timing and duration and provides a natural habitat for increased control of sediment, debris, and associated pollutants from stormwater runoff.

Comment #5

The Applicant shall provide a summary of the Site's compliance with the notes on the Approved Site Plan.

Response:

(Tim Cruse, PE – Civil Engineer)

All approved Site Plan requirements as outlined on the 8/12/92 Original Approved Site Plan (attached Drawing S-1) were completed at the direction of, and as inspected by, the Town Engineer prior receiving the Certificate of Occupancy. Also please refer to the Response to Item #3 above for additional information.

Comment #6

The Applicant shall comment on the apparent encroachment on the south side of the site and southwest corner of the site (access drive).

Response:

(Tim Cruse, PE - Civil Engineer & The Helmes Group - Architects)

The Driveway Entrance has been cleared such that there is no longer any encroachment.

The small shed-type structure along the south property line remains. This shed was constructed by the neighbor sometime after the 8/12/92 Site Plan Approval. Please refer to Note #1 found at the bottom right-hand corner of Drawing #1 for proposed disposition.

Comment #7

The Applicant shall provide information on the type and quantity of hazardous materials stored on site, including materials that may contain perfluorinated compounds, and any past use of fire-fighting foam on the site.

Response:

(Tim Cruse, PE – Civil Engineer)

There are no hazardous materials stored permanently on site other than the above ground propane tanks used for building heating, as indicated on the Site Plan. Also, there is no knowledge of materials containing perfluorinated compounds and no past use fire-fighting foam on the site. Comment #8 The note provided on the plans related to future increases in

coverage (currently 31% with 65% max), does not comply with state and local permitting requirements related to wetland buffer

disturbance and stormwater management.

Response:

(From The Helmes Group, LLP – Architects)

This "NOTE" has been removed from the Updated Drawing (See Drawing #1 which has no longer includes this NOTE.)

Since I will be out of town on March 8, 2023 (which is the next Planning Board Meeting), we will look forward to making a presentation to the Planning Board at their meeting scheduled for Wednesday, April 12<sup>th</sup>, 2023, which I understand begins at 7:30 p.m. It is also my understanding that we will receive a copy of the agenda sometime prior to the April 12<sup>th</sup> meeting.

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

Respectfully submitted,

THE HELMES GROUP, LLP

Peter J. Helmes, AIA

Architect

PJH:LAS

cc: Ms. Wendy Getting, Planning Board Secretary via email: <a href="wgetting@somersny.com">wgetting@somersny.com</a>
Ms. Mariann Aakjar, Planning Board Secretary via email: <a href="maakjar@somersny.com">maakjar@somersny.com</a>
Dan MacNamee – Lincolnland LLC via email: <a href="mailto:d3@mcnameeconstruction.net">d3@mcnameeconstruction.net</a>

Enclosures

- Memorandum from Consulting Town Engineers dated 1/4/22
- Drawings (as referenced in letter above)

COMMITMENT & INTEGRITY DRIVE RESULTS

Woodard & Curran Engineering and T 800.807.4080 Geological Services P.A.P.C. 800 Westchester Avenue | Suite N507 Rve Brook, New York 10573

T 914.448.2266 F 914,448,0147

www.woodardcurran.com

## **MEMORANDUM**



TO: Town of Somers Planning Board CC: Wendy Getting, Town of Somers

David Smith, Consulting Town Planner

FROM: Jennifer L. Martinez Torres, P.E., on behalf of Steven C. Robbins, P.E., LEED AP

DATE: January 4, 2022

RE: 154 NYS Route 202 (McNamee Construction)

Amended Site Plan

#### **GENERAL**

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the amended site plan application that was submitted for the Lincolnland development located at 154 NYS Route 202 in Somers, New York.

The property is used as an office/warehouse/construction yard for storage of construction materials and/or equipment. The Owner was issued a Violation by the Town of Somers for installing additional concrete and/or asphalt pads at the site without the appropriate approvals. The Applicant is providing an updated Site Plan showing all the improvements made to the site since the 1992 approved plan to remedy the Violation. The project site is located within the East of Hudson watershed.

#### **DOCUMENTS RECEIVED**

- Cover Letter, "Project: 154 NYS Route 202, LincoIndale, NY 10540," prepared by The Helmes Group, LLP, dated October 20, 2021.
- Application Form, Town of Somers, Planning Board, Application for Site Plan Approval, dated October 15, 2021.
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### PERMITS AND APPROVALS REQUIRED

Town of Somers Planning Board: Application for Site Plan Approval

#### DISCUSSION

The following is a summary of our comments. Please note further comments may be provided upon review of additional information.

- 1. The Applicant shall clarify the multiple tax lot numbers provided in the submittal.
- 2. The Applicant shall provide an updated site plan that shows all site structures, utilities, parking spaces, curbing, fencing, landscaping, and the wetland buffer line.
- 3. The Applicant shall provide an accounting of all modifications from the approved site plan, including size and material.
- 4. The Applicant shall provide details on how stormwater from the existing site and new impervious area is being managed.
- 5. The Applicant shall provide a summary of the site's compliance with the notes on the approved site plan.
- 6. The Applicant shall comment on the apparent encroachment on the south side of the site and southwest corner of the site (access drive).
- 7. The Applicant shall provide information on the type and quantity of hazardous materials stored on site, including materials that may contain perfluorinated compounds, and any past use of fire fighting foam on the site.
- 8. The note provided on the plans related to future increases in coverage (currently 31% with 65% max), does not comply with state and local permitting requirements related to wetland buffer disturbance and stormwater management.

Please feel free to contact our office with any questions or concerns.

Sincerely,

Jennifer L. Martinez Torres, P.E.

Assistant Consulting Town Engineer

On behalf of,

Steven C. Robbins, P.E., LEED AP

Stewn C. Pelles

Consulting Town Engineer



(No Change)

232.00 FT (36.81 FT, from building to closest west property line.)

Front (West) Side (South) Side (North)

(No Change) (No Change)

82.50 FT (To Principal Building)

104.00 FT 138.00 FT

40 FT 60 FT

No Change)

No Change) No Change)

24 FT (2 Stories) 14 FT (1 Story)

30 FT (2 Stories)

Feet

Maximum Height

Rear (East)

(No Change)

2.041 Acre +/-88,906 SF +/-

N/A

Area

Previously Approved Original Site Plan Approved by Planning Board 8-12-92

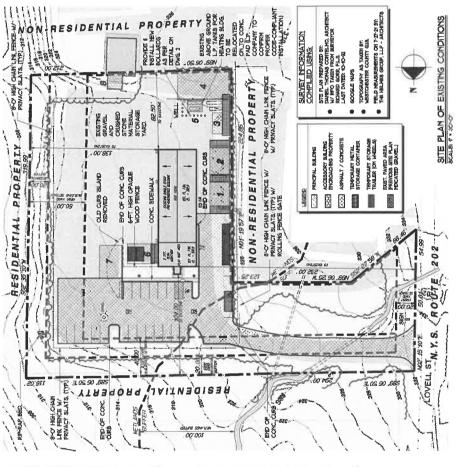
Table of Dimensional Requirements SECTION 15, BLOCK 27, LOT 14 ZONING DISTRICT NS (Neighborhood Shopping District)

**FOWN OF SOMERS, NEW YORK** 



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- ADDED TOPOGRAPHY AS TAKEN FROM THE WESTCHESTER COUNTY GLS. (SEE DRAWING #2)
  - UPDATED THE SITE COVERAGE TO INCLUDE ALL NEW MPRINCUS SURPACES ALDGED SINCE PRENCUS, APPROVISITE PLAY (SEE DMENSONAL, REGURENENTS ON THIS SHEET).
- ADDED THPERVOUS COVERAGE CHART TIEMS OF THROUGH #8. (SEE CHART ON THIS SHEET)
- ADDED METAL STORAGE / SHIPPING CONTAINERS. (SEE SITE PLAN & LEGEND ON THIS SHEET.)
  - ADDED METAL STORAGE TRALERS ON WHEELS, (SEE SITE PLAN & LEGEN) ON THIS SHEET!
- UPDATED THE PARUNG LOT STRPNG TO ACCOMMODATE MUNICLA PACCESSELE PARKING SPACE. EXISTING LINES TO BE PAINTED BLACK WHERE REQUIRED TO ACCOMMODATE IN STRENG, (SEE DRAWNS RG).
- REMOYED OLD CIRB AND ISLAND AT LOCATION OF DRIVEWAY EXTENSION 1TEM #7 (SEE SITE PLAN ON THIS SHEET;







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(332 Sq. Ft.) (See Note #1 Below

0% (Not Applicable)

1% (889 Sq. Ft.)

Accessory Building
Maximum Coverage
(See Notes 1 & 2 below)

(No Change)

15% (13,336 Sq. Ft.) (10,000 Sq. Ft. Max. Building Footprint)

Principal Building Maximum Coverage

(No Change)

0.068 (6,022 Sq. Ft.) 5.60% (5,006 Sq. Ft.)

0.18 (16,003 Sq. Ft.)

Maximum F.A.R.

(1 Story)

15 FT

Accessory Height

Accessory Stories

32.11% (28,544 Sq. Ft.)

26.23% (23,319 Sq. Ft.)

65% (57.789 Sq. Ft.)

Maximum Lot Coverage

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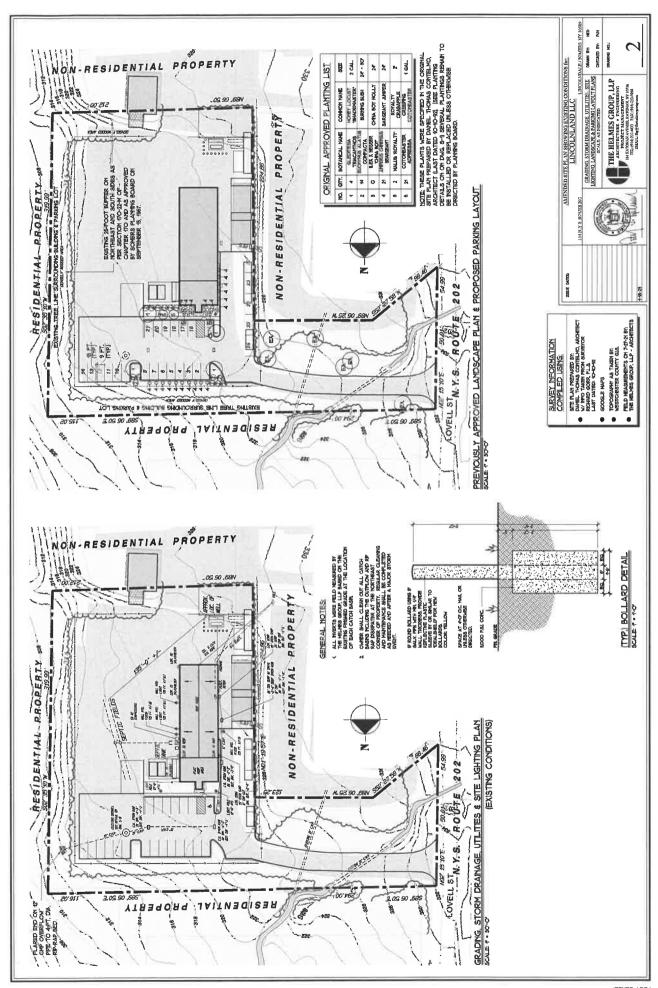
DRAWING INDEX

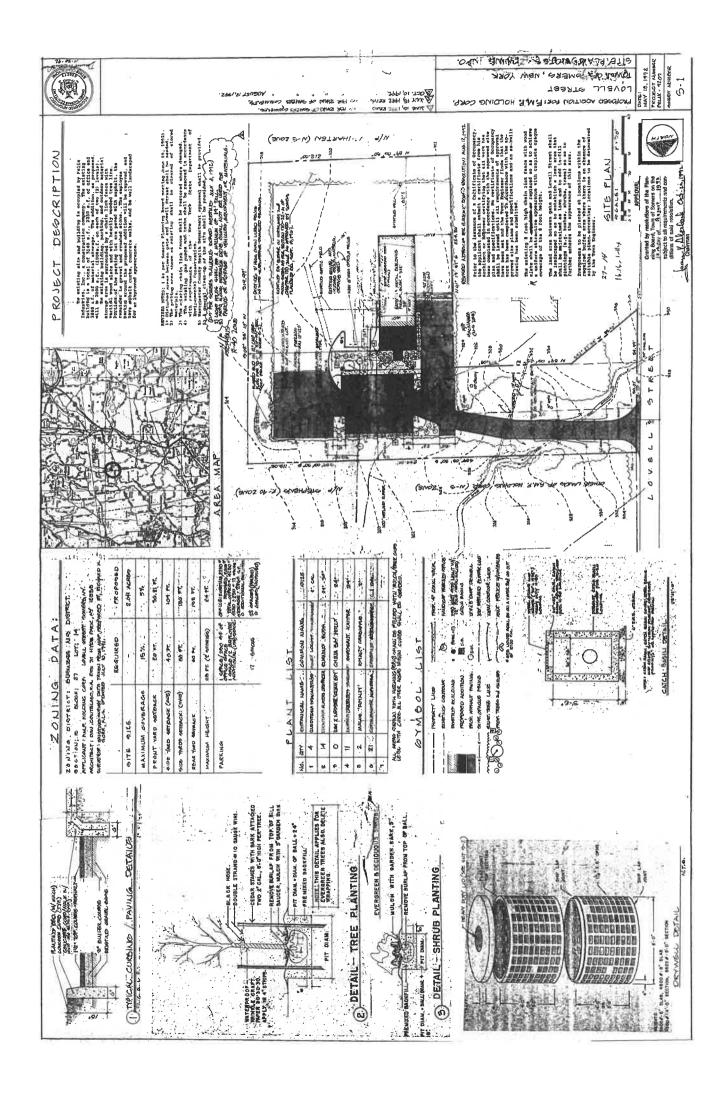
SITE PLAN OF EXISTING CONDITIONS & ZONING INFORMATION WITH REFERENCE PHOTOGRAPHS GRADING, STORM DRAINAGE, UTILITIES, SITE LIGHTING / LANDSCAPE & PARKING LAYOUT PLANS AMENDED SITE PLAN SHOWING EXISTING CONDITIONS for LINCOLNI, AND LLC THE HELMES GROUP, LLP
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COMMITMENT & INTEGRITY DRIVE RESULTS

Woodard & Curran Engineering and T 800.807.4080 Geological Services P.A.P.C. 800 Westchester Avenue | Suite N507 Rve Brook. New York 10573 www.woodardcurran.com

T 914.448.2266 F 914.448.0147





Town of Somers Planning Board TO: Wendy Getting, Town of Somers CC:

David Smith, Consulting Town Planner

Jennifer L. Martinez Torres, P.E., on behalf of Steven C. Robbins, P.E., LEED AP FROM:

DATE: January 4, 2022

154 NYS Route 202 (McNamee Construction) RE:

Amended Site Plan

#### **GENERAL**

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the amended site plan application that was submitted for the Lincolnland development located at 154 NYS Route 202 in Somers, New York.

The property is used as an office/warehouse/construction yard for storage of construction materials and/or equipment. The Owner was issued a Violation by the Town of Somers for installing additional concrete and/or asphalt pads at the site without the appropriate approvals. The Applicant is providing an updated Site Plan showing all the improvements made to the site since the 1992 approved plan to remedy the Violation. The project site is located within the East of Hudson watershed.

#### **DOCUMENTS RECEIVED**

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## PERMITS AND APPROVALS REQUIRED

Town of Somers Planning Board: Application for Site Plan Approval

#### DISCUSSION

The following is a summary of our comments. Please note further comments may be provided upon review of additional information.

- 1. The Applicant shall clarify the multiple tax lot numbers provided in the submittal.
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- 3. The Applicant shall provide an accounting of all modifications from the approved site plan, including size and material.
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- 5. The Applicant shall provide a summary of the site's compliance with the notes on the approved site plan.
- 6. The Applicant shall comment on the apparent encroachment on the south side of the site and southwest corner of the site (access drive).
- The Applicant shall provide information on the type and quantity of hazardous materials stored on site, including materials that may contain perfluorinated compounds, and any past use of fire fighting foam on the site.
- 8. The note provided on the plans related to future increases in coverage (currently 31% with 65% max), does not comply with state and local permitting requirements related to wetland buffer disturbance and stormwater management.

Please feel free to contact our office with any questions or concerns.

Sincerely,

Jennifer L. Martinez Torres, P.E. Assistant Consulting Town Engineer On behalf of,

Steven C. Robbins, P.E., LEED AP Consulting Town Engineer

Steve C. Pell -

Woodard & Curran Engineering and Geological Services P.A. P.C. 800 Westchester Avenue Suite N507 Rye Brook, New York 10573 www.woodardcurran.com T 800.426.4262 T 914.448.2266 F 914.448.0147



## **MEMORANDUM**

TO: Town of Somers Planning Board

CC: David Smith, Consulting Town Planner

FROM: Steven C. Robbins, P.E., LEED AP

DATE: January 4, 2022

RE: 154 NYS Route 202 (McNamee Construction)

Amended Site Plan



MAY - 2 2023



### **GENERAL**

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the amended site plan application that was submitted for the Lincolnland development located at 154 NYS Route 202 in Somers, New York.

The property is used as an office/warehouse/construction yard for storage of construction materials and/or equipment. The Owner was issued a Violation by the Town of Somers for installing additional concrete and/or asphalt pads at the site without the appropriate approvals. The Applicant has provided an updated Site Plan showing the improvements made to the site since the 1992 approved plan. The project site is located within the East of Hudson watershed.

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- Drawing 2, "Grading, Storm Drainage, Utilities, Site Lighting, Landscape & Parking Layout Plans, dated January 18, 2023.



- Drawing S-1, "Proposed Addition for: F.M.P. Holding Corp., Lovell Street, Town of Somers, New York, Site Plan, Notes Zoning Information" dated May 18, 1992, last revised October 10, 1992.
- Response Letter, "Application for Amended Site Plan Approval," prepared by the Helmes Group, LLP, dated February 2, 2023.

#### PERMITS AND APPROVALS REQUIRED

• Town of Somers Planning Board: Application for Site Plan Approval

#### DISCUSSION

The following is a summary of our comments. Please note further comments may be provided upon review of additional information.

#### **Prior Comments**

1. The Applicant shall clarify the multiple tax lot numbers provided in the submittal.

#### Addressed.

2. The Applicant shall provide an updated site plan that shows all site structures, utilities, parking spaces, curbing, fencing, landscaping, and the wetland buffer line.

#### Addressed.

- 3. The Applicant shall provide an accounting of all modifications from the approved site plan, including size and material.
  - **Partially Addressed.** The list of modifications does not note that the 20ft buffer on the southern property line was removed to accommodate pad #4, shed roof 8, and driveway between properties, and the removal of fence defining the buffer in this area.
- 4. The Applicant shall provide details on how stormwater from the existing site and new impervious area is being managed.
  - **Partially Addressed.** Applicant notes that there are catch basins with sumps and a drywell. Provide calculations showing attenuation for at least the 25-year storm from all new impervious areas since 1992.
- 5. The Applicant shall provide a summary of the site's compliance with the notes on the approved site plan.
  - **Partially Addressed.** The site is not in compliance with the maintenance of fencing and a vegetated buffer along the southern property line (per comment #3).
- 6. The Applicant shall comment on the apparent encroachment on the south side of the site and southwest corner of the site (access drive).
  - **Partially Addressed.** Drawing 1, Note #1 discusses a revocable easement for the shed roof encroaching from lot 16.16-1-12 for consideration by the Planning Board, but does



not discuss the encroachment of parking area from lot 16.16-1-13, along the entrance driveway.

7. The Applicant shall provide information on the type and quantity of hazardous materials stored on site, including materials that may contain perfluorinated compounds, and any past use of fire fighting foam on the site.

#### Addressed.

8. The note provided on the plans related to future increases in coverage (currently 31% with 65% max), does not comply with state and local permitting requirements related to wetland buffer disturbance and stormwater management.

#### Addressed.

#### **New Comments**

9. Drawing 1 – Note #2 should be confirmed with the Building Department related to whether the shed roof structures could be counted as accessory building coverage.

Please feel free to contact our office with any questions on this memorandum.

#### PLANNING AND ENGINEERING DEPARTMENTS

Telephone (914) 277-5366 Fax (914) 277-4093 Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

May 10, 2023

## **PLANNING BOARD**

TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2023-4
Granting of Conditional Renewed Special Permit Approval to

New Cingular Wireless PCS, LLC ("AT&T")
for
RENEWAL OF EXISTING APPROVED SPECIAL USE PERMIT
At 115 Route 202 (aka 87 Route 202)

Town Tax Number: Section 16.15-1-1.1

WHEREAS, an application package submitted by Cuddy & Feder, LLP, attorneys for New Cingular Wireless PCS, LLC ("AT&T") (the "Applicant"), with cover letter dated March 27, 2023, for a Renewed Special Permit Approval pursuant to Section 170-129 of the *Code of the Town of Somers*, was received on or about March 27, 2023 in the Planning Board Office consisting of the following materials:

- Cover Letter from Cuddy & Feder LLP dated March 27, 2023 to the Planning Board
- Application for Special Permit Renewal of Telecommunications Facility signed on behalf of the Applicant and Crown Castle (the "Tower Owner") dated March 7, 2023
- Structural Analysis Report, prepared by Crown Castle GPD Engineering and Architecture PC dated July 1, 2021
- Building Permit # 2004:22909 issued August 5, 2004; Building Permit #2013:26180 issued May 21, 2013; Building Permit #2016:27341 issued November 4, 2015; Building Permit #2019BP59 issued March 22, 2019
- Tower Removal Bond dated March 17, 2023

- Site Plan set prepared by NB+C Engineering Services, LLC, last revised December 4, 2018, unless otherwise noted, including the following:
  - Title Sheet
  - General Notes
  - Compound Plan & Equipment Layout
  - Elevation & Antenna Mounting Plan
  - Details and Antenna Schedule
  - System Diagram & Panel Schedule
  - Wiring Diagram
  - Grounding Diagram and Details
  - Post Modification Inspection Checklist
  - General Notes
  - Mount Modification Details
  - Site Plan prepared by Crown Castle, dated May 13, 2021
  - Structure drawing dated June 4, 2022.
- Prior approval and renewals granted by the Town dated February 17, 2004, March 10, 2004, March 13, 2013, and April 17, 2018
- Application and escrow fees

WHEREAS, the subject application is for the renewal of an existing Special Use Permit granted by the Town of Somers Zoning Board of Appeals by Resolution No. BZ12/18 subject to Section 170-129.6 of the Town Code; and

WHEREAS, the Planning Board received review memoranda from Woodard & Curran dated May 3, 2023;

WHEREAS, the Applicant made a presentation to the Planning Board for Special Use Permit renewal on May 10, 2023 and did request as per Section 170-129.6.G that the Planning Board waive the public hearing; and

WHEREAS, the Somers Planning Board did duly discuss the subject application and the fact that Applicant was not proposing any changes to the existing facility; and

WHEREAS, the subject application does not propose any new facilities on the existing Monopole; and

WHEREAS, the action was a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(7) 2; and

NOW, THEREFORE, BE IT RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and be it further

**RESOLVED**, based on the information presented to the Planning Board and as allowed under Section 170-129.6.G, the Planning Board does hereby waive the public hearing for this application, and be further

**RESOLVED**, that the application for Renewal of Conditional Special Use Permit Approval, to New Cingular Wireless PCS, LLC as shown and described by the materials enumerated herein, is HEREBY **CONDITIONALLY GRANTED** in accordance with §170-129.6 G. Special Use Permit of the *Code of the Town of Somers*, New *York*, SUBJECT TO the following conditions set forth below:

### Conditions Associated with Special Use Permit:

- 1. **Maintenance Plan:** The applicant commits to continue to maintain all visible aspects of the installation resulting from this amended application.
- 2. **Performance/Removal Bond**: The Applicant shall keep in effect, a performance/removal bond as required by Section 170-129.5(K) of the Zoning Code of the Town of Somers in an amount and form satisfactory to the Town (and its attorneys and consultants as the case may be) to ensure that the facility with the proposed modifications is properly maintained and/or removed if abandoned. The amount and sufficiency may from time to time, at the Town's discretion, be adjusted to account for increased costs of maintenance and/or removal as the case may be.
- 3. Compliance with Town Code: The Applicant shall comply with all applicable provisions of the Zoning Code of the Town of Somers as set forth in Section 170-129.4 and such other laws as may be applicable to wireless telecommunications facilities. Prior to the endorsement of this Resolution by the Chairman, the Applicant shall provide to the Town's Planning Department confirmation that the building permit associated with the monopole itself has been approved.
- 4. **Operations (future):** Operations shall be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes.
- 5. **Review Fees:** All review fees associated with this application shall be paid by the Applicant. The Applicant is to be responsible for the costs of all planning and consulting engineer services and reviews required hereunder.
- 6. **Town Code Compliance:** The Applicant shall comply with all applicable provisions of the *Code of the Town of Somers* as set forth in Section 170-129.4 & 129.5 and such other laws as may be applicable to wireless telecommunications facilities.

- Federal Code Compliance: The wireless telecommunication facility shall 7 comply with any and all applicable laws, rules and regulations, including the provisions of the Code of Federal Regulations pertaining to objects affecting navigable airspace as delineated in Federal Aviation Regulation (FAR) Part 77 and the criteria for obstructions to air navigation as established by FAR Standards part 77. Subpart C, Obstruction and the telecommunication facility shall comply at all times to the applicable FCC nonionizing electrical radiation standards.
- 8. **Prior to the Submission for a building permit:** The Applicant shall address the outstanding items enumerated in the Town Consulting Engineer's memorandum, dated 5/3/23 unless already waived by the Planning Board.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse this Special Use Permit Renewal by signing of this Resolution. The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Renewed Special Use Permit.

This resolution shall have an effective date of May 10, 2023.

BY ORDER OF THE PLANNING BOARD OF THE TOWN OF SOMERS	
John Currie, Chairman	Date
CERTIFICATION	
I hereby certify that this is a true and corr by the Town of Somers Planning Boar subject to the modifications stated herei ("AT&T") at a regular meeting held on Ma	rd granting renewed Special Permit - nto New Cingular Wireless PCS, LLC
David B. Smith, Town Planner	Date

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

T 800.426.4262 T 914.448.2266 F 914.448.0147



## **MEMORANDUM**

TO: Town of Somers Planning Board

CC: Wendy Getting, Town of Somers

David Smith, Consulting Town Planner

FROM: Steven C. Robbins, P.E., LEED AP

DATE: May 3, 2023

RE: New Cingular Wireless PCS, LLC (AT&T) – Site 2071

Wireless Telecommunications Facility Special Use Permit Renewal

115 Route 202, Somers, NY 10589

TM: 16.15-1-1.1

# RECEIVED

MAY - 5 2023

PLANNING-ENGINEERING TOWN OF SOMERS

#### **GENERAL**

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Special Permit Use Application for New Cingular Wireless PCS at an existing Crown Castle wireless telecommunications facility located at 115 Route 202.

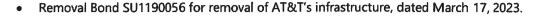
The Applicant proposes a special use permit renewal, that was originally approved March 10, 2004 (renewed May 15, 2018). The applicant does not propose any modifications to the wireless tower or equipment.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

• Town of Somers Code, Article XXIIA: Wireless Telecommunications Facilities.

#### **DOCUMENTS RECEIVED**

- Cover Letter, "Re: New Cingular Wireless PCS, LLC (AT&T) Site 2071 Renewal of Special Use Permit per Section 170-129.6 (G) Premises: 115 Route 202 Tax Parcel (a/ka/ 87 Route 202): 16.15-1-1.1," prepared by Cuddy Feder, LLP, dated March 27, 2023.
- Town of Somers Application for Special Use Permit Wireless Telecommunications Facility, undated.
- AT&T Zoning Board of Appeals Resolutions, dated April 26, 2004 and May 15, 2018.
- AT&T Planning Board Resolutions, dated March 10, 2004 and March 13, 2013.
- Report, "Structural Analysis Report", prepared by Crown Castle, dated July 1, 2021.
- Building Permits 22909 (2004), 26180 (2013), 27341 (2016), and BP59 (2019), along with Certificate of Occupancy 13948 (2005).





- Drawing Set, "Somers II Route 202, 87 Route 202", prepared by NB+C Engineering Services, LLC, dated December 4, 2018.
- Drawing Set, "87 Route 20, Lincolndale, NY 10540", prepared by Crown Castle, dated May 13, 2021, and June 4, 2022.

#### **PERMITS AND APPROVALS REQUIRED**

Town of Somers Planning Board: New Special Use Permit

#### DISCUSSION

- The Applicant provided a Structural Analysis Report prepared by Crown Castle. The report should be clarified to confirm that an in-person structural inspection occurred in addition to any modeling, and that the facility is deemed structurally safe based on an in-person inspection and appropriate testing.
- 2. The Applicant shall provide additional information on how emergency power will be provided to the installation during power outages.



March 27, 2023

#### VIA ELECTRONIC MAIL AND HAND DELIVERY

Chairperson John Currie and Members of the Planning Board Town of Somers 335 Route 202 Somers, NY 10589

Re:

New Cingular Wireless PCS, LLC ("AT&T") – Site 2071 Renewal of Special Use Permit per Section 170-29.6(G)

Premises: 115 Route 202 (a/k/a 87 Route 202)

Tax Parcel: 16.15-1-1.1



This letter and referenced enclosures are respectfully being submitted on behalf of New Cingular Wireless PCS, LLC ("AT&T"), in connection with its application for renewal of its Special Use Permit for its existing co-located wireless telecommunications facility on the subject Premises bearing an expiration date of April 17, 2023. The existing tower is owned by Crown Castle.

On April 26, 2004, the Zoning Board of Appeals granted the original Special Use Permit and Area Variance Approval by Resolution BZo1B/o4, and then on March 10, 2004 the Planning Board granted Site Plan Approval by Resolution No. 2004-03. Additionally, the Planning Board granted Amended Special Use Permit and Amended Site Plan Approval by Resolution No. 2013-03, dated March 13, 2013; and the Zoning Board of Appeals granted a five-year extension of the Special Use Permit by Resolution No. BZ12/18, dated May 15, 2018. Copies of AT&T's Zoning Board of Appeals and Planning Board Resolutions are annexed hereto as Exhibit A.

In further support of this request for renewal of its Special Use Permit, please find attached hereto six (6) copies of the following exhibits to address the requirements of Section 170-129.6(G) of the Town Code:

Exhibit A: Copies of AT&T"s prior approvals and permits including the April 26, 2004

and the May 15, 2018 Zoning Board of Appeals Resolutions, and the March

10, 2004 and March 13, 2013 Planning Board Resolutions;

Exhibit B: A structural elevation for the entire tower, including AT&T's infrastructure,

prepared by Crown Castle and dated July 1, 2021;

Exhibit C: Building Permits 22909 (2004), 26180 (2013), 27341 (2016), and BP59

(2019), along with Certificate of Occupancy 13948 (2005);

Exhibit D: Town of Somers Planning Board Application Form; and

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445 Hamilton Avenue, 14th Floor White Plains, New York 10601 T 914 761 1300 F 914 761 5372 cuddyfeder.com

Maximillian R. Mahalek mmahalek@cuddyfeder.com





March 27, 2023 Page 2

Exhibit E: Removal Bond SU1190056 for removal of AT&T's infrastructure.

Please also find enclosed six (6) copies of the plans prepared by NB+C Engineering Services, LLC, last revised December 4, 2018, related to work by AT&T. Also enclosed is a Site Plan Drawing and Structure Drawing prepared by Crown Castle, dated May 13, 2021 and June 4, 2022 respectively (related to the entire tower).

We have also enclosed a check made payable to the "Town of Somers" in the amount of \$500.00, representing the payment of the Special Use Permit Renewal Application Fee.

AT&T respectfully submits that its existing co-located facility conforms with the requirements of Section 170-29.6(G) of the Town Code. Note, as a co-locator on the existing wireless telecommunications facility and not the owner of the structure, AT&T does not have access to other requests for co-location on the telecommunications facility.

Additionally, AT&T has advised us that at this time, there are no proposed changes in its equipment. Considering the provisions of Federal Law governing wireless facilities and given that AT&T is a co-locator on this tower and not the tower owner, AT&T respectfully requests that its Special Use Permit be renewed indefinitely or at a minimum for a five (5)-year term.

Given that a Special Use Permit Renewal Application is a Type II Action exempt from the State Environmental Quality Review Act ("SEQRA"), per 6 NYCRR Section 617.5(c)(26), and that no modifications are proposed, the Applicant respectfully requests the Board waive the Public Hearing, as permitted under Section 170-129.6(G) of the Town Code.

AT&T respectfully requests that this matter be placed on the Board's next available Agenda for review and action. In the interim, should you or Town Staff have any questions or comments in connection with this matter, please do not hesitate to contact me.

Thank you in advance for your consideration of the enclosed.

Respectfully Submitted,

Maximillian R. Mahalek

Enclosures

cc: Crown Castle

Client

Lucia Chiocchio, Esq.

# TOWN OF SOMERS WESTCHESTER COUNTY, NEW YORK APPLICATION FOR SPECIAL USE PERMIT WIRELESS TELECOMMUNICATIONS FACILITY



Facility Owner/User New Cingular Wireless PCS, LLC (AT&T) Tel. #: 201-310-1305
Additions: One AT&T Way, Bedminster, NJ 07921
Property Owner: Lincoln Hall (Crown Castle - Tower Manager) Tel. #: (713) 570-3000 (Crown Castle)
Address: 4017 Washington Road, Mcmurray, PA 15317
Applicant: New Cingular Wireless PCS_LLC (AT&T) Tel. #: 201-310-1305
Address: One AT&T Way, Bedminster, New Jersey 07921
Managing Agent: Albert Garcia (New Cingular Wireless PCS/AT&T) Tel. #: 201-310-1305
Address: 15E Midland Avenue Paramus N.1.07652
Westchester County Agent: Maximillian Mahalek, Esq./Lucia Chiocchio, Esq. Tel. # 914-872-1874
Address: Cuddy & Feder LLP, 445 Hamilton Avenue, 14th Floor, White Plains, NY 10601
(Premises: 115 Route 202 A/K/A 87 Route 202)
Premises: Sheet: 16 15 Block: 1 - Lot: 1.1 Situated on the north/west side of
Route 202 (Street) 2,467 feet from the intersection of Primrose Drive (Street)
Zoning District R-120
PROJECT TITLE: Special Exception Use Permit Renewal
DESCRIPTION OF WORK AND PURPOSE:
Renewal of Special Use Permit (for AT&T infrastructure - no modifications proposed).
*
TYPE OF PERMIT REQUESTED: ORIGINAL/NEW
AMENDED (Date of Original Permit)
5/15/2018 RENEWAL (Date of Original Permit)
SIZE OF ACTIVITY AREA: (original approval 3/10/2004)
ESTIMATED TOTAL VALUE OF WORK:
PROPOSED STARTING DATE:
PROPOSED STARTING DATE:PROPOSED COMPLETION DATE:
PROPOSED STARTING DATE: PROPOSED COMPLETION DATE: PLANS PREPARED BY: NB+C Engineering Services, LLC DATED: 12/4/2018
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### PLANNING AND ENGINEERING DEPARTMENTS

Telephone (914) 277-5366 Fax (914) 277-4093 Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

May 10, 2023

## **PLANNING BOARD**

TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2023-5 Granting of Conditional Renewed Special Permit Approval to

New Cingular Wireless PCS, LLC ("AT&T")
for
RENEWAL OF EXISTING APPROVED SPECIAL USE PERMIT
At 121 Route 100

Town Tax Number: Section 8.17-1-5

**WHEREAS**, an application package submitted by Cuddy & Feder, LLP, attorneys for New Cingular Wireless PCS, LLC ("AT&T") (the "Applicant"), with cover letter dated March 27, 2023, for a Renewed Special Permit Approval pursuant to Section 170-129 of the *Code of the Town of Somers*, was received on or about March 27, 2023 in the Planning Board Office consisting of the following materials:

- Cover Letter from Cuddy & Feder LLP dated March 27, 2023 to Planning Board
- Application for Special Permit Renewal of Telecommunications Facility signed on behalf of the Applicant with authorization provided by Insite Towers, LLC (the "Tower Owner") dated March 24, 2023
- Structural Evaluation, prepared by American Tower Corporation dated
   July 18, 2021
- Building Permit # 2013:26177 issued May 17, 2013, Building Permit #2016:23372 issued November 28, 2016 and Building Permit #2019:BP58 issued March 22, 2019
- Tower/Structure. Equipment Removal Bond provided by New Cingular Wireless PCS, LLC dated March 17, 2023

- Site Plan set prepared by NB+C Engineering Services, LLC, last revised September 20, 2018 including the following:
  - Title Sheet
  - General Notes
  - Compound Plan & Equipment Layout
  - Elevation & Antenna Mounting Plan
  - Details and Antenna Schedule
  - Wiring Diagram
  - Grounding Diagram and Details.
- Cover letter from Cuddy & Feder LLP dated April 21, 2023 including updated Rider to Removal Bond SU1190057
- Prior approval and renewal granted by the Town dated September 21, 2010, October 13, 2010, March 13, 2013 and May 15, 2018
- Application and escrow fees

WHEREAS, the subject application is for the renewal of an existing Special Use Permit granted by the Town of Somers Zoning Board of Appeals by Resolution No. BZ10/18 subject to Section 170-129.6 of the Town Code; and

WHEREAS, the Planning Board received review memoranda from Woodard & Curran dated May 3, 2023;

WHEREAS, the Applicant made a presentation to the Planning Board for Special Use Permit renewal on May 10, 2023and did request as per Section 170-129.6.G that the Planning Board waive the public hearing; and

WHEREAS, the Somers Planning Board did duly discuss the subject application and the fact that Applicant was not proposing any changes to the existing facility; and

WHEREAS, the subject application does not propose any new facilities on the existing Monopole; and

WHEREAS, the action was a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(7) 2; and

NOW, THEREFORE, BE IT RESOLVED that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and be it further

**RESOLVED**, based on the information presented to the Planning Board and as allowed under Section 170-129.6.G, the Planning Board does hereby waive the public hearing for this application, and be further

**RESOLVED**, that the application for Renewal of Conditional Special Use Permit Approval, to New Cingular Wireless PCS, LLC as shown and described by the

materials enumerated herein, is HEREBY **CONDITIONALLY GRANTED** in accordance with §170-129.6 G. Special Use Permit of the *Code of the Town of Somers*, New *York*, SUBJECT TO the following conditions set forth below:

# Conditions Associated with Special Use Permit:

- 1. **Maintenance Plan:** The applicant commits to continue to maintain all visible aspects of the installation resulting from this amended application.
- 2. **Performance/Removal Bond**: The Applicant shall keep in effect, a performance/removal bond as required by Section 170-129.5(K) of the Zoning Code of the Town of Somers in an amount and form satisfactory to the Town (and its attorneys and consultants as the case may be) to ensure that the facility with the proposed modifications is properly maintained and/or removed if abandoned. The amount and sufficiency may from time to time, at the Town's discretion, be adjusted to account for increased costs of maintenance and/or removal as the case may be.
- 3. Compliance with Town Code: The Applicant shall comply with all applicable provisions of the Zoning Code of the Town of Somers as set forth in Section 170-129.4 and such other laws as may be applicable to wireless telecommunications facilities. Prior to the endorsement of this Resolution by the Chairman, the Applicant shall provide to the Town's Planning Department confirmation that the building permit associated with the monopole itself has been approved.
- 4. **Operations (future):** Operations shall be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes.
- 5. **Review Fees**: All review fees associated with this application shall be paid by the Applicant. The Applicant is to be responsible for the costs of all planning and consulting engineer services and reviews required hereunder.
- 6. **Town Code Compliance:** The Applicant shall comply with all applicable provisions of the *Code of the Town of Somers* as set forth in Section 170-129.4 & 129.5 and such other laws as may be applicable to wireless telecommunications facilities.
- 7. **Federal Code Compliance**: The wireless telecommunication facility shall comply with any and all applicable laws, rules and regulations, including the provisions of the Code of Federal Regulations pertaining to objects affecting navigable airspace as delineated in Federal Aviation Regulation (FAR) Part 77 and the criteria for obstructions to air navigation as established by FAR part 77, Subpart C, Obstruction Standards and the wireless

- telecommunication facility shall comply at all times to the applicable FCC nonionizing electrical radiation standards.
- 8. **Prior to the Submission for a building permit:** The Applicant shall address the outstanding items enumerated in the Town Consulting Engineer's memorandum, dated 5/3/23 unless already waived by the Planning Board.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse this Special Use Permit Renewal by signing of this Resolution. The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Renewed Special Use Permit.

This resolution shall have an effective date of May 10, 2023.

BY ORDER OF THE PLANNING BOARD OF THE TOWN OF SOMERS	
John Currie, Chairman	Date
CERTIFICATION	
I hereby certify that this is a true and correby the Town of Somers Planning Board subject to the modifications stated herein ("AT&T") at a regular meeting held on May	d granting renewed Special Permit to New Cingular Wireless PCS, LLC
David B. Smith, Town Planner	Date

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

T 800.426.4262 T 914.448.2266 F 914.448.0147

RECEIVED

MAY - 5 2023

PLANNING-ENGINEERING

TOWN OF SOMERS



## MEMORANDUM

TO: Town of Somers Planning Board

CC: Wendy Getting, Town of Somers

David Smith, Consulting Town Planner

FROM: Steven C. Robbins, P.E., LEED AP

DATE: May 3, 2023

RE: New Cingular Wireless PCS, LLC (AT&T) – Site 5576

Wireless Telecommunications Facility Special Use Permit Renewal

121 Route 100, Katonah, NY 10536

TM: 8.17-1-5

**GENERAL** 

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Special Permit Use Application for New Cingular Wireless PCS at an existing InSite Towers (owned by American Tower Corp.) wireless telecommunications facility located at 121 Route 100 in Katonah.

The Applicant proposes a special use permit renewal, that was originally approved September 29, 2010 (renewed May 15, 2018). The applicant does not propose any modifications to the wireless tower or equipment.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

• Town of Somers Code, Article XXIIA: Wireless Telecommunications Facilities.

### **DOCUMENTS RECEIVED**

- Cover Letter, "Re: New Cingular Wireless PCS, LLC (AT&T) Site 5576 Renewal of Special Use Permit per Section 170-129.6 (G) Premises: 121 Route 100 Tax Parcel: 8.17-1-5," prepared by Cuddy Feder, LLP, dated March 27, 2023.
- Town of Somers Application for Special Use Permit Wireless Telecommunications Facility, undated.
- AT&T Zoning Board of Appeals Resolutions, dated September 29, 2010 and May 15, 2015.
- AT&T Planning Board Resolutions, dated October 13, 2010 and March 13, 2013.
- Report, "Structural Evaluation", prepared by American Tower Corporation, dated July 19, 2021.
- Building Permits 26177 (2013), 27372 (2016), BP57 (2019).



- Removal Bond SU1190057 for removal of AT&T's infrastructure, dated March 17, 2023.
- Drawing Set, "Somers-Wood Bridge, 121 Route 100", prepared by NB+C Engineering Services, LLC, dated September 20, 2018.

### **PERMITS AND APPROVALS REQUIRED**

Town of Somers Planning Board: New Special Use Permit

### **DISCUSSION**

- 1. Please clarify the discrepancy in tower elevation. The Structural Evaluation report states that the tower has an elevation of 151 ft, while the drawing set shows an elevation of 140 ft
- 2. The Applicant provided a Structural Evaluation Report prepared American Tower Corp. The report should be clarified to confirm that an in-person structural inspection occurred in addition to any modeling, and that the facility is deemed structurally safe based on an in-person inspection and appropriate testing.
- 3. The Applicant shall provide additional information on how emergency power will be provided to the installation during power outages.



445 Hamilton Avenue, 14th Floor White Plains, New York 10601 T 914 761 1300 F 914 761 5372 cuddyfeder.com

PLANNING - ENGINEERING

TOWN OF SOMERS

Maximillian R. Mahalek mmahalek@cuddyfeder.com

March 27, 2023

### VIA ELECTRONIC MAIL AND HAND DELIVERY

Chairperson John Currie and Members of the Planning Board Town of Somers 335 Route 202 Somers, NY 10589

Re:

New Cingular Wireless PCS, LLC ("AT&T") - Site 5576

Renewal of Special Use Permit per Section 170-129.6(G)

Premises: 121 Route 100 Tax Parcel: 8.17-1-5

Dear Chairperson Currie and Members of the Planning Board:

This letter and referenced enclosures are respectfully being submitted on behalf of New Cingular Wireless PCS, LLC ("AT&T"), in connection with its application for renewal of its Special Use Permit for its existing co-located wireless telecommunications facility on the subject Premises bearing an expiration date of April 17, 2023. The existing tower is owned by InSite Towers LLC (an entity owned by American Tower Corporation).

On or about September 29, 2010, the Zoning Board of Appeals granted the original Special Use Permit and Area Variance Approval by Resolution BZ04A/09, and then on October 13, 2010 the Planning Board granted Site Plan Approval by Resolution No. 2010-07. Additionally, the Planning Board previously reviewed this Special Use Permit by Resolution No. 2013-05, dated March 13, 2013 and subsequently by Resolution No. BZ10/18, dated May 15, 2018. Copies of AT&T's Zoning Board of Appeals and Planning Board Resolutions are annexed hereto as Exhibit A.

In further support of this request for renewal of its Special Use Permit, please find attached hereto six (6) copies of the following exhibits to address the requirements of Section 170-129.6(G) of the Town Code:

Exhibit A: Copies of AT&T's prior approvals and permits including the September 29,

2010 and the May 15, 2018 Zoning Board of Appeals Resolutions, and the

October 13, 2010 and March 13, 2013 Planning Board Resolutions;

Exhibit B: A structural elevation for the entire tower, including AT&T's infrastructure,

prepared by American Tower Corporation and dated July 18, 2021;

Exhibit C: Building Permits 26177 (2013), 27372 (2016), and BP58 (2019);

Exhibit D: Town of Somers Planning Board Application Form; and

WESTCHESTER I NEW YORK CITY | HUDSON VALLEY | CONNECTICUT



March 27, 2023 Page 2

Exhibit E: Removal Bond SU1190057 for removal of AT&T's infrastructure.1

Please also find enclosed six (6) copies of the plans prepared by NB+C Engineering Services, LLC, last revised September 20, 2018, related to work by AT&T.

We have also enclosed a check made payable to the "Town of Somers" in the amount of \$500.00, representing the payment of the Special Use Permit Renewal Application Fee.

AT&T respectfully submits that its existing co-located facility conforms with the requirements of Section 170-29.6(G) of the Town Code. Note, as a co-locator on the existing wireless telecommunications facility and not the owner of the structure, AT&T does not have access to other requests for co-location on the telecommunications facility.

Additionally, AT&T has advised us that at this time, there are no proposed changes in its equipment. Considering the provisions of Federal Law governing wireless facilities and given that AT&T is a co-locator on this tower and not the tower owner, AT&T respectfully requests that its Special Use Permit be renewed indefinitely or at a minimum for a five (5)-year term.

Given that a Special Use Permit renewal Application is a Type II Action exempt from the State Environmental Quality Review Act ("SEQRA"), per 6 NYCRR Section 617.5(c)(26), and that no modifications are proposed, the Applicant respectfully requests the Board waive the Public Hearing, as permitted under Section 170-129.6(G) of the Town Code.

AT&T respectfully requests that this matter be placed on the Board's next available Agenda for review and action. In the interim, should you or Town Staff have any questions or comments in connection with this matter, please do not hesitate to contact me.

Thank you in advance for your consideration of the enclosed.

Respectfully Submitted,

Maximillian R. Mahalek

Enclosures

cc: American Tower Corporation/InSite Towers LLC

Client

Lucia Chiocchio, Esq.

<sup>&</sup>lt;sup>1</sup> Note: The Address listed on this Bond is 1 Pepsi Way. The Site ID and FA Numbers are correct. The true address is 121 Route 100, Katonah, NY. The appropriate documentation will be updated.

# TOWN OF SOMERS WESTCHESTER COUNTY, NEW YORK APPLICATION FOR SPECIAL USE PERMIT WIRELESS TELECOMMUNICATIONS FACILITY



Facility Owner/User Ne	w Cingular Wireles	S PCS, LLC (AT&T	[)_Tel.#:_	201-310-1305		
Address: 121 Route 10				4		
Property Owner: Mich	nael P. Amato/Tower Man	naged by InSite Towers, L	LC Tel. #:	(781) 926-4716 (li	nSite Towers)	
Address: 121 Route 10	0, Katonah, NY	10536				
Applicant: New Cingula			Tel. #:			
Address: One AT&T W	av Bedminster I	N.I.07921				
Managing Agent: Albert	Garcia (New Cingular Wir	reless PCS/AT&T)	Tel. #:	201-310-1305		
Address: 15 E Midland Aven	ue, Paramus, NJ 07652		_			
Westchester County Age	ent:Maximillian Mahalek	k, Esq./Lucia Chiocchio, E	sq.Tel.#	914-872-1874		
Address: Cuddy & Feder LLF	, 445 Hamilton Avenue,	14th Floor, White Plains, i	NY 10601			
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445 Hamilton Avenue, 14th Floor White Plains, New York 10601 T 914 761 1300 F 914 761 5372 cuddyfeder.com

Maximillian R. Mahalek mmahalek@cuddyfeder.com

April 21, 2023

# VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

Chairperson John Currie and Members of the Planning Board Town of Somers 335 Route 202 Somers, NY 10589

Re:

New Cingular Wireless PCS, LLC ("AT&T") - Site 5576

Renewal of Special Use Permit per Section 170-129.6(G)

Premises: 121 Route 100 Tax Parcel: 8.17-1-5

Dear Chairperson Currie and Members of the Planning Board:

This letter and referenced enclosure are being submitted in furtherance of the request by New Cingular Wireless PCS, LLC ("AT&T") for renewal of its Special Use Permit for its existing colocated wireless telecommunications facility on the above-referenced Premises. As referenced in the Applicant's letter of March 27, 2023 to this Board, enclosed you will find a Rider to Removal Bond SU1190057 (which was previously provided to this Board), correcting the address of the Premises listed in said Removal Bond.

AT&T looks forward to appearing before the Board regarding this request, along with the renewal requests it submitted for its facilities at 115 Route 202 (a/k/a 87 Route 202) and 243 Route 100 (a/k/a 247 Route 100), at the Board's May 10, 2023 Meeting. In the interim, should you or Town Staff have any questions or comments in connection with this matter, please do not hesitate to contact me.

Thank you in advance for your consideration of the enclosed.

Respectfully Submitted,

Maximillian R. Mahalek

**Enclosures** 

cc: American Tower Corporation/InSite Towers LLC

Client

Lucia Chiocchio, Esq.

### PLANNING AND ENGINEERING DEPARTMENTS

Telephone (914) 277-5366 Fax (914) 277-4093 Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle Principal Engineering Technician swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

May 10, 2023

# **PLANNING BOARD**

TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2023-6
Granting of Conditional Renewed Special Permit Approval to

New Cingular Wireless PCS, LLC ("AT&T")
for
RENEWAL OF EXISTING APPROVED SPECIAL USE PERMIT
At 243 Route 100

Town Tax Number: Section 28.10-1-6.1

WHEREAS, an application package submitted by Cuddy & Feder, LLP, attorneys for New Cingular Wireless PCS, LLC ("AT&T") (the "Applicant"), with cover letter dated March 27, 2023, for a Renewed Special Permit Approval pursuant to Section 170-129 of the *Code of the Town of Somers*, was received on or about March 27, 2023 in the Planning Board Office consisting of the following materials:

- Cover Letter from Cuddy & Feder LLP dated March 27, 2023 to Planning Board
- Application for Special Permit Renewal of Telecommunications Facility signed on behalf of the Applicant with authorization provided by Crown Castle (the "Tower Owner") dated March 24, 2023
- Structural Modification Report, prepared by GPD Engineering and Architecture, PC dated February 25, 2019
- Building Permit # 2013:26176 issued May 17, 2013, Building Permit #2016:PL766,
- Tower/Structure Equipment Removal Bond provided by AT&T Mobility LLC dated March 15, 2023

- Site Plan set prepared by Scherer Design Group Inc. last revised August 29, 2019, unless otherwise noted, including the following:
  - Cover Page
  - General Notes
  - Site Plan
  - Compound Plan Layout
  - Elevation
  - Antenna Layout
  - Antenna Notes
  - Equipment Specifications
  - Grounding Detail
  - Site Plan prepared by Crown Castle, dated March 25, 2020
  - Structure drawing prepared by Crown Castle dated February 13, 2020.
- Application and escrow fees

WHEREAS, the subject application is for the renewal of an existing Special Use Permit granted by the Town of Somers Zoning Board of Appeals by Resolution No. BZ11/18 subject to Section 170-129.6 of the Town Code; and

WHEREAS, the Planning Board received review memoranda from Woodard & Curran dated May 3, 2023;

WHEREAS, the Applicant made a presentation to the Planning Board for Special Use Permit renewal on May 10, 2023 and did request as per Section 170-129.6.G that the Planning Board waive the public hearing; and

WHEREAS, the Somers Planning Board did duly discuss the subject application and the fact that Applicant was not proposing any changes to the existing facility; and

WHEREAS, the subject application does not propose any new facilities on the existing Monopole; and

WHEREAS, the action was a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(7) 2; and

NOW, THEREFORE, BE IT RESOLVED that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and be it further

**RESOLVED**, based on the information presented to the Planning Board and as allowed under Section 170-129.6.G, the Planning Board does hereby waive the public hearing for this application, and be further

**RESOLVED,** that the application for Renewal of Conditional Special Use Permit Approval, to New Cingular Wireless PCS, LLC as shown and described by the materials enumerated herein, is HEREBY **CONDITIONALLY GRANTED** in accordance with §170-129.6 G. Special Use Permit of the *Code of the Town of Somers*, New *York*, SUBJECT TO the following conditions set forth below:

# Conditions Associated with Special Use Permit:

- 1. **Maintenance Plan:** The applicant commits to continue to maintain all visible aspects of the installation resulting from this amended application.
- 2. **Performance/Removal Bond**: The Applicant shall keep in effect, a performance/removal bond as required by Section 170-129.5(K) of the Zoning Code of the Town of Somers in an amount and form satisfactory to the Town (and its attorneys and consultants as the case may be) to ensure that the facility with the proposed modifications is properly maintained and/or removed if abandoned. The amount and sufficiency may from time to time, at the Town's discretion, be adjusted to account for increased costs of maintenance and/or removal as the case may be.
- 3. Compliance with Town Code: The Applicant shall comply with all applicable provisions of the Zoning Code of the Town of Somers as set forth in Section 170-129.4 and such other laws as may be applicable to wireless telecommunications facilities. Prior to the endorsement of this Resolution by the Chairman, the Applicant shall provide to the Town's Planning Department confirmation that the building permit associated with the monopole itself has been approved.
- 4. **Operations (future):** Operations shall be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes.
- 5. **Review Fees**: All review fees associated with this application shall be paid by the Applicant. The Applicant is to be responsible for the costs of all planning and consulting engineer services and reviews required hereunder.
- 6. **Town Code Compliance:** The Applicant shall comply with all applicable provisions of the *Code of the Town of Somers* as set forth in Section 170-129.4 & 129.5 and such other laws as may be applicable to wireless telecommunications facilities.
- 7. **Federal Code Compliance**: The wireless telecommunication facility shall comply with any and all applicable laws, rules and regulations, including the provisions of the Code of Federal Regulations pertaining to objects affecting navigable airspace as delineated in Federal Aviation Regulation (FAR) Part 77 and the criteria for obstructions to air navigation as established by FAR

- part 77, Subpart C, Obstruction Standards and the wireless telecommunication facility shall comply at all times to the applicable FCC nonionizing electrical radiation standards.
- 8. **Prior to the Submission for a building permit:** The Applicant shall address the outstanding items enumerated in the Town Consulting Engineer's memorandum, dated 5/3/23 unless already waived by the Planning Board.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse this Special Use Permit Renewal by signing of this Resolution. The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Renewed Special Use Permit.

This resolution shall have an effective date of May 10, 2023.

OF THE TOWN OF SOMERS	
John Currie, Chairman	Date
CERTIFICATION	
I hereby certify that this is a true and correby the Town of Somers Planning Boars subject to the modifications stated herein ("AT&T") at a regular meeting held on May	d granting renewed Special Permit nto New Cingular Wireless PCS, LLC
David B. Smith, Town Planner	Date

Woodard & Curran Engineering and Geological Services P.A. P.C. 800 Westchester Avenue Suite N507 Rye Brook, New York 10573 www.woodardcurran.com T 800.426.4262 T 914.448.2266 F 914.448.0147

RECEIVED

MAY - 5 2023

PLANNING-ENGINEERING

TOWN OF SOMERS



# **MEMORANDUM**

TO: Town of Somers Planning Board

CC: Wendy Getting, Town of Somers

David Smith, Consulting Town Planner

FROM: Steven C. Robbins, P.E., LEED AP

DATE: May 3, 2023

RE: New Cingular Wireless PCS, LLC (AT&T) – Site 5537

Wireless Telecommunications Facility Special Use Permit Renewal

243 Route 100, Somers, NY 10589

TM: 28.10-1-6.1

#### **GENERAL**

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Special Permit Use Application for New Cingular Wireless PCS at an existing Crown Castle wireless telecommunications facility located at 243 Route 100.

The Applicant proposes a special use permit renewal, that was originally approved September 29, 2010 (renewed May 15, 2018). The applicant does not propose any modifications to the wireless tower or equipment.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

• Town of Somers Code, Article XXIIA: Wireless Telecommunications Facilities.

# **DOCUMENTS RECEIVED**

- Cover Letter, "Re: New Cingular Wireless PCS, LLC (AT&T) Site 5537 Renewal of Special Use Permit per Section 170-129.6 (G) Premises: 243 Route 100 Tax Parcel: 28.10-1-6.1," prepared by Cuddy Feder, LLP, dated March 27, 2023.
- Town of Somers Application for Special Use Permit Wireless Telecommunications Facility, undated.
- AT&T Zoning Board of Appeals Resolutions, dated December 20, 2005 and May 15, 2018.
- AT&T Planning Board Resolutions, dated November 15, 2006 and March 13, 2013.
- Report, "Structural Modification Report", prepared by GPD Engineering and Architecture, dated February 25, 2019.



- Building Permits 26176 (2013) and Building Department Generator Compliance Determination.
- Removal Bond No. 6626430 for removal of AT&T's infrastructure, dated March 15, 2023.
- Drawing Set, "Somers-Plumbrook Shade, 243 Route 100", prepared by Scherer Design Group LLC, dated August 29, 2018.

### **PERMITS AND APPROVALS REQUIRED**

Town of Somers Planning Board: New Special Use Permit

### **DISCUSSION**

- The Applicant provided a Structural Analysis Report prepared by GPD Engineering and Architecture Professional Corp. The report should be clarified to confirm that an in-person structural inspection occurred in addition to any modeling, and that the facility is deemed structurally safe based on an in-person inspection and appropriate testing.
- 2. The Applicant shall provide additional information on how emergency power will be provided to the installation during power outages.



445 Hamilton Avenue, 14th Floor White Plains, New York 10601 T 914 761 1300 F 914 761 5372 cuddyfeder.com

Maximillian R. Mahalek mmahalek@cuddyfeder.com

March 27, 2023

### VIA ELECTRONIC MAIL AND HAND DELIVERY

Chairperson John Currie and Members of the Planning Board Town of Somers 335 Route 202 Somers, NY 10589

Re:

New Cingular Wireless PCS, LLC ("AT&T") – Site 5537 Renewal of Special Use Permit per Section 170-29.6(G)

Premises: 243 Route 100 (a/k/a 247 Route 100)

Tax Parcel: 28.10-1-6.1



Dear Chairperson Currie and Members of the Planning Board:

This letter and referenced enclosures are respectfully being submitted on behalf of New Cingular Wireless PCS, LLC ("AT&T"), in connection with its application for renewal of its Special Use Permit for its existing co-located wireless telecommunications facility on the subject Premises bearing an expiration date of April 17, 2023. The existing tower is owned by Crown Castle.

On or about December 20, 2005, the Zoning Board of Appeals granted the original Special Use Permit and Area Variance Approval by Resolution BZ04C/05 (formerly BZ 12A/04), and then on November 15, 2006, the Planning Board granted Site Plan Approval by Resolution No. 2007-01. Additionally, the Planning Board granted Amended Special Use Permit and Amended Site Plan Approval by Resolution No. 2013-04, dated March 13, 2013; and the Zoning Board of Appeals granted a five-year extension of the Special Use Permit by Resolution No. BZ11/18, dated May 15, 2018. Copies of AT&T's Zoning Board of Appeals and Planning Board Resolutions are annexed hereto as Exhibit A.

In further support of this request for renewal of its Special Use Permit, please find attached hereto six (6) copies of the following exhibits to address the requirements of Section 170-129.6(G) of the Town Code:

Exhibit A: Copies of AT&T's prior approvals and permits including the December 20,

2005 and the May 15, 2018 Zoning Board of Appeals Resolutions, and the November 15, 2006 and March 13, 2013 Planning Board Resolutions;

Exhibit B: A structural elevation for the entire tower, including AT&T's infrastructure,

prepared by GPD Engineering and Architecture, dated February 25, 2019;

Exhibit C: Building Permits 26176 (2013) and Building Department Generator

Compliance Determination;

WESTCHESTER | NEW YORK CITY | HUDSON VALLEY | CONNECTICUT



March 27, 2023 Page 2

Exhibit D:

Town of Somers Planning Board Application Form; and

Exhibit E:

Removal Bond No. 6626430 for removal of Tower (originally constructed

by AT&T).

Please find enclosed six (6) copies of the plans prepared by Scherer Design Group, LLC, last revised August 29, 2019, related to work by AT&T. Also enclosed is a Site Plan Drawing and Structure Drawing prepared by Crown Castle, dated March 25, 2020 and February 13, 2020 respectively (related to the entire tower).

We have also enclosed a check made payable to the "Town of Somers" in the amount of \$500.00, representing the payment of the Special Use Permit Renewal Application Fee.

AT&T respectfully submits that its existing co-located facility conforms with the requirements of Section 170-29.6(G) of the Town Code. Note, as a co-locator on the existing wireless telecommunications facility and not the owner of the structure, AT&T does not have access to other requests for co-location on the telecommunications facility.

Additionally, AT&T has advised us that at this time, there are no proposed changes in its equipment. Considering the provisions of Federal Law governing wireless facilities and given that AT&T is a co-locator on this tower and not the tower owner, AT&T respectfully requests that its Special Use Permit be renewed indefinitely or at a minimum for a five (5)-year term.

Given that a Special Use Permit Renewal Application is a Type II Action exempt from the State Environmental Quality Review Act ("SEQRA"), per 6 NYCRR Section 617.5(c)(26), and that no modifications are proposed, the Applicant respectfully requests the Board waive the Public Hearing, as permitted under Section 170-129.6(G) of the Town Code.

AT&T respectfully requests that this matter be placed on the Board's next available Agenda for review and action. In the interim, should the Board or Town Staff have any questions or comments in connection with this matter, please do not hesitate to contact me.

Thank you in advance for your consideration of the enclosed.

Respectfully Submitted,

Maximillian R. Mahalek

Enclosures

cc:

Crown Castle

Client

Lucia Chiocchio, Esq.

# TOWN OF SOMERS WESTCHESTER COUNTY, NEW YORK APPLICATION FOR SPECIAL USE PERMIT WIRELESS TELECOMMUNICATIONS FACILITY



Now Cinquiar Mirologo PCS LLC (AT&T) 75.1 4. 201-310-1305 TOWN OF SOMETIC
Facility Owner/User New Cingular Wileless POS, LLC (AT&T) Tel. #:
Address: One AT&T Way, Bedminster, NJ 07921
Property Owner: Samaj Investors Corp (Crown Castle - Tower Manager) Tel. #: (713) 570-3000 (Crown Castle)
Address: 201 Fairview Street Ext., Fountain Inn. SC. 29644
Applicant: New Cingular Wireless PCS_LLC (AT&T) Tel. #: 201-310-1305
Address: One AT&T Way, Bedminster, NJ 07921
Managing Agent: Albert Garcia (New Cingular Wireless PCS/AT&T) Tel. #: 201-310-1305
Address: 15E Midland Avenue, Paramus, NJ 07652
Westchester County Agent: Maximillian Mahalek, Esq./Lucia Chiocchio, Esq. Tel. # 914-872-1874
Address: Cuddy & Feder LLP, 445 Hamilton Avenue, 14th Floor, White Plains, NY 10601
(Premises: 247 Route 100, a/k/a 243 Route 100)
Premises: Sheet: 28.10 Block: 1 - Lot: 6.1 Situated on the West side of
Route 100 (Street) 2,540 feet from the intersection of Plum Brook Road (Street)
Zoning District OLI
PROJECT TITLE: Special Exception Use Permit Renewal
DESCRIPTION OF WORK AND PURPOSE:
Renewal of Special Use Permit (for AT&T infrastructure - no modifications proposed).
TYPE OF PERMIT REQUESTED: ORIGINAL/NEW
AMENDED (Date of Original Permit)
5/15/2018 RENEWAL (Date of Original Permit)
SIZE OF ACTIVITY AREA: (approvals dating back to 12/20/2005)
ESTIMATED TOTAL VALUE OF WORK:
PROPOSED STARTING DATE:
PROPOSED COMPLETION DATE:
PLANS PREPARED BY: Scherer Design Group, LLC DATED: 8/29/19
Plans must be submitted with application.
APPLICATION FEE: \$1,000.00 Original/New Special Use Permit Application
\$ 800.00 Amended Special Use Permit Application
\$ 500.00 Renewal of Special Use Permit Application (every 5 years)
TOUR OF SPECIAL CONTRACTOR OF STATE OF
Based upon Somers Town Code §133-2. At the time of submission of any application, an Escrow Account
shall be established to pay for the costs of professional review services.
shall be established to pay for the costs of provestions to the
DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:
14 Copies of all correspondence and plans submitted to the Planning Board.
Please refer to Somers Town Code §170-129.8, Application procedure. for the required documents to be
submitted. (see attached)
(on behalf of New Cingular Wireless PCS/
APPLICANT/FACILITY/OWNER/USER SIGNATURE:
DATE: 3/24/2027
PROPERTY OWNER'S SIGNATURE: Katherine Brisk (on behalf of Crown Castle, Tower Manager)
DATE: 03/07/2023
DATE. CONTINUES

Woodard & Curran Engineering and Geological Services P.A. P.C. 800 Westchester Avenue Suite N507 Rye Brook, New York 10573 www.woodardcurran.com T 800.426.4262 T 914.448.2266 F 914.448.0147



# MEMORANDUM

TO: Town of Somers Planning Board

CC: Wendy Getting, Town of Somers

David Smith, Consulting Town Planner

FROM: Steven C. Robbins, P.E., LEED AP

DATE: May 3, 2023

RE: Verizon Wireless

Wireless Telecommunications Facility Special Use Permit

2580 Route 35, Katonah NY, 10536

TM: 37.13-2-3

RECEIVED

MAY - 5 2023

PLANNING-ENGINEERING TOWN OF SOMERS

#### **GENERAL**

The purpose of this memorandum is to provide the Planning Board with a summary of our comments related to our review of the Special Permit Use Application for a proposed removal and installation of Verizon Wireless equipment at an existing American Tower wireless telecommunications facility located at 2580 Route 35 in Katonah.

The Applicant proposes the removal of six (9) RRHS and three (3) antennas, as well as the installation of six (9) RRHS and six (6) antennas on an existing 127-foot monopole.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

• Town of Somers Code, Article XXIIA: Wireless Telecommunications Facilities.

### **DOCUMENTS RECEIVED**

- Cover Letter, "Re: ATC #270885 2580 Route 35 Katonah NY 10536," prepared by NB+C Engineering Services, LLC, dated April 17, 2023.
- Town of Somers Application for Special Use Permit Wireless Telecommunications Facility, dated April 15, 2023.
- Report, "Tower Inspection", prepared by American Tower Corp., dated March 4, 2021.
- Radio Frequency Report, "Re: Equipment Modifications at Verizon Monopine Site Located at: 2580 Route 35 Somers NY, 10536," prepared by Verizon, dated April 3, 2023.
- Report, "Structural Evaluation Letter," prepared by American Tower Corp., dated September 19, 2022.
- Drawing Set, "Amawalk, 2580 Route 35," dated January 18, 2023.

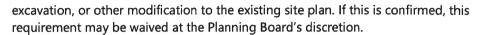
#### **PERMITS AND APPROVALS REQUIRED**

Town of Somers Planning Board: New Special Use Permit



### **DISCUSSION**

- A report from a licensed professional engineer with expertise in radio communication facilities is required in accordance with Town Code § 170-129.8 A.(3). The Radio Frequency Report, "Re: Equipment Modifications at Verizon Monopine Site Located at: 2580 Route 35 Somers NY, 10536," prepared by Verizon Wireless, was not certified by a professional engineer licensed in the State of New York.
- 2. The "Structural Evaluation Letter," prepared by American Tower Corp., dated September 19, 2022, was not stamped.
- 3. Please address the following requirements of Town Code § 170-129.8 in the context of this colocation project:
  - a. The Applicant shall provide an Environmental Assessment Short Form for the proposed work.
  - b. A copy of the applicant's current FCC license.
- 4. The Applicant shall provide a narrative for how the proposed modifications will change the existing Special Use Permit for the following requirements of Town Code § 170-129.8, if these requirements are not waived at the Planning Board's discretion:
  - a. A map depicting and listing all existing sites containing wireless telecommunications facilities and attached wireless telecommunications facilities in the Town and bordering municipalities within two miles of the site. This requirement may be waived at the Planning Board's discretion.
  - b. A report describing the minimum level of service deemed satisfactory by the Applicant, a description of the Applicant's network design philosophy, and the Applicant's link budget. This requirement may be waived at the Planning Board's discretion.
  - c. A report detailing all roaming agreement(s) enabling the Applicant to access other wireless telecommunications provider's networks which have any coverage in the Town or the coverage "gap" area. This requirement may be waived at the Planning Board's discretion.
  - d. Radio frequency (rf) drive test results for the site shall be provided. To make the information usable, both rf drive tests and propagation plots shall conform to the requirements in Town Code § 170-129.8.
  - e. A statement of anticipated on-site service needs, including frequency of service visits and types of vehicles used for service.
  - f. The Applicant shall confirm that screening elevations of fences and fence materials are unchanged, and no trees or buffers are planned to be disturbed.
- 5. A site plan review is required in accordance with Town Code § 170-129.9. The Applicant shall confirm that there is no additional equipment cabinets, impervious surface,





6. The Applicant shall provide additional information on how emergency power will be provided to the installation during power outages.



# TOTALLY COMMITTED.



April 17, 2023

APR 24 2023

Town of Somers 335 Route 202 Somers, NY 10589 PLANNING-ENGINEERING TOWN OF SOMERS

Re: ATC #207786- Verizon #270885 2580 Route 35 Katonah NY 10536 - Verizon Modification

Dear Planning Board,

Verizon is planning to modify their existing equipment by removing (3) Antennas, and (9) RRHs.

Verizon will then install (6) New Antennas, (9) New RRHs.

Included for your review and approval are (1) sets of construction drawings, (1) sets of the structural analysis report, (1) RF report (1) Tower Inspection Report, (1) Set of Photo Sims, and (1) Special Use Permit Application.

Please let me know if you require additional information.

I can be reached at 267-304-1349 or dgresham@nbcllc.com.

Thank you for your assistance.

Sincerely,

# Darryl Gresham

Darryl Gresham Site Acquisition Associate Agent of Verizon

# TOWN OF SOMERS WESTCHESTER COUNTY, NEW YORK APPLICATION FOR SPECIAL USE PERMIT WIRELESS TELECOMMUNICATIONS FACILITY

Facility Owner/User American Tower	Tel. #: _781-926-4500
Address: 10 Presidential Way, Woburn MA 01801	
Property Owner: Umberto Santaroni	Tel. #:
Address: 2580 Route 35 Katonah NY, 10536	
Applicant: Verizon Wireless c/o Darryl Gresham (Agent)	Tel. #:267-304-1349
Address: 1777 Sentry Pkwy W Veva 17 Ste 400 Blue Bell PA 1942	dgresham@nbcllc.com
Managing Agent: Darryl Gresham	Tel. #:267-304-1349
Address: 1777 Sentry Pkwy Veva 17 Suite 400 Blue Bell PA 19422	dgresham@nbcllc.com
Westchester County Agent:	Tel. #
Address:	
Premises: Sheet: 37.13         Block: 2 - Lot: 4 - L	3 Situated on the East side of from the intersection of Lake Road (Street)
PROJECT TITLE: Verizon Modification	
DESCRIPTION OF WORK AND PURPOSE:	
Verizon will remove 3 Antennas and 9 RRHs.	
Verizon will install 6 New Antennas and 9 New RRHs	
TYPE OF PERMIT REQUESTED:  Amend SUP	ORIGINAL/NEW  AMENDED (Date of Original Permit)
Amend SUP	RENEWAL (Date of Original Permit)
SIZE OF ACTIVITY AREA: Inside the 52'x74' ATC existing	` `
ESTIMATED TOTAL VALUE OF WORK:	
PROPOSED STARTING DATE: TBD	
PROPOSED COMPLETION DATE: Approximately 15 to	o 30 days after construction start
PLANS PREPARED BY: TKK Engineering DPC	DATED: 1-18-20231
Plans must be submitted with application.	8
	APD a 4 2022
APPLICATION FEE: \$1,000.00 Original/New Spe	ecial Use Permit Application 2 4 2023
\$ 800.00 Amended Special	Use Permit Application  Use Permit Application (exerging all Use Permit Application (exerging exerging)
\$ 500.00 Renewal of Specia	al Use Permit Application (every 5 years)
Based upon Somers Town Code §133-2. At the time of sul shall be established to pay for the costs of professional rev	bmission of any application, an Escrow Account
DOCUMENTS TO BE SUBMITTED WITH THIS APPL 14 Copies of all correspondence and plans submitted to the Please refer to Somers Town Code §170-129.8, Application	e Planning Board.
submitted. (see attached)	1) //4,
APPLICANT/FACILITY/OWNER/USER SIGNATURE:	2/10 1 /2/
PROPERTY OWNER'S SIGNATURE: American To	wer ///www. ///sy
DATE: 4-15-2]	
	0.50

Z:\PE\General files\Permit Application forms\Somers\_P&E\_Special Use Permit\_2013.DOC



	Structural Evaluation Letter	
Asset Number	207786	Reviewed by:
Asset Name	Amawalk	
Proposed Carrier	VERIZON WIRELESS	and a subseque
Site Number	270885	
Site Name	AMAWALK 3_L	
Site Location	2580 Route 35	
	Katonah, NY 10536	
	41.2824° N, 73.75° W	
Tower Description	130.2 ft Stealth - Monopine	Notice Control of the
Basic Wind Speed	114 mph (3-second gust)	Addition about
Basic Wind w/ Ice	50 mph (3-second gust) w/ 1.00" radial ice concurrent	
Applicable Code	ANSI/TIA-222-H / 2018 IBC / 2020 New York Building Code	
Evaluation Results:	As the state of th	

The loading in the tables below was evaluated with respect to the tower and foundation capacities. As future loading is added, or if actual loading is different from these tables, re-evaluation shall be required. This tower and foundation are adequate to support the below loads in conformance with specified requirements. Contracted elevations are shown for appurtenances within contracted installation tolerances. Appurtenances outside of contract limits are shown at installed elevations.

Authorized by "EOR" 22 Sep 2022 08:59:02

Created by:

TAYLOR.KELLNER

**Existing/Reserved Loading** 

Elev.	Qty	Equipment	Lines	Carrier	
131.5'	1	Top Branches	The state of the second of the	ef and AMPA refer to the annual effortunate of the annual state of the paper to the state of the	
	1	24" x 24" Junction Box		(a) and (b)	
	2 :	Raycap DC6-48-60-18-8F			
	3	Alcatel-Lucent B25 RRH4x30-4R	(4) 4 = (0)1 0		
	3	Alcatel-Lucent B5 RRH4x30	(1) 1 5/8" Coax		
	3	Alcatel-Lucent RRH2x40-07-L (20.5" Height)	(2) 2" Carflex Non-Metallic Conduit		
127.0'	3	Alcatel-Lucent RRH4x25-WCS-4R	(2) 0.51" (13mm) Hybrid	AT9.T MADILITY	
127.0	3	Andrew DBXNH-6565A-A2M	(4) 0.76" (19.2mm) 8 AWG 6	AT&T MOBILITY	
	3	Commscope SBNHH-1D65A	(12) 1 5/8" Coax		
	3	Light Sector Frame	(2) 2" conduit		
	6	Andrew ETD819HS12UB	(L) L contact		
	6	Andrew ETM 190G-12UB			
	6	Commscope NNHH-65A-R4 (83.8 lbs)			
126.5'	1	Branches (9' Max)	-	_	
121.5'	1	Branches (9' Max)	-	₩	
116.5′	1	Branches (9' Max)	_	and the state of t	
111.5'	1	Branches (9' Max)		-	
	1	RFS SC2-W100AC			
	3	T-Arm			
107.0′	4	Ericsson AIR 32 B2A/B66A	(4) 1.4" (35.6mm) Hybrid	T-MOBILE	
107.0	4	Ericsson Radio 2217	(1) 1/2" Coax		
	4	Ericsson Radio 4449 B12,B71			
	4	RFS APXVAARR24_43-U-NA20			
106.5	1	Branches (9' Max)	_		
101.5′	1	Branches (9' Max)	-		
96.5'	1	Branches (9' Max)	-	-	



	1	Raycap RDIDC-9181-PF-48		
	3	Fujitsu TA08025-B604		
94.0'	3	Fujitsu TA08025-B605	(1) 1.75" (44.5mm) Hybrid	DISH WIRELESS L.L.C.
	3	T-Arm		
	3	JMA Wireless MX08FRO665-21		
91.5'	1	Branches (10' Max)	The fifth is tree should be seen the high state of the reduciated about aftern agreement, the research is	-
86.5'	1	Branches (10' Max)	-	_
81.5'	1	Branches (12' Max)		
76.5'	1	Branches (12' Max)	_	_
71.5'	1	Branches (13' Max)	_	
66.5'	1	Branches (13' Max)	•	_
61.5'	1 !	Branches (14' Max)	-	
60.8'	1	Branches (14' Max)	-	Medical and the control of the contr

<sup>\*</sup>If table breaks across pages, please see previous page for data in merged cells

### **Proposed Carrier Final Loading**

Elev.	Qty	Equipment	Lines	Carrier	
117.0′	: 3	Commscope NHH-65A-R2B			
	3	Commscope NHH-65A-R2B		VERIZON WIRELESS	
	3	T-Arm			
	3	Raycap RxxDC-3315-PF-48 (32 lbs)			
	3	Samsung B2/B66A RRH-BR049	/2) 1 E (0) Unitedia		
	3	Samsung B5/B13 RRH-BR04C	(3) 1 5/8" Hybriflex (4) 1/2" Coax		
	3	Samsung MT6407-77A	(4) 1/2 COAX		
	. 3	Samsung Outdoor CBRS 20W RRH –Clip-on Antenna			
	3	Samsung RT4401-48A			
	4	PCTEL GPS-TMG-HR-26N			

<sup>\*</sup>If table breaks across pages, please see previous page for data in merged cells

# ATC STEALTH POLE / TREE-OTHER TYPE



AMERICAN TOWERS # SECTION A - SITE INFORMATION ATC Site Number : 207786 ATC Site Name : Amawaik Site Address 2580 Route 35 Number of Compounds City/State Katonah, Westchester, NY 10536 Date of Inspection - 3/4/21 **Contractor Name** : Tower Engineeing Professionals : Nathan Schwartz, Matthew Weber Inspection Completed By **SECTION B - MONOPOLE INFORMATION** Structure Type : Monopine Number of Sides: : 18 Monopole Height : 127 Climbing/Safety Device? : No Overall Structure Height : 133 FCC/ASR Number : Not Required Number of Anchor Bolts : 24 AM Detuning? : No SECTION C - INDEX SECTION A - Site Information SECTION F - Safety Comments SECTION B - Monopole Information **SECTION G - Grounding Comments** SECTION C - Index SECTION H - AM Detuning Comments SECTION D - Summary of Deficiencles SECTION I - Stealth Canisters and Spine SECTION E - Monopole Foundation & Structure SECTION J - Compliance SECTION D- SUMMARY OF DEFICIENCIES Instructions: List Comments in Sections E through H as applicable. Section D Summary will automatically populate. 1. The top 2 appurtenance branches are deteriorated, Photos: 148 & 149 One Antenna sock has fallen from it's antenna and is stuck in the branches: 134, 135 SECTION E - MONOPOLE FOUNDATION & STRUCTURE Instructions

Monopole base should be visually inspected for spalling and cracking of the concrete. The soil surrounding the Monopole base foundation should be inspe evidence of settlement. Any such settlement or movement should be noted. Base drains or weep holes (if present) should be clear of any obstructions. Penetrate drain with object to ensure drains functioning. Corrosion - If corrosion is observed, the source should be determined and noted. Damaged or faulty members - A visual inspection must be made of the entire monopole structure to determine if any of the members have been deformed o damaged. Any bowed, bent or damaged member/bott should be noted as to part number, size, location on monopole, nature and magnitude of deformation or damage. Canister shrouds must be removed to inspect and photograph bolts, welds, and spine. Shrouds must be properly secured after inspection. Faux barking and/or paint on shaft shall be thoroughly inspected for flaking, water intrusion, degradation, and corrosion and discrepancies shall be noted as to location ( structure, nature and magnitude of deformation or damage. If structure is painted or has faux barking, tower base plate welds should be thoroughly inspected both outside perimeter and if possible internal of the pole if accessible All discrepancies must be marked with masking tape and magic marker. All discrepancies must be noted and photographed and numbered. Do all anchor bolts have a nut and a lock-nut, or nut-locking device? Place an x in the proper box Are all anchor bolt nuts tight? (Tighten any loose nuts and mark as corrected.) is the monopole foundation in good condition? (No cracking, spalling, or settling) Is the monopole base free from standing water? Are base drains, if present, clear and free flowing? Is the soil around the foundation in good condition? (no settling or movement) Is the monopole free of rust? (If "No", be specific in the comments below.) is the pole shaft free from damage? (Cracks, dents, etc.) is the base plate weld free from visible cracks? Is the monopole finish in good condition? (No obvious signs of cracking) is the monopole shaft painted and/or covered in faux barking as part of stealth? If yes to above. Is paint and/or faux bark in good condition? is there any rust or flaking exhibited in monopole shaft due to paint/faux bark? Has the pole been modified? Are the components of the modification in good condition? (Dywidag bars, U-bolts, etc.) Comments:

SECTION F - SA	FETY
Instructions	
Safety is paramount- Report anything that makes it unsafe to operate or maintain this n All discrepancles must be marked with masking tape and magic marker.	nonopole to ATC immediately.
All discrepancies must be noted and photographed before and after repair.	79.
	Yes No Corrected N/A
	No Corre
1. th 0	Ž Ž Ž
Is there a safety climb system? Is the climbing path free from obstructions to the top and through branching?	Place an x in the proper box
Is the safety climb system properly installed and secure? If No, correct and note.	
Is the FCC and ATC signage apparent and placed properly?	
Comments:	
1,	
2.	
SECTION G - GRO	DUNDING
Instructions	
Connections - The connections above grade should be visually checked for loose fittings. En exothermic connections at the base of the monopole.	sure wires are snug in mechanical connections or well bonded with
Ground Wires - The ground wires at the base should be cad welded to each leg.	
Take a photo of the grounding at the base and at each anchor.	
All discrepancies <u>must</u> be marked with masking tape and magic marker. All discrepancies must be noted and photographed.	
All discrepancies must be noted and photographed.	7
	<del>ğ</del>
	Yes No Corrected N/A
	N No Cor
Is the monopole base properly grounded?  Are ground wires and connections in satisfactory condition?	Place an x in the proper box
Is lightning rod or static dissipation array properly installed (if present)?	
Is the lightning rod mounted in a location making it the highest point on the monopole?	
	1 1000
Comments:	
1.	
2.	
3.	
SECTION H- AM D	ETUNING
Instructions	
All discrepancies must be marked with masking tape and magic marker.	
All discrepancies must be noted and photographed.	
Note: If the monopole has a base insulator (decommissioned AM hot monopole), the bo	ex next to the monopole with a single wire feed is NOT an AM detui
	Ves No Corrected N/A
	911
	No N
s there an AM Detuning system on the monopole?	Place x in the proper box
Are the AM Detuning skirt wires securely attached to the monopole?	X
Are the AM Detuning wires in good condition? (Broken, sharp bends, etc) Is the AM Detuning box securely attached to the monopole or other mounting system?	
is the AM Detuning box securely attached to the monopole of other mounting system?  Is the AM Detuning box in good condition? (Sealed, loose or missing hardware, etc)	
Is the exterior of the AM Detuning box free of rust and corrosion?	×
Is the AM Detuning system properly grounded?	x
Comments:	
1.	
41	
2,	

# SECTION I- TREE STRUCTURE/APPURTENANCES <u>instructions</u> All stealth sections are to be inspected fully as part of this inspection. All discrepancies must be marked with masking tape and magic marker. All discrepancies must be noted and photographed. No Corrected N/A Are the branch/frond appurtenances in good condition? Are the branch/frond appurtenance bolts/connections tight, in place, and undamaged? Place x in the proper box is the branching base structure plumb? If no, how many degrees out per section and total? Are the appurtenance bolt holes in good condition and not ruptured or damaged? Are the appurtenance sleeves/flanges intact and free of rust? Are the stealth antenna covers ("socks") in good condition? Are the shaft flange connection bolts tight and free of rust? Take detailed photos of all bolts. Are the appurtenance connection bolts installed properly with flat/lock washers? Are appurtenance connection holes in good condition and not ruptured or damaged? Are appurtenance connection points, welds in good condition and free of rust? 0% What percentage degradation has occurred in stealthing material? Comments: 1. The top 2 appurtenance branches are deteriorated, Photos: 148 & 149 2. One Antenna sock has fallen from it's antenna and is stuck in the branches: 134, 135 Check welds POLE SHAFT \_5/16" # HOLE 5/16"# HOLES 1 1/8" SOLID BAR STOCK BRANCH MOUNT, W/ 4 1/4" THREAD ANGLE VARIES. TO 60"-2 1/2" HEAVY HEX MOUNTING NUT OVERSIZED 1 1/8", WELDED TO MONOPOLE SHAFT W/ STANDARD 1 1/8" LCCKING NUT (ASTM A36) PINE BRANCH RECEPTOR BRACKET DETAIL (STEEL PIPE, 1 1/4" X SCH 40) MWS00064 TYPICAL BRANCH RECEPTABLE 5/16"# HOLE PINE BRANCH RECEPTOR BRACKET DETAIL (STEEL PIPE, 1 1/4" X SCH 40) Typical branch/frond connection detail **SECTION J - COMPLIANCE** I understand that this information and form are the sole property of American Tower Corporation and may not be copied or shared without written permission from ATC. I certify this report to be accurate and complete to the best of my knowledge and belief. Date: 03/10/2021 Name : Douglas McCormac Company: Tower Engineering Professionals



4/3/2023

To: Ashley Dwyer (American Tower Corporation)

Transmitted via email to Ashley.Dwyer@americantower.com

RE: Equipment Modifications at Verizon Monopine Site Located at: 2580 Route 35 Somers, NY 10536

Dear Property-Owner,

We write to inform you that Verizon Wireless has performed a radio frequency (RF) compliance evaluation for the above-noted site and based on the result of the evaluation, this site is compliant with FCC Guidelines and will be compliant after implementation of the proposed equipment modifications.

The FCC has established safety rules relating to potential RF exposure from cell sites. The rules are codified at 47 C.F.R § 1.1310. The FCC provides guidance on how to ensure compliance with its rules in the FCC Office of Engineering and Technology Bulletin 65 (available at

https://transition.fcc.gov/Bureaus/Engineering Technology/Documents/bulletins/oet65/oet65.pdf). The FCC developed the RF standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The FCC provides information about the safety of radio frequency (RF) emissions from cell towers on its website at: <a href="https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/fag/rf-safety">https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/fag/rf-safety</a>.

The following mitigation requirements have been implemented on the above-mentioned site and must remain in place:

1. Access points with Guidelines and NOC Information signs at Access Gate – see page 3

To ensure general public safety, it is important that you contact Verizon Wireless personnel at least 24 hours in advance should general maintenance need to be performed in areas of potential concern as highlighted in the RF Safety Plan. This is required to comply with FCC guidelines and ensure the environment is safe for general maintenance workers who may require RF Safety & Awareness training. With notification, Verizon Wireless is able to evaluate appropriate actions needed relating to the antennas and proximity of the work location.

Please refer to the FCC Office of Engineering and Technology Bulletin 65 and the attached Verizon Wireless RF Brochure for information on RF exposure guidelines, RF safety, and landlord responsibilities. Questions related to compliance with federal regulations should be directed to <a href="https://www.verizon.org/wireless.com"><u>VZWRFCompliance@VerizonWireless.com</u></a>. Contact your local Verizon Wireless resource below if you have additional questions, or if maintenance is to be performed on the facility.

Contact Name	Contact Email	<b>Contact Phone</b>
Jessica A. Parčić	NYMNetworkcompliance@verizon.com	914-714-1733

In the event that emergency maintenance must be performed on the facility and the above-noted contact is not available, please call the Verizon Wireless Network Management Center at **800-264-6620** for assistance.

Sincerely,
Ahmad Roshdy Abderrassou
Manager-RF System Design
Verizon Wireless

# Verizon Wireless (VZW) Radiofrequency (RF) Emissions Map

The following site layout represents a current snapshot in time of the predicted Verizon Wireless RF emissions from transmitting antennas on this facility. Contact Verizon Wireless should maintenance need to be performed in any nongreen areas.

## Predictive Model: Verizon Transmitters

### Reference Plane: Transmission Line Level

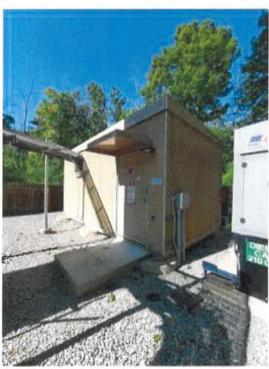


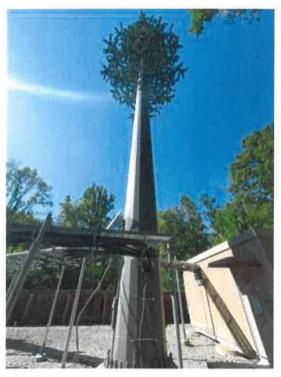
Color	% Occupational MPE Instructions							
	0 to 20	Safe In Relation to VZW. Contact Other Carriers Before Entering This Area						
	20 to 100							
	Greater Than 100	Contact VZW Before Accessing This Area						
	Greater Than 1000							

# Verizon Wireless (VZW) Antenna Detail

The following pictures and information represent a current snapshot in time based on the predicted Verizon Wireless RF emissions from transmitting antennas on this facility. If the configuration changes, Verizon Wireless may adjust any signs and indicators as necessary.





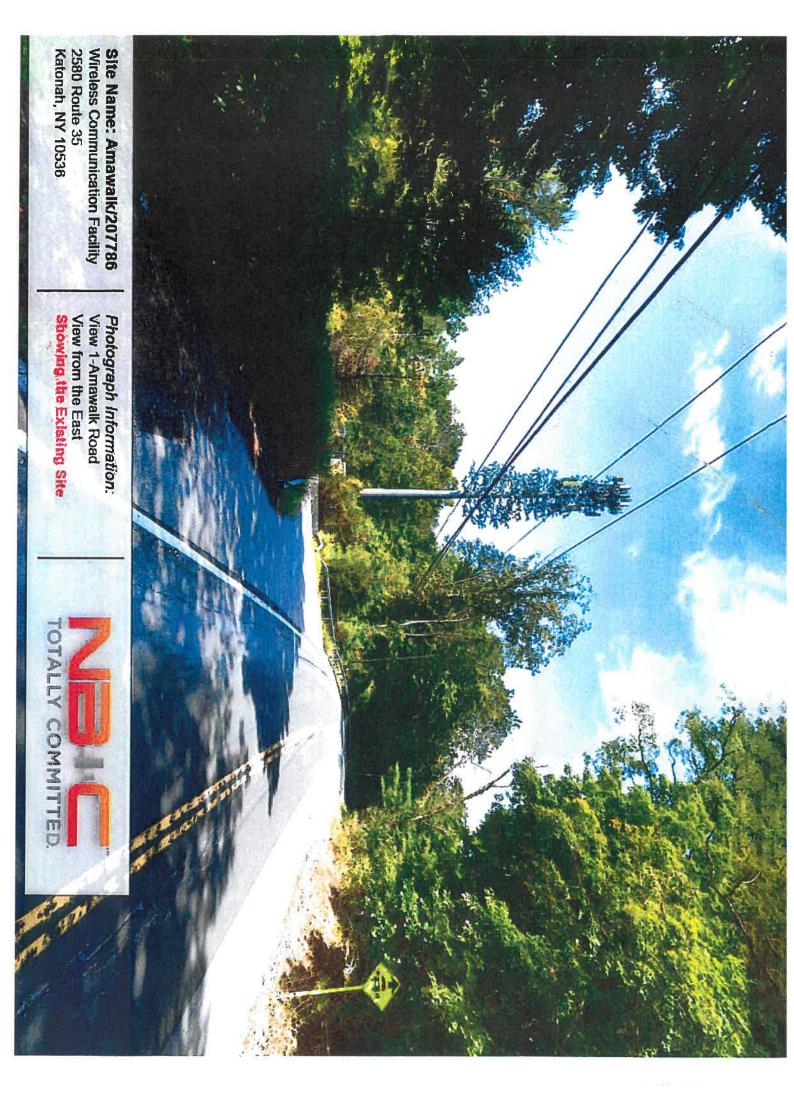


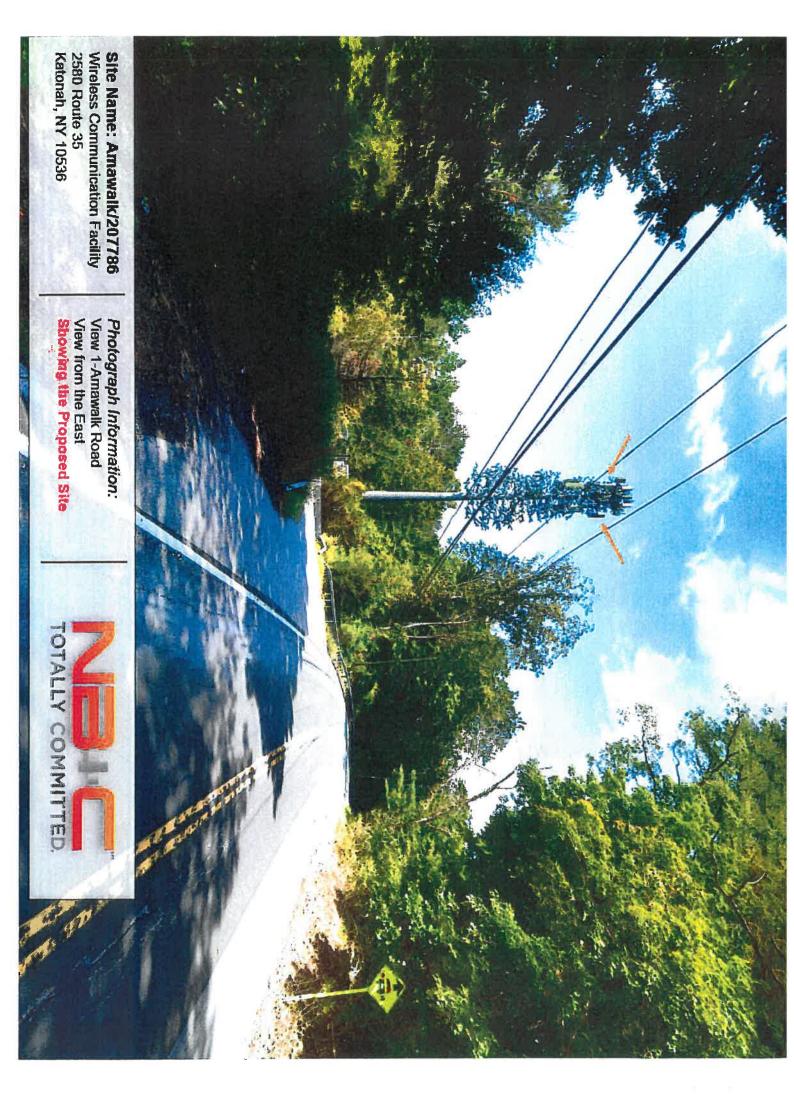
ю	Name	(MHz) Freq	Trans.	Trans Count	Other	Calc Power	Mis	Model	Transmission Line Level 2 (ft)	Shelter Level Z (ft)	Туріе	(ft) Aper	d8d Gain	BWilth	Orientatica
VZ Alpha_Ant1	1850	850	40.0	2	0.5	713	COMMSCOPE	NHH-65A-R28	870	107.0	Panel	4.6	11 44	61	40
VZ Aipha_Ant1	2100	2100	40 0	4	0.5	142.6	COMMSCOPE	NHH-65A-R28	87.0	107.0	Panel	4.6	14.42	61	40
VZ Alpha_Ant2	1708	700	40.0	2	0.5	71.3	COMM5COPE	NHH-GSA-R2B	87.0	107.0	Panel	4.6	10.88	66	40
V2 Alpha_Ant2	LB50	850	40.0	2	0.5	71.3	COMMSCOPE	NHH-65A-R2B	87.0	107.0	Panel	4.6	11.44	61	40
VZ Alpha_Ant2	L1900	1900	40.0	4	0.5	142.6	COMMSCOPE	NHH-65A-R28	87.0	107.0	Panel	4.6	14 36	64	40
VZ Alpha_Ant3	CBRS	3600	0.622	2	0.0	3.24	SAMSUNG	XXDWMM-12 5-65-8T	87 C	107.0	Switched Beam	10	10.55	62	40
VZ Alpha_Ant4	C-Band	3700	50.0	4	0.0	200.0	SAMSUNG	MT6407-77A	87 0	307 D	Panel	2.9	23.34	12	46
V2 Beta_Ant1	L700	700	40.0	2	0.5	71.3	COMMSCOPE	NHH-65A-R28	87.0	107.0	Panel	4.6	10.88	66	180
VZ Beta_Ant1	L850	650	400	2	0.5	71.3	COMMSCOPE	NHH-65A-R2B	870	107.0	Panel	4.6	11.44	61	180
VZ Beta_Ant1	2100	2100	40.0	4	0.5	142 6	COMMSCOPE	NHH-65A-RZB	87.0	107.0	Panel	4.6	14.42	61	180
VZ Beta_Ant2	L700	700	400	2	0.5	71.3	COMMSCOPE	NHH-6SA-R2B	87 0	107.0	Pane!	4.5	10 88	66	180
VZ Beta_Ant2	L850	850	40.0	2	0.5	71.3	COMMSCOPE	NHH-65A-R28	87.0	107.0	Panel	4.5	11,44	61	180
VZ Beto_Ant2	L1900	1900	40.0	4	0.5	142.6	COMMSCOPE	NHH-65A-R28	87.0	107 0	Panel	4.6	14.36	64	180
VZ Seta_AntS	CBRS	3600	0 622	2	0.0	1.24	SAMSUNG	XX0WMM-12 5-65-8T	870	107.0	Switched Beam	1.0	10.55	62	180
VZ Beta_Ant4	C-Band	3700	50.0	4	0.0	200 0	SAMSUNG	MT6407-77A	870	107 0	Panel	2.9	23 34	12	180
VZ Gamma_Ant1	L700	700	40.0	3	0.5	71.3	COMMSCOPE	NHH-65A-828	87.0	107.0	Pane!	4.6	10.88	66	300
VZ Gamma_Ant1	LBSO	850	40.0	2	0.5	71.3	COMMISCOPE	NHH-65A-R28	87.0	107.0	Panel	4.6	11,44	61	300
VZ Gamma_Ant1	2100	2100	40.0	4.	0.5	142.6	COMMSCOPE	NHH-65A-R28	87.0	107.0	Panel	4.6	14.42	61	300
VZ Gamma_Ant2	L700	700	40.0	2	0.5	713	COMMISCOPE	NHH-65A-R28	87.0	107 0	Panel	4.6	10.88	66	300
VZ Gamma_Ant2	L850	850	400	2	0.5	713	COMMSCOPE	NHH-65A-828	87 C	107 0	Panel	4.6	11.44	61	300
VZ Gamma_Ant2	L1900	1900	40.0	4	0.5	142.6	COMMSCOPE	NHH-65A-828	87.0	107.0	Panel	4.6	14.35	64	300
VZ Gamma_Ant5	CBRS	3600	0.622	2	0.0	1.24	SAMSUNG	XXDWMM-12.5-65-8T	87.0	107.0	Switched Besm	1.0	10.55	62	300
VZ Gemme_Ant4	C-Band	3700	500	4	0.0	200.0	SAMSUNG	MT6407-77A	87.0	107.0	Panel	29	23 34	12	300
Unknown Ant.	1900	1900	400	4	0.5	142.6	Unknown	Unknown	97.0	1170	Panel	4.6	14 36	64	40
Unknown_Ant2	1900	1900	40.0	4	0.5	142.6	Unknown	Unknown	97.0	117.0	Panel	4.6	14 36	64	40
Unknown_Ant3	1900	1900	40.0	4	0.5	142.6	Unknown	Unknown	97.0	117.0	Panel	4.6	14.36	64	40
Unknown_Ant4	1900	1900	40.0	4	0.5	142.6	Unknown	Unknown	97.0	117.0	Penel	4.6	14 36	64	40
Unknown_Ant5	1900	1900	40.0	4	0.5	142 6	Unknown	Unknown	97.0	117.0	Panel	4.6	14 36	64	180
Unknown_Ant5	1900	1900	40 D	4	0.5	142 6	Unknown	Unknown	97 0	117.0	Panel	4.6	14 35	64	180
Unknown_Ant7	1900	1900	40.0	4	0.5	142.6	Unknown	Unknown	97.0	117.0	Panel	46	14.36	64	180
Unknown_Ant8	1900	1900	40.0	4	0.5	142.6	Unknown	Unknown	97.0	117.0	Panel	4.6	14 36	64	180
Unknown_Ant9	1900	1900	40.0	4	0.5	142.6	Unknown	Unknown	97.0	117.0	Panel	4.6	14 36	64	300
Unknown_Ant10	1900	1900	40 0	45	0.5	1426	Unknown	Unknown	97 0	1170	Panel	4.5	1436	64	300
Unknown_Antl1	1900	1900	40 0	4	0.5	142.6	Unknown	Unknown	97.5	117.5	Panel	4.6	14 36	64	300
Unknown_Ant12	1900	1900	40.0	4	0.5	142.6	Unknown	Unknown	97.0	117.0	Panel	4.6	14.36	6.4	300

## **Conclusion Narrative**

# **Description of MPE-Limit Exceeding Areas:**

- The results of the analysis indicate that the power density levels in the generally accessible areas on the Transmission Line Level will not exceed the FCC's MPE limit for General Population.
- The results of the analysis indicate that the power density levels in the generally accessible areas on the Shelter Level will not exceed the FCC's MPE limit for General Population.
- The max theoretical % MPE is 0.07% directly in front of the antennas beams at the Transmission Line Level.
- NOC and Guidelines signs need to be posted on the Access Gate. All access points to these areas need to remain locked at all times.









### TOWN OF SOMERS WESTCHESTER COUNTY, NEW YORK

### APPLICATION FOR ENVIRONMENTAL PERMIT

CHAPTER 93 "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL"

APPLICATION FEE: \$100 for disturbances of five thousand (5,000) square feet and/or for the placement or removal of 50 cubic yards of soil, plus \$500 for each additional acre of disturbance.

ENGINEERING INSPECTION FEE; \$100
OWNER: TAYLOR & MICHELLE Tel#: 914 384-4874 Mailing Address: G JEAN WAY, SOMERS, NY 10589
OWNER: 14 LUK 9 MICHELLE TELL
Email Address: 9c CONSTRUCTION @ OFFONLINE COM
Email Aduress: 4C CON 711-OC 110 N 165 Of 1 C T T T T T T T T T T T T T T T T T T
APPLICANT: Some as Gwiner Tel. #:
Mailing Address:
Email Address:
State authority: If other than owner, authorization must be submitted in writing \(\bullet / \beta \)
PREMISES: Sheet: 18.09 Block: 1 Lot: 54,55,56
DESCRIPTION OF WORK AND PURPOSE: CONSTRUCTION OF A SINGLE FAMILY HOUSE, DRIVEWAY, SEPTIC SYSTEM & WELL
SIZE OF ACTIVITY AREA: 21,150 States to feet to feet to finclude all construction activity area)
VOLUME OF EXCAVATED MATERIAL: 4SO CF
(leave blank if not known)
IN CONJUNCTION WITH:  Wetland Permit: Steep Slopes Permit: Tree Preservation Permit: Site Plan: Subdivision:
PROPOSED STARTING DATE: 8/1/23 PROPOSED COMPLETION DATE: 8/1/24 PLANS PREPARED BY: 10HN (ARELL DATED: 5/1/73 **Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application. **
LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:  WEST CHESTER COUNTY HEACTH DEPT SEPTIC
& Was Approvais
7
LIST OF PROPERTY OWNERS OF RECORD OF LANDS AND CLAIMANTS OF WATER RIGHTS
WITHIN 100 FEET OF SUBJECT PROPERTY
NAME ADDRESS BLOCK/LOT
APPLICANT'S SIGNATURE: DATE: 5/2/23  OWNER'S SIGNATURE: DATE: 5/2/23
APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, A VICINITY MAP, A DEVELOPMENT PLAN, EROSION AND SEDIMENT
CONTROL PLAN, AND THE PROPOSED PHASING OF DEVELOPMENT OF THE SITE.
Office Use OnlyRECEIVED
Administrative Permit:
lanning Board Permit:
NPENGeneral files/Permit Application forms/Somers_P&E_Erosion & Sediment Control 2006.DOC

PLANNING-ENGINEERING TOWN OF SOMERS

# TOWN OF SOMERS WESTCHESTER COUNTY, NEW YORK APPLICATION FOR ENVIRONMENTAL PERMIT CHAPTER 148 "STEEP SLOPE PROTECTION"

### **APPLICATION FEE:**

Alteration of Steep Slopes: \$150.00 minimum fee plus \$75.00 per 10,000 S.F. of regulated area or proposed portions thereof to be disturbed.

OWNER: TAYLOR & MIC	HELLE WINTJE	Tel. #: 914 384-48	74
Mailing Address: 6 3	EAN WAY, S	OMERS NY. 105	589
APPLICANT: Say	ne an owner	Геl. #: —	
Mailing Address:			
State authority: N/A	If other than own	er, authorization must be s	ubmitted in writing.
Premises: Sheet: 18.09 Block:	1 Lot: 54	55,56	- The state of the
Situated on the West side of	CARULYN WAY		from the intersection of
ROUTE 118 (	Street)	- 4 - 4 -	
Description of Work and Purp	ose: CONSTRUC	110N OF A >/	UGLE HAMILY
HOUSE, DRIVEWA	1 SEPTIC SI	STEM & WELL	
<b>Estimated Quantity of Excavat</b>	ion: C.Y.	680 CUT 200	FILL
Size of Activity Area: 21	150 SafT		
Total Value of Work:			
Slope Category: 15% <25% 0.4	A 25% <35% O.ZA	or >35%: 0, 24A	- 1
Soil Types: Crc Charlton	chatfield Comp	lex (ChD) charlton	Fine sandy loam Hydrolic Group B
Proposed Starting Date: 6//	23 Proposed Con	apletion Date: 6/1/24	Hydrolic Group B
Plans Prepared by: TOHN 14	RELL Dated: 3	5/1/23	•
**Plans must be submitted with		•	
List of Applicable County, Stat		•.·	
WESTCHESTER COL			WELL
List of Property Owners of Rec Property.	ord of Lands and Cla	nimants of Water Rights wi	thin 100 feet of Subject
NAME	ADDRESS	BLOCK	LOTS
Applicant's Signature:	Just	Date: 5/2/23	
Owner's Signature:	Wy	Date: _5/2/23	
*APPLICATION MUST BE A	CCOMPANIED WIT	TH A COMPLETED ENV	IRONMENTAL
ASSESSMENT FORM, COMP			
OF SLOPE CATEGORIES.		,	
•	Office Use Only	7	• • • • • • • • • • • • • • • • • • • •
Administrative Permit:			
Planning Board Permit:			

### TREE REMOVAL PERMIT APPLICATION SECTION 156, TREE PRESERVATION

SUBMIT TO: Town of Somers, Engineering Department 335 Route 202, Somers, New York 10589

					DATE: _	430/202	3
1.	APPLICAT	TON FEE:					·
Tree Rei	moval - \$50	.00 for the first	five (5) trees	to be removed,	\$15.00 for eacl	n additional tree to	o be removed.
2. <u>I</u>	DENTIFIC	CATION OF A	APPLICANT	•			
OWNE Mailing E-mail A	R: TAYL Address: Address:	OR & MICH G JEAN GCCONS	BLLE W J WAY, S TRUCTIONS	SOMERS I	el.#: 914 NY, 1058 ne, net	384 4874 9	
APPLIC	CANT: (if o	ther than Own	ner) L CS O	WHER TO	el. #:		
Profession State aut	Address:	ng site plan:			V-1	submitted in writ	
_		CAROLYN L 8	A		i.	Lot: <u>\$4,</u> S	5,56
4. <u>N</u>	NUMBER (	OF TREES TO	) BE REMO	VED (12-INCH	IES OR GRE	ATER)	
Zoning I	District:	R10	R40	R80	R120	Other	(Circle)
	Quantity of	trees to be rem	noved (Must b	e tagged/identif	ied to evaluate	permit requireme	nts)
5. <u>P</u>	PURPOSE	FOR TREE R	REMOVAL				
	o) stru	tion of	Louse	drnewa	y and s	eptie syr	tem
-							

### 6. SKETCH OR SITE PLAN \*

\* A site plan shall be provided if the tree removal activity involves clearing and must be certified by an arborist, landscape architect or professional forester.

The Town Engineer or other duly authorized representative shall inspect the property to assure satisfactory completion of the requirements of the approved tree removal permit, and, upon such completion, the approving authority shall require documentation from such official stating that all required conditions of the tree removal permit have been satisfactorily completed. If, upon inspection, it is found that any of the required conditions have not been addressed in accordance with the approved permit and/or plans, the applicant shall be responsible for addressing all conditions of approval pursuant to the original conditions of approval. Failure of the Town Engineer or other duly authorized representative to carry out inspections of required improvements during the tree removal shall not in any way relieve the applicant or the bonding company of their responsibilities. The Town Engineer, his designee, and the Town Environmental Enforcement Officer shall have access to all parts of the work area at all times during tree removal.

APPLICANT'S SIGNATURE:

DATE

DATE.

OWNER'S SIGNATURE:

By submitting this application I understand, allow and agree to a Town inspector making a site visit to the exterior of my property.

(Initial)

Z:\PE\General files\Permit Application forms\Tree Cutting Permit DOC

## TOWN OF SOMERS WESTCHESTER COUNTY, NEW YORK CHAPTER 67 "APPLICATION PROCESSING RESTRICTIVE LAW"

### **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 18.09 Block / Lot 54,55,56
Property Address 9 CARDYN WAY
Permit Applying For STEEP SLUPE, TREE & SITE PLAN
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 Signed (Applicant for Permit)  Taylor J Wintle (Print Name)  Pate 5/2/23  Date 5/2/23
CONFIRMATIONS
Zoning Enforcement Officer  Date:
Date: Director of Finance for Fees
Engineering Department  Date:  Engineering Department
Date: Receiver of Taxes

7/2014

### 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 of Property Owner: (if different from applicant)

Date:

Date:

#### PLANNING AND ENGINEERING DEPARTMENTS

Telephone (914) 277-5366 Fax (914) 277-4093 Town of Somers

WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle Principal Engineering Technician swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

May 4, 2023

To: Honorable John Currie, Chairman and

Planning Board Members

From: David B. Smith

Re: Gleneida Realty Inc. - Proposed Zoning Amendment

Cc: Steve Robbins, Woodard & Curran Gerry Reilly, Planning Board Attorney

On or about April 28, 2023 a zoning petition was formally submitted, see also attached, for the rezoning of the approximately 2.28 acre lot identified as 259 Route 100. As you will recall that property was rezoned to MFR-100 recently but as detailed in the zoning petition the owner now seeks to develop the property for a different use, self-storage.

The petition provides the background, some preliminary concept plans, visuals and an EAF form. At the May 4, 2023 Town Board meeting, the Town Board declared their Intent to Act As Lead Agency under SEQRA and did request that the petition be forward to the Planning Board and other Interested Agencies for their review and input before formally declaring themselves Lead Agency and scheduling a public hearing.

This request from the Town Board with the accompanying petition is respectfully submitted to the Planning Board for your review and consideration, consistent with New York State Town Law and the Town of Somers Code, at your upcoming meeting.

In the meantime, should you have any questions or comments on the above or attached please do not hesitate to reach out to this office.

### McCullough, Goldberger & Staudt, LLP

Attorneys at Law
1311 Mamaroneck Ave., Suite 340, White Plains, NY 10605
TEL (914) 949-6400 FAX (914) 949-2510
mcculloughgoldberger.com

LINDA B. WHITEHEAD

April 28, 2023

Partner lwhitehead@mgslawyers.com

Honorable Supervisor Robert Scorrano and Members of the Town Board Town of Somers 335 Route 202 Somers, New York 10589

Re: 259 Route 100

**Zoning Amendment** 

Dear Supervisor Scorrano and Members of the Town Board:

This office represents Gleneida Realty Inc., ("Petitioner"). Petitioner is the owner of an approximately 2.28-acre lot identified as 259 Route 100, Town of Somers, County of Westchester, State of New York, shown and designated on the Town of Somers Tax Map as Tax Parcel 28.06-1-15 (hereinafter referred to as the "Property").

The Property was previously rezoned by your Board from R-80 to the new MFR-100 Zoning District, in part in recognition that due to its location on Route 100 and the surrounding uses it was not practical to redevelop the Property with a single home. The Property is bordered by vacant land to the north and a single-family home to the west. East of the Property, across Route 100, is the Office Business "OB-100" District. To the southeast is a construction materials yard (Lawton Adams Materials), which lies in the Office and Light Industry "OLI" District. South of the Property, also in the OLI District, is a gas station and deli, as well as a warehouse and office use, a sanitation and recycling yard, and a garage for the Somers Highway Department.

In light of the surrounding zones and uses and zoning along Route 100, as well as the location on a State Highway, the Property is ideally located for redevelopment with a low-impact commercial use located between the existing commercial and industrial uses to the south and east, and the residential development to the north and west. Petitioner is therefore proposing a new, high end self-storage facility, designed to be aesthetically pleasing and in keeping with the character of the neighborhood.

To that end, Petitioner is requesting a change in the Somers Zoning Map, to re-map the Property to the nearby OLI District, and to amend the Somers Zoning Ordinance to create a permitted use for self-storage facilities within the OLI District. It is our belief that this use will have minimal impacts, while representing an exciting update to this outdated site, and will be a tremendous fiscal benefit to the Town.

With the prior rezoning to MFR-100, our client had anticipated the multifamily development of the Property. This zoning was informed by a conceptual site plan for the Property, anticipating the construction of a 24-unit multifamily development comprised of two buildings, to be served by 46 parking spaces,

stormwater facilities, and related site improvements. The proposed self-storage building is anticipated to be a significantly less impactful use of the Property, given its low traffic and parking needs, and reduced demand on municipal services, reduced water and sewer demands, and the lack of any impact on the schools.

In further support of this project, we are pleased to enclose herewith a Petition for Amendments to the Town of Somers Zoning Map and Zoning Ordinance, dated April 28, 2023, together with the proposed text amendments to the Somers Zoning Ordinance, a Short Environmental Assessment Form relating to the proposed changes, and conceptual renderings and Layout plan, prepared by Alfonzetti Engineering, dated April 25,2023.

We respectfully request this matter be placed on the Board's May 4<sup>th</sup> Work Session agenda for the Board to consider accepting the Petition and referral of the Petition to the Planning Board for their review and recommendation back to the Town Board. We look forward to discussing this important matter with you further.

Very truly yours,

Linda B. Whitehead

Enc.

cc:

David B. Smith Gleneida Realty Inc. TOWN OF SOMERS TOWN BOARD
COUNTY OF WESTCHESTER: STATE OF NEW YORK

In the Matter of the Petition of

GLENEIDA REALTY INC. Petitioner,

**PETITION** 

For Amendment to the Town of Somers Zoning Map And Zoning Ordinance.

Affected Parcel: 28.06-1-15

\_\_\_\_\_

TO THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF SOMERS:

PETITIONER, GLENEIDA REALTY INC. ("Petitioner"), with its principal place of business at 339 Route 202, Suite 275, Somers, NY 10589, by its attorneys, McCullough, Goldberger & Staudt, LLP, hereby petitions the Town Board of the Town of Somers ("Somers", or the "Town") for an amendment to the Zoning Map of Somers (the "Zoning Map") and the Zoning Ordinance of Somers (the "Zoning Ordinance") as follows:

#### INTRODUCTION AND PROPERTY BACKGROUND

- 1. Petitioner is a duly formed and existing corporation under and by virtue of the laws of the State of New York.
- 2. Petitioner is the owner of a parcel of land totaling approximately 2.28 acres of real property located on the west side of New York State Route 100, just north of the intersection with Highview Terrace. The site is shown and designated on the Town of Somers Tax Map as Tax Parcel 28.06-1-15 and is commonly referred to as 259 Route 100 (hereinafter this parcel shall be referred to as the "Property"). The Property was historically improved with a single-family home that had become vacant and fallen into significant disrepair.

- 3. The Property is located in the Multifamily Residence "MFR-100" Zoning District and partially within the Groundwater Protection Overlay District. The Property is across Route 100 from the Office Business "OB-100" District to the east, and across Highview Terrace from the Office and Light Industry "OLI" District to the south. Property across Route 100 just south is also zoned OLI.
- 4. The north side of the Property is bounded by vacant land. To the west is a single-family home. East of the Property, across Route 100, is additional vacant land and a manufacturer and seller of landscape and construction materials (Lawton Adams Materials in the OLI District). South of the Property is a gas station and deli, as well as some single-family homes on Highview Terrace. Further south along Route 100 are a warehouse and office use, a sanitation and recycling yard, and a garage for the Somers Highway Department. See Area Map attached hereto as Exhibit A.
- 5. Petitioner believes the Property is uniquely situated between residential, commercial, and industrial uses and zoning districts, and is located on a significant State roadway. Petitioner is seeking to demolish the dilapidated single-family home and to improve the Property with a new, attractive self-storage facility. However, under the current zoning, the Property is limited as to what uses may be permitted on-site. Moreover, the Zoning Ordinance does not appear to define or consider self-storage as a use.
- 6. Therefore, Petitioner is hereby requesting that the Town Board amend the Zoning Map to re-zone the Property to the OLI District, and to amend the Zoning Ordinance to add a new permitted self-storage use in the OLI District. A copy of the proposed Zoning Amendment is attached hereto as **Exhibit B**.

#### PROPOSED USE OF THE PROPERTY

7. Petitioner is proposing to construct a two-story self-storage facility on the Property. The building will total approximately 40,000 square feet of gross floor area. The building will be served by 15 parking spaces and a loading space. Significant green space will be preserved in the rear

and supplemented with substantial landscaping to screen and naturally buffer the residential neighbors. The facility was designed to look residential in character to better fit the setting of the neighborhood, and the design calls for a stone wall and decorative fencing to provide an attractive visual gateway to the Hamlet area.

- 8. One of the explicit policy goals of Somers' 2016 Comprehensive Plan is to "Provide for and support a mix of land uses in appropriate locations." See Comprehensive Plan, p. 9. While there is a general mix of uses surrounding the Property along Route 100, the current zoning would not allow for the addition of self-storage. In fact, self-storage facilities, which are increasingly in-demand throughout the region, are not clearly permitted anywhere in the Zoning Ordinance. This limits the potential for development of a site so uniquely situated between different uses and zoning districts, and it further limits access to self-storage facilities for residents of Somers.
- 9. We believe the proposed amendments would be beneficial to the Town by creating a new, low-impact use that will serve Somers residents, utilizing an underdeveloped site that is falling into disrepair. Self-storage is an inherently quiet use, with low traffic volumes and parking needs, little demand on municipal services as well as sewer and water, and no impact on schools, while still generating taxes. The project will also improve the appearance of the area and serve as an attractive visual entry to the Hamlet area. A copy of the preliminary renderings and draft Site Layout Plan for the project is attached hereto as **Exhibit C**.

#### PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE

- 10. Petitioner respectfully requests the adoption of the Zoning Text Amendment consisting of modifications to create a new self-storage use in the OLI District.
  - 12. Petitioner further requests that the Property be rezoned to OLI.
- 13. The Zoning Text Amendment would not have any adverse impact on the Zoning Ordinance or the Town for several reasons. The self-storage use will be regulated with specific bulk

and dimensional requirements to ensure responsible development that shall not create significant impacts to neighbors. Moreover, self-storage is an inherently quiet and low impact use, with limited traffic, noise, or individuals on-site. The proposed use will also provide economic benefits to the Town of Somers in the form of additional tax revenue, making use of an underdeveloped site..

14. For all of the foregoing reasons, it is respectfully submitted that the proposed Zoning Ordinance Amendment should be granted, and the OLI District should be applied to the Property.

WHEREFORE, Petitioners respectfully request that the Town Board of Somers amend the Zoning Ordinance and Zoning Map of the Town of Somers as set forth above.

Dated: White Plains, New York April 28, 2023

> Respectfully submitted, McCullough, Goldberger & Staudt, LLP

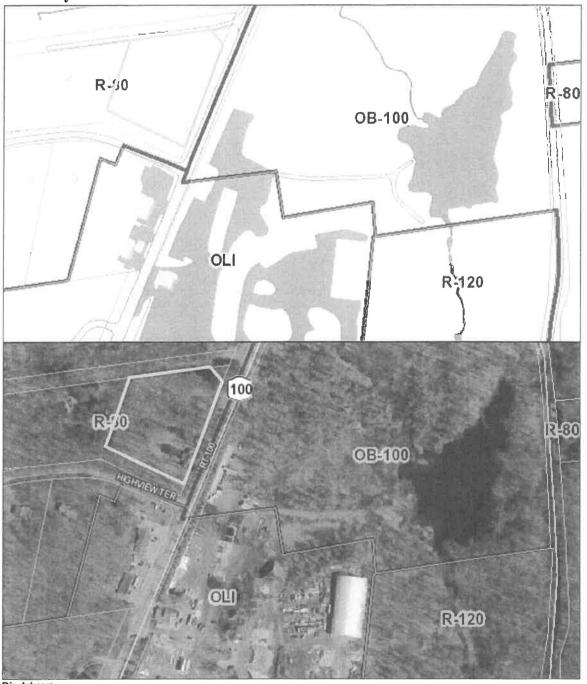
By: hit Balle

### Exhibit A – Area Map

### **Tax Parcel Maps**

Address: 259 RTE 100

**Print Key:** 28.06-1-15 **SBL:** 02800600010150000000



#### Disclaimer:

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.

1 of 1 11/4/2020. 11:51 AM

### Exhibit B – Zoning Amendment

### TOWN BOARD TOWN OF SOMERS, NEW YORK

LOCAL LAW NO. \_\_\_-2023

## A LOCAL LAW TO REVISE THE ZONING ORDINANCE OF THE TOWN OF SOMERS TO EXPAND THE LIST OF PERMITTED USES WITHIN THE OLI ZONING DISTRICT TO INCLUDE SELF-STORAGE FACILITIES

#### Be it enacted by the Town Board of the Town of Somers as follows:

**Section One.** Section 170-3 of the Town of Somers Zoning Ordinance shall be amended by adding a new defined term entitled "Self-Storage", which shall state as follows:

#### SELF-STORAGE FACILITY

A fully enclosed commercial and/or business establishment providing varying sizes of individual compartmentalized and/or controlled access to stalls or lockers for the storage of business or personal property.

**Section Two.** Section 170-24.2 of the Town of Somers Zoning Ordinance shall be amended by adding new sections K., which shall state as follows:

K. Self-storage facilities, where maximum building coverage shall not exceed 25% and maximum floor area ratio (FAR) shall not exceed 0.45. Such facilities shall otherwise be subject to the ordinary dimensional standards and requirements outlined in § 170-24.5.

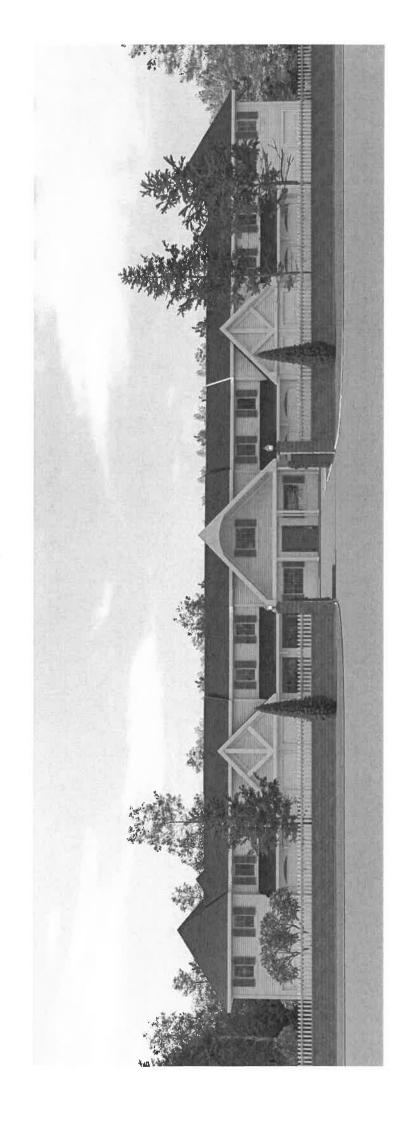
**Section Three.** Section 170-40.B. of the Town of Somers Zoning Ordinance shall be amended by adding a new use and parking requirements, which shall state as follows:

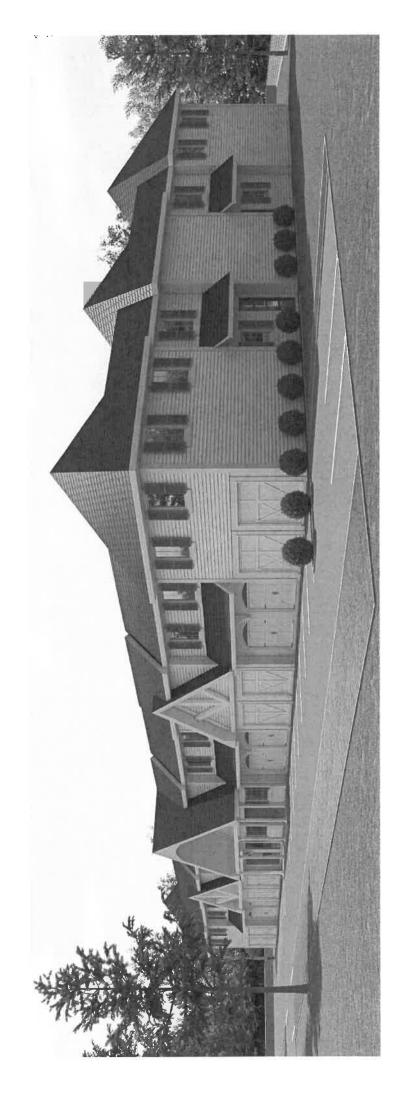
Kind of Use	Required Parking Units (PU)	Required Loading Units (LU)
Self-storage facility	, ,	` ,
Each 3,000 square feet of gross floor area	1	
First 40,000 square feet of gross floor area		1

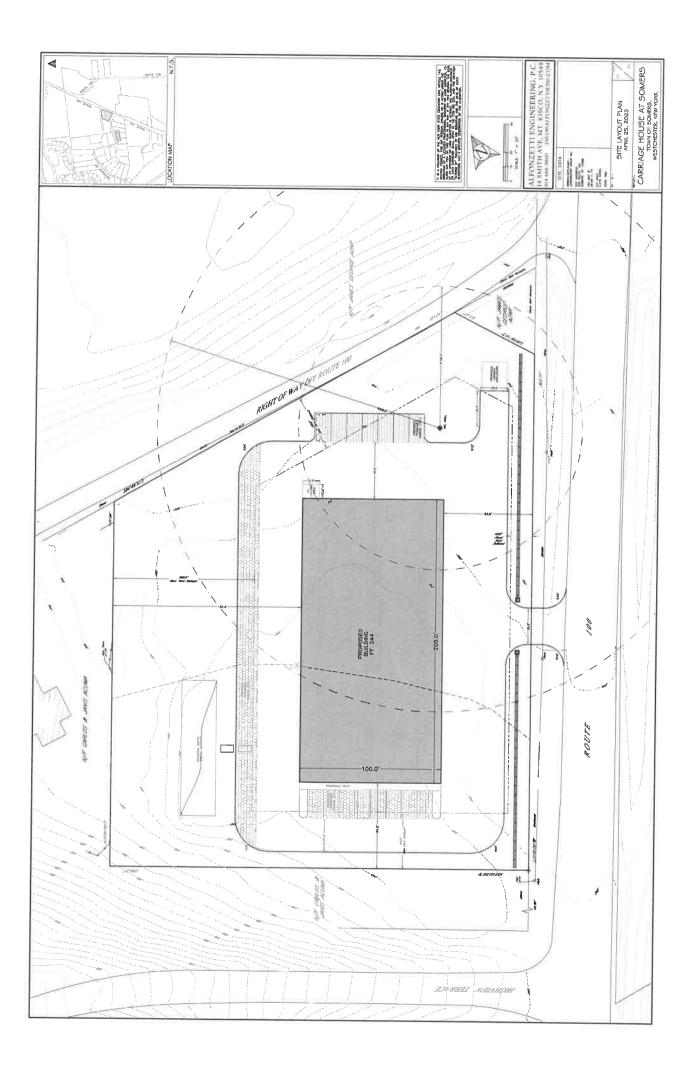
**Section Four.** If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct 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 Five. This Local Law shall take effect immediately upon filing with the Secretary of State.

### Exhibit C – Renderings & Draft Layout Plan







### Exhibit D – EAF

### Short Environmental Assessment Form Part 1 - Project Information

### **Instructions for Completing**

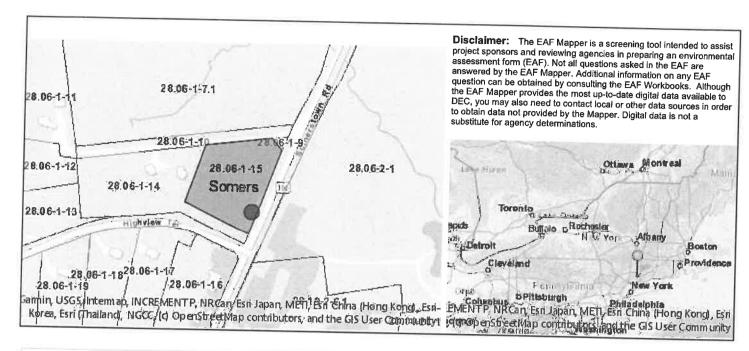
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

Part 1 – Project and Sponsor Information	
Name of Action or Project:	
Route 100 Self-Storage Facility	
Project Location (describe, and attach a location map):	
259 Route 100, Somers, NY 10589	
Brief Description of Proposed Action:	
Zoning amendments and construction of a two-story self-storage facility and associated site improvements.	
and the improvements.	
Name of Applicant or Sponsor:	
Telephone: 914-715-2	2370
Gleneida Realty Inc.  E-Mail: enrico@londo	nderrygroup.net
Address:	, 3, por
339 Route 202	
City/PO: State:	Zip Code:
Does the proposed action only involve the legislative adoption of a plan, local law, ordinance,  administrative replacement of the legislative adoption of a plan, local law, ordinance,	10589
auministrative rule, or regulation?	NO YES
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.	[4]   [_]
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: Somers TB zoning amendments; Somers PB site plan approval.	NO YES
groundwater protection permit; NYCDEP septic, DOH well an	val and lot septic
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? 2.279 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:	
5. Urban Rural (non-agriculture)  Industrial  Commercial  Residential (sub	urban)
Forest Agriculture Aquatic Other(Specify):	
Parkland	

5. Is the proposed action, a. A permitted use under the zoning regulations? (Zoning amendment proposed to create permitted use.) 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?  NO  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:  11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: A subsurdace disposal system will be designed and approved by the County Health Department, consisting of a septic tank, pump pili, and septic tenches.  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 or thistoric 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 or the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register or the NYS State Historic Preservation Office (SHPO) archaeological site i			
b. Consistent with the adopted comprehensive plan?	N/A	YES	N/A
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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>√</b>		$\checkmark$
	YES	NO	_
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			씀
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	1235 3	<b>Y</b>	

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?	NO	YES
Northern Long-eared Bat		V
16. Is the project site located in the 100-year flood plan?	NO	YES
	V	
17. Will the proposed action create storm water discharge, either from point or non-point sources?  If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	별	
		빌
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		V
Stormwater discharges from new impervious area to be directed to proposed stormwater infiltration system consisting of subsurface drywells and stormwater infiltration chambers.		
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:	NO	YES
	<b>V</b>	
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:	NO	YES
	<b>✓</b>	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<b>V</b>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	ST OF	
Applicant/sponsor/name: Gleneida Realty Inc. Date: April 28, 2023		
Signature: Steven WrabelTitle: Attorney		



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]	Yes
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]	No
Part 1 / Question 20 [Remediation Site]	No