Telephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

John Currie, Chairman
Fedora DeLucia
Christopher Foley
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
John Keane

SOMERS PLANNING BOARD
AGENDA
NOVEMBER 13, 2013
7:30 P.M.

MINUTES Consideration for approval of Draft Minutes for September 24, 2013

TIME-EXTENSION

1. **SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC.**
   FINAL CONSERVATION SUBDIVISION APPROVAL
   [TM: 16.12-1-41 & 42]
   Application of Susan Haft and Ridgeview Designer Builders, Inc. for Final Conservation Subdivision Approval, Stormwater Management and Erosion and Sediment Control, Steep Slopes and a Tree Removal Permit. Request for a 90-day time-extension of Final Approval from November 18, 2013 to and including February 18, 2014 in accordance with §150-13.M. of the Code of the Town of Somers. This is the twelfth request for an extension of Final Subdivision Approval.

REFERRAL

2. **HIDDEN MEADOW AT SOMERS**
   [15.07-1-6]
   Referral to Planning Board by Town Board of application for mapping of MFR-BP Multifamily Residence Baldwin Place District for a 16.7 acre parcel located along the south side of US Route 6 for the proposed development of 53 units of housing, sixteen of which would be affordable, within 45 townhouse buildings. The referral is pursuant to §170-13C(1)(6) of the Somers Town Code to provide input on the concept plan. In addition, the Town Board requests the Planning Board to act as Leas Agency under SEQRA (6 NYCRR.Part 617) for the proposed zoning application, concept and associated subdivision plan.

PROJECT REVIEW

3. **NEW YORK SMSA LIMITED PARTNERSHIP (VERIZON WIRELESS) AMENDED SPECIAL USE PERMIT AND AMENDED SITE PLAN [TM: 37.13-2-3]**
   Application of New York SMSA Limited Partnership for Amended Special Use Permit and Amended Site Plan for co-location of a wireless telecommunications facility on an existing stealth tree monopole owned by Insite Tower LLC, with related equipment within the existing compound located at 2580 Route 35-Santaroni Property.

4. **PLANNING BOARD CALENDAR FOR 2014**

Next Planning Board Meeting, December 11, 2013
Agenda information is also available at www.somersny.com

L/
PB
TP

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

ONE NORTH BROADWAY, SUITE 701
WHITE PLAINS, NEW YORK 10601-2319

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN

NOELLE CRISALLI WOLFSON

TEL: (914) 421-1800
FAX: (914) 421-1856
WEB: WWW.HTWLEGAL.COM

HENRY M. HOCHERMAN
OF COUNSEL

October 28, 2013

RECEIVED
OCT 28 2013
PLANNING-ENGINEERING
TOWN OF SOMERS

Via Electronic Mail

Hon. John Currie, Chairman
and Members of the Planning Board
Town of Somers
Somers Town Hall
335 Route 202
Somers, New York 10589

590

Re: Final Subdivision Plat Approval Issued to
Susan F. Haft and Ridgeview Designer Builders, Inc.
Lovell Street, Town of Somers
Tax Identification Nos.: Section 16.12, Block 1, Lots 41 and 42
Twelfth Request for Extension of Time to February 18, 2014

Dear Chairman Currie and Members of the Planning Board:

At its meeting on August 14, 2013, the Planning Board granted its eleventh extension of Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to and including November 18, 2013. We are writing to request an additional 90-day extension of Final Approval to and including February 18, 2014 (the first business day after the ninetieth day, Sunday, February 16, 2014, which is followed by President's Day on Monday, February 17, 2014). This is our twelfth request for an extension of Final Approval which your Board has the authority to grant under Town Law Section 276(7)(c).

Since the last extension, our clients completed negotiating the contract for the installation of the utilities with NYSEG. However, the utilities have not yet been installed because the cost of such work is substantial and our clients have been engaged on other Ridgeview Builders work that will finance the utilities work. While our clients could have moved ahead with other work on the site, they chose not to do so in order to control the amount and duration of disturbance; their plan is to move ahead with the additional site work at the time the utilities are installed. Hopefully, the site utility work will be scheduled in the next few weeks. During the hiatus, the fill in the road sections has continued to settle and compact naturally which should provide the best results prior to installing the top course of blacktop. Given the circumstances and the amount of work that is still outstanding, it is not realistic to complete the utilities or the balance of the infrastructure work prior to the November 18, 2013 expiration date. Therefore, our clients seek a further extension of Final Approval to and including February 18, 2014.

We understand from Mr. Eric Moss that the site is clean and stable with no erosion or runoff and that the ponds, which are on-line, continue to function properly.

Kindly schedule this request for consideration and action at the Board's the next available meeting prior to the expiration date, and let us know if an appearance is required.

Thank you for your courtesy in this matter.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By: _____
Geraldine N. Tortorella

GNT:mc
cc: *(via electronic mail)*
Syrette Dym, AICP
Roland Baroni, Esq.
Joseph P. Eriole, Esq.
Mr. Steve Woelfle
Timothy Allen, P.E.
Mr. Matt Gironda
Ms. Susan F. Haft
Mr. Eric Moss

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

DATE: **October 28, 2013**

TO: Planning Board

FROM: Syrette Dym, AICP
Director of Planning

RE: **Susan Haft/Ridgeview Designer Builders, Inc. Subdivision Twelfth Time-Extension**

On October 28, a request for a twelfth 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On November 18, 2013, the previously granted time extension for the final subdivision approval will expire. The requested time extension, if granted would extend a 90 day approval up to and including February 18, 2014, considering weekends and holidays.

The Applicant has provided an explanation regarding the status of work on the project and the need for further subdivision approval extension for consideration by the Planning Board.

Steve Woelfle has confirmed that, as stated in the letter, the site is clean and stale with no erosion or runoff and that the ponds continue to function properly. I have no issues with the Planning Board granting a further time extension for this project.

If you have any questions, please do not hesitate to contact me.

cc: Geraldine Tortorella, Esq.
Susan Haft

Z:\PE\Subdivision files\EricMossRidgeview\Time Extensions\12th time extension.doc

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

November 13, 2013

Somers Town Board Members
Westchester County Department of Health
New York City Department of Environmental Protection
New York State Department of Environmental Conservation
New York State Department of Transportation
U.S. Army Corps of Engineers

Re: Hidden Meadow – The Kearney Realty & Development Group.
Zoning Application and Concept Plan/Subdivision Plan
16 Route 6 (Tax Lot 15.07-1-6)

The Somers Town Board received an application dated September 27, 013 (received by the Town Board on September 27, 2013 and by the Planning Board office on September 30, 2013), from The Kearney Realty & Development Group that seeks to develop a 16.7 acre parcel located on Route 6 that is currently zoned Residence District R-80 with 53 townhouse type dwelling units through application of the MFR-BP Multifamily Residence Baldwin Place MFR-BP Floating Overlay district (Section 170-13.A Town Code) that would permit development at the requested density and unit type. Specifically, there will be 45 three bedroom townhouses on individual fee simple lots, of which eight (8) will be affordable. In each of those eight (8) affordable townhouses, there will be a first floor affordable one-bedroom rental unit to be rented out by the owner of the three-bedroom affordable townhouse building above, for an additional 8 affordable units.

At the Town Board meeting of October 10, 2013, the Town Board reviewed the Applicant's preliminary development concept plan and submission letter. After review and discussion regarding the proposal, the Town Board indicated its opinion that the MFR-BP Floating Zone could be applied to this site. The Board specifically stated that location of the site along the Route 6 corridor was the significant site attribute that made the zone applicable to this site. The Town Board further stated that, were a site not fronting on Route 6, it was the Board's position that the zone would not be applicable.

coordinated environmental review. The attached Notice of Intent to Be Lead Agency and attached Full EAF are, therefore, being distributed to all involved agencies.

We have attached a response form that assumes that your agency has no objection to the proposed Lead Agency Designation. We request you complete the form and return it as soon as possible. If we do not receive written notice from you within thirty (30) days of the mailing of this notice (November 14, 2013) (i.e, by (December 13, 2013), the Somers Planning Board will declare itself Lead Agency in this matter.

Mary Beth Murphy

Town Supervisor

Attach. – Notice of Intent to Be Lead Agency
SEQR Distribution List
Lead Agency Response Form
Full EAF

Cc:

Interested Agencies

Town of Somers Open Space Committee
Town of Somers Architecture Review Board
Town of Somers Affordable Housing Board
Town of Somers Parks & Recreation Board
Town of Somers Energy and Environment Committee
Somers Bureau of Fire Prevention
Somers Fire District Town of Somers Highway Department
Town of Somers Police Department
New York State Police (Somers)
New York State Office of the Attorney General
Somers Central School District
Westchester County Planning Board
New York State Office of Parks, Recreation and Historic Preservation
New York State Department of Environmental Conservation

Lead Agency Representatives

Syrette Dym, AICP, Town of Somers Director of Planning
Joseph Barbagallo, Woodard & Curran Engineering P.A P.C.
Roland A.. Baron, Esq. Town Attorney

Project Sponsor Representatives

Ken Kearney, President, The Kearney Realty & Development Group
Rose Noonan, Executive Director, Housing Action Council, Inc.
Richard Williams, Insite Engineering , Surveying & Landscape Architecture, P.C.

Lead Agency Representatives
Syrette Dym, AICP, Town of Somers Director of Planning
Joseph Barbagallo, Woodard & Curran Engineering P.A P.C.
Roland A.. Baron, Esq. Town Attorney
Project Sponsor Representatives
Ken Kearney, President, The Kearney Realty & Development Group
Rose Noonan, Executive Director, Housing Action Council, Inc.
Richard Williams, Insite Engineering , Surveying & Landscape Architecture, P.C.

NOTICE OF SEQR ACTIONS – THE KEARNEY REALTY & DEVELOPMENT GROUP/HIDDEN MEADOW REQUEST FOR DESIGNATION OF THE MFR-BP – MULTIFAMILY RESIDENCE BALDWIN PLACE FLOATING OVERLAY ZONE TO A SPECIFIC SITE FOR DEVELOPMENT OF MULTIFAMILY HOUSING

Notice of Intent to Act as Lead Agency

Issued by Town of Somers Planning Board
Westchester County, New York

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act (SEQRA)) of the New York State *Environmental Conservation Law* and Chapter 92 (Environmental Quality Review) of the *Code of the Town of Somers, New York*.

The Planning Board of the Town of Somers, Westchester County, New York, has received a request from the Town Board of the Town of Somers referred at its meeting of October 10, 2013, regarding its willingness to act as lead agency under SEQR for a request received the Town Board from The Kearney Realty & Development Group seeking the designation of the MFR-BP – Multifamily Residence Baldwin Place Floating Overlay Zone for property located at 16 Route 6 (Tax Lot 15.07-1-6) and its development with multifamily housing..

The Somers Planning Board at its meeting of November 13, 2013 declared its intent to establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code. Unless an objection is expressed by any other involved agency within 30 days from the date of this notice, the Somers Town Board shall assume this role.

The Proposed Action is a _____ Action under SEQRA as per Chapter 92 of the *Code of the Town of Somers* in conjunction with Article 24 of the NYS *Environmental Conservation Law*.

PROPOSED LEAD AGENCY: Planning Board, Town of Somers
Somers Town House
335 Route 202
Somers, New York 10589

TITLE OF ACTION: The Kearney Realty & Development Group/Hidden Meadow Request for Designation of the MFR-BP- Multifamily Residence Baldwin Place Floating Overlay Zone to a Specific Site for Development of Multifamily Housing.

DESCRIPTION OF ACTION: The project is an application requesting designation of the MFR-BP – Multifamily Residence Baldwin Place Floating Overlay Zone (Section 170-13.A of the Town of Somers Town Code) to a 16.7 acre parcel located on Route 6

that is currently zoned Residence District R-80 for development of 53 townhouse type dwelling units. Specifically, there will be 45 three-bedroom townhouses on individual fee simple lots, of which eight (8) will be affordable. In each of those eight (8) affordable townhouses, there will be a first floor affordable one-bedroom rental unit to be rented out by the owner of the three-bedroom affordable townhouse building above, for an additional eight (8) affordable units. It is proposed that the total 16 units of affordable housing would qualify as units that meet the Westchester County affirmatively furthering fair housing (AFFH) requirements.

Access to the proposed project would be from a roadway off of Route 6. This roadway is also proposed to provide access to an adjacent Town of Somers owned 45.7 acre parcel (Tax lot 15.07-1-15.1), dedicated to the Town as part of the prior approved Windsor Farms subdivision development located on the north side of Route 6. Water and sewer services are proposed to be provided by the extension of the Amawalk Shenorock Water District and the Somers Sewer District #1.

LOCATION: The subject property is located at 16 Route 6 Tax Lot 15.07-1-6.

SUPPLEMENTAL INFORMATION: Part I of a Full Environmental Assessment Form (EAF) has been prepared for the Proposed Action. This form and copies of the Zoning Application and Concept Plan are being distributed to all Involved and Interested Agencies (see attached list), and this information is also available for review in the Planning and Engineering office at the Town House and on the Town's web site.

Contact: Syrette Dym, AICP, Director of Planning
335 Route 202
Somers, New York 10589

Telephone: 914-277-5366

Date of this Notice: November 13, 2013

DRAFT

SEQR DISTRIBUTION LIST –The Kearney Realty & Development Group/Hidden Meadow

Lead Agency – 7 Copies

Somers Planning Board Members
Somers Town House
335 Route 202
Somers, New York 10589 – 7 Copies

Involved Agencies –11 Copies

Town of Somers Town Board Members
Somers Town House
335 Route 202
Somers, New York 10589 – 6 Copies

Westchester County Department of Health
25 Moore Avenue
Mt. Kisco, New York 10549
Attn.: Frederick Beck – 1 Copy

New York City Department of Environmental Protection
465 Columbus Avenue 1sr Floor
Valhalla, New York 10595
Attn.: Cynthia Garcia – 1 Copy

New York State Department of Environmental Conservation
Division of Environmental Permits--Region 3
21 South Putt Corners Road
New Paltz, New York 12561-1696
Attn.: Daniel T. Whitehead, Regional Permit Administrator– 1 Copy

New York State Department of Transportation
Region 8 Office
4 Burnett Boulevard
Poughkeepsie, NY 12603
Attn.: William Gorton, P.E., Acting Regional Director – 1 Copy

U.S. Army Corps of Engineers
Eastern Permits Section, New York District
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090 – 1 Copy

Interested Agencies -14 Copies

Town of Somers Open Space Committee
Somers Town House
335 Route 202
Somers, New York 10589 – 1 Copy

Town of Somers Architecture Review Board
Somers Town House
335 Route 202
Somers, New York 10589 – 1 Copy

DRAFT

Town of Somers Affordable Housing Board
Somers Town House
335 Route 202
Somers, New York 10589 – 1 Copy

Town of Somers Parks & Recreation Board
Somers Town House
335 Route 202
Somers, New York 10589 -1 Copy

Town of Somers Energy and Environment Committee
Somers Town House
335 Route 202
Somers, New York 10589 – 1 Copy

Somers Bureau of Fire Prevention
Somers Town House
335 Route 202
Somers, New York 10589 – 1 Copy

Somers Fire District
P.O. Box 300
Somers, NY 10589
Attn.: John Markiewicz, Chairman, Board of Fire Commissioners – 1 copy

Town of Somers Highway Department
Somers Town House
335 Route 202
Somers, New York 10589
Attn.: Thomas Chiaverini, Highway Superintendent – 1 - Copy

Town of Somers Police Department
Somers Town House
335 Route 202
Somers, NY 10589 - 1 Copy

New York State Police (Somers)
295 Route 100
Somers, NY 10589 -1 Copy

NYS Office of the Attorney General
Environmental Protection Bureau
NYC Watershed Inspector General Scientist
The Capitol
Albany, NY 12224-0341
Attn: Charles Silver, Ph.D. – 1 Copy

Somers Central School District
P.O. Box 620
Lincolndale, New York 10601
Attn: Dr. Raymond Blanch – 1 Copy

Westchester County Planning Board
432 Michaelian Office Building

DRAFT

White Plains, New York 10601 – 1 Copy

New York State Office of Parks, Recreation and Historic Preservation
P.O. Box 308
Staatsburg, NY 12580
Attn.: Linda Cooper, Taconic Regional Director- 1 Copy

Others – Lead Agency Representatives – 4 Copies

Syrette Dym, AICP, Director of Planning
Somers Town House
335 Route 202
Somers, New York 10589 – 2 Copies

Woodard & Curran Engineering P.A P.C.
709 Westchester Avenue Suite 12
White Plains, NY 10604
Attn.: Joseph Barbagallo, Senior Vice President – 1 Copy

Stephans, Baroni, Reilly & Lewis LLP
175 Main Street
White Plains, NY 10601
Attn.: Roland A. Baroni, Esq.- 1 Copy

Others – Project Sponsor Representatives - 3 Copies

The Kearney Realty & Development Group
1777 Route 6
Carmel, NY 10512
Attn: Ken Kearney – I Copy

Housing Action Council, Inc.
55 South Broadway, 2nd fl.
Tarrytown, NY 10591
Attn: Rose Noonan – 1 Copy

Insite Engineering, Surveying & Landscape Architecture, P.C
3 Garrett Place
Carmel, NY 10512 – 1 Copy

Other – Environmental Notice Bulletin (Positive Declaration and Notice of Completion of EIS)
ENB – Environmental Permits
50 Wolf Road – Room 538
Albany, New York 12233-1750
Via e-mail at enb@gw.dec.state.ny.us

STATE ENVIRONMENTAL QULAITY REVIEW
LEAD AGENCY RESPONSE FORM

Response Deadline: December 13, 2013

TO: Town of Somers – Planning Board
Attn: Syrette Dym, AICP, Director of Planning
Town House
335 Route 202
Somers, New York 10589

RE: Establishment of Lead Agency – Hidden Meadow
Application Requesting Designation of the MFR-BP – Multifamily Residence Baldwin Place Floating Overlay Zone for Property located at 16 Route 6 (Tax Lot 15.07-1-5)

Please be advised that the _____,
(Name of Agency)

as an involved agency under SEQR concurs with the designation of the Somers Planning Board as Lead Agency for the above-captioned project.

Comments, if any, on approval(s) under our jurisdiction and/or issues to be examined as part of environmental review under SEQR:

Signature: _____ Date: _____

Print Name and Title: _____

Z:\PE\Subdivision files\Hidden Meadow\SEQRA\Lead Agency\Lead Agency Response Form.doc

Syrette Dym

From: rbaroni@prodigy.net
Sent: Monday, October 21, 2013 4:24 PM
To: Syrette Dym
Cc: Mary Beth Murphy
Subject: Re: Hidden Meadow - Zoning Procedures

Yes, I agree. Roland.
Sent on the Sprint® Now Network from my BlackBerry®

From: Syrette Dym <sdym@somersny.com>
Date: Mon, 21 Oct 2013 20:17:12 +0000
To: rbaroni@prodigy.net<rbaroni@prodigy.net>
Cc: Mary Beth Murphy<mbmurphy@somersny.com>
Subject: Hidden Meadow - Zoning Procedures

Roland – Regarding the Town Code procedures for application of the MFR-BP floating district for the Hidden Meadow property. It is clear that the Town Board referred the application to the Planning Board at its meeting of October 10, 2013 for determination of whether the Planning Board will act as lead agency. It was also presumed that the referral met the letter of Section 170-13 C. (1) (b) that specified that : "Upon receipt of a properly completed application for approval of a multifamily residence district, eight copies of such application shall be referred to both the Planning Board and the Open Space Committee for review and report". If we assume referral was made to the Planning Board (and that there was a "properly completed application" although we know some items were missing due to the need for SEQR to fill in many blanks), what **did not** happen was referral by the Town Board to the Open Space Committee as required. Therefore, If you agree that the dual referral above was already made to the Planning Board, the Town Board would need to vote to refer the application to the Open Space Committee at its work session of November 7, 2010 so it can vote to extend the specified time frame (as referred to in my other materials previously forwarded) at its meeting of November 14, 2013.

Please let me know if you concur with the above. Thanks. Syrette

Syrette Dym, AICP
Town Planner
Town of Somers
335 Route 202
Somers, NY 10589

914-277-5366 (phone)
914-277-4093 (fax)
sdym@somersny.com
www.somersny.com

Hidden Meadow Preliminary Timeline

- Submission by Applicant , 9-27, 2013 to TB -; 9-3-13 to Planning Board – 8 copies plan and letter and Long Form EAF sent to Planning Board

- Town Board Meeting – October 10, 2013 – Determination of Threshold item that MFR-BP Overlay could be applicable to site; referral to Planning Board with request for them to act as lead agency as part of a coordinated review; set application fee of $300 for subdivision sketch and $18,000 based on $400 per each of 45 lots

- November 7, 2013 – Town Board Work Session – Refer application to Open Space Committee as per Section 170-13C. (1) (b) of Town Code

- November 8, 2013 – Planned submission of subdivision package by Insite to make 31 days prior to Planning Board meeting of December 11, 2013

- November 13, 2013 – Planning Board Meeting- PB considers referral from Town Board to Act as Lead Agency under SEQRA for project. If accepts lead agency role, make a determination regarding type of Action and vote to circulate an Intent to be Lead Agency to all involved and interested agencies. Thirty days (30) of circulation ends December 13, 2013. Vote to Extend comment period for itself and Open Space Committee beyond 65 days specified in Section 170-13C. (1) (b) of the Town Code, pending consent of Town Board at its meeting of November 14, 2013.

- November 14, 2013 – Town Board votes on consent to extend timeline of Planning Board and Open Space Committee report back to Town Board beyond 65 days limit specified in Section 170-13C. (1) (b) of the Town Code.

- December 11, 2013 – Considers application for sketch plan approval and reviews procedures for proceeding under Section 170-13C. and SEQRA with input from Town Attorney; determine if Planning Board will schedule discussion of determination of significance at meeting of January 8, 2014 after acceptance of lead agency. Determination of need for any additional review consultants.

- January 8, 2014 – Accepts Lead Agency status - Reviews Part 2 EAF for Determination of Significance, if approved by Planning Board at meeting of December 11, 2013.

Z:\PE\Subdivision files\Hidden Meadow\Timeline\Hidden Meadow Preliminary Timeline.docx

PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: October 21, 2013

RE:

Project:	Hidden Meadow – Town Board Referral
Applicant:	The Kearney Realty & Development Group
Location:	16 Route 6 (Section 15.07 Block 1 Lot 6)
Zoning:	R80 Residence District
Actions:	Request for Designation of the MF-BP Multifamily Residence Baldwin Place Floating Overlay Zone

Application Request:

By application dated September 27 and received by the Town Board on September 27, 2013 and by the Planning Board office on September 30, 2013, The Kearney Realty & Development Group seeks to develop a 16.7 acre parcel located on Route 6 that is currently zoned Residence District R-80 with 53 townhouse type dwelling units through application of the MFR-BP Multifamily Residence Baldwin Place MFR-BP Floating Overlay district (Section 170-13.A Town Code) that would permit development at the requested density and unit type. Specifically, there will be 45 townhouses on individual fee simple lots, of which 8 will be affordable. In each of those 8 affordable townhomes, there will be a first floor affordable one-bedroom rental unit to be rented out by the owner of the three-bedroom affordable townhouse building above, for an additional 8 affordable units.

Background

At the Town Board meeting of October 10, 2013, the Town Board reviewed the Applicant's preliminary development concept plan and submission letter. After review and discussion regarding the proposal, the Town Board indicated its opinion that the MFR-BP Floating Zone could be applied to this site. The Board specifically stated that location of the site along the Route 6 corridor was the significant site attribute that made the zone applicable to this site. The Town Board further stated that, were a site not fronting on Route 6, it was the Board's position that the zone would not be applicable. The Board also was clear that their preliminary determination of applicability was not binding and was subject to all future analyses and studies.

Having made the threshold determination of potential zoning applicability, the Town Board decided that the Planning Board was best equipped to carry out the SEQR environmental review process to determine the classification of the action and its potential significant environmental impacts. As such, the Town Board has referred this application to the Planning Board for its review under the procedures of Section 170-13C and, additionally, asks the Planning Board whether it will act as lead agency as part of a coordinated review under SEQR (6 NYCRR Part 617).

The additional actions undertaken by the Town Board under Section 170-13C. (1)(a)[5][f] at its meeting of October 10, 2013 included the establishment of an application fee. The Town Board utilized the fee schedule for Planning Board subdivision applications as a guide and set a fee of $300 for sketch plan review and $400 for each lot, for a total of 45 lots or $18,000, or a total of $18,300. Additionally, the Town established a preliminary escrow fee of $5,000 in addition to fees already deposited for wetland delineation review by the Town Consulting Engineer.

Basis of Comments

Eight copies of application package referred to Planning Board (and Open Space Committee) as per Town of Somers Town Code Section170-13C. (1)(b)

- Application for Approval of the MFR-BP Zone – Letter dated September 27, 2013 to Town Board
- Full EAF – Part 1
- Following Drawings –
    - SP- 1 – Layout Plan dated 9-10-13, Insite Engineering
    - SP- 2 – Grading Plan dated 9-10-13, Insite Engineering
    - A-1 – Typical Front Elevation dated 9-26-13, Coppola Associates
- Letter from Insite Engineering dated October 11, 2013 – Clarification of bedroom count in affordable units

Additional Actions Needed by Planning Board at Meeting of November 13, 2013

Determination of Type of Action Under SEQR

The proposed action includes the development of 53 multifamily residential units. Under Chapter 92-6 Section a (5) of the Somers Town Code, it states that a Type I action will include: "Construction of 50 or more residential dwelling units". Based on this definition of Town Type I actions, in conjunction with Article 24 of the NYS *Environmental Conservation Law*, the proposed action would be a Type I Action and need to be so designated by the Planning Board, should it accept lead agency designation.

Vote to Act As Lead Agency Under SEQR and Issue Notice of Intent

The Planning Board needs to determine if it will accept the invitation of the Town Board to act as Lead Agency under SEQR as part of a coordinated review, and if so, vote to accept and circulate a Notice of Intent to act as such.

Vote to Extend Time Frame Specified by Section 170-13C. (1) (b)

Section 170-13C. (1) (B) states that the Town Board refers eight (8) copies of the application to the both the Planning Board and the Open Space Committee for review and report. It also states that "within 65 days of the date of the Planning Board meeting at which such referral is received, the Planning Board and the Open Space Committee shall report their recommendations back to the Town Board. No action shall be taken by the Town Board until receipt of the Planning Board and Open Space Committee reports or the expiration of the review period, whichever comes first. Said review period may be extended by mutual consent of the Town Board, the Planning Board and the applicant." Since the Code did not factor in the requirements of the SEQR process, this time frame will need to be extended. Therefore, with consent of the applicant, the Planning Board will need to vote to extend this time frame for referral back to the Town Board that will also incorporate extension of the required time frame for the Open Space Committee. Since Town Board consent for the extension is also required, the Town Board will take this up at its meeting of November 14, 2013.

Preliminary Discussion of Subsequent Actions

Attached is a Draft Timeline outlining anticipated actions that need to be undertaken by the Planning Board once it establishes itself as lead agency. These actions and their timing should be reviewed and discussed preliminarily at the meeting should the Board vote to act as lead agency.

Application procedures under Section 170-13C laid out a series of items of information required in order for the application to be deemed "a properly completed application [Section 170-13C (1) (b)]. Section (a) indicates 5 items that must be included as part of the application. The application submitted by Kearney Realty addresses items 1and 2. Item 3 is touched on regarding relationship to surrounding properties and assumption are stated although not verified regarding the availability and adequacy of utilities but not

community facilities such as schools, police and fire services. While it is stated that anticipated traffic generation is not significant, there is no analysis that the safety and capacity of the street system and particularly the location and sight distance of the entrance drive, with potential additional through traffic via a proposed connection to a future Town park parcel have been fully analyzed in a way that would be "determined necessary by the Town Board or Planning Board to properly enable them to review and e decide upon the application." As will be discussed, these analyses can be supplied as part of the SEQR process that must provide the adequate reports and information to allow both boards to determine that application of the zone to this site for this plan will not result in a significant adverse environmental impact. Item 4 is addressed in a general way. Item [5] has six parts. Items [5] [a] and [5] [b] are adequately addressed. Item [5] [c] addressed all but identifying the location of existing septic fields and wells on adjoining properties on the map. The applicant was subsequently asked to submit an update plan and v cover memorandum addressing wells and will do so as part of the next submission package. Items [5] [d] and [5] [e] are generally addressed in the materials provided. Item [5][f] , "An application fee in the amount set by resolution of the Town Board per proposed dwelling unit", was addressed at the Town Board meeting of October 10, 2013 and fees have since been received by the Planning office.

Cc: Town Board
Town Clerk
Roland Baroni
Open Space Committee
Joe Barbagallo
Ken Kearney
Rich Williams

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PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: October 21, 2013

RE: **Town Board Referral to Planning Board of Application by The Kearney Realty & Development Group Requesting Designation of the MFR-BP – Multifamily Residence Baldwin Place Floating Overlay Zone for Property located at 16 Route 6 (Tax Lot 15.07-1-6) – Relative to Acceptance as Lead Agency under SEQR and Subdivision/Site Plan and Associated Reviews.**

By application dated September 27 and received by the Town Board on September 27, 2013 and by the Planning Board office on September 30, 2013, The Kearney Realty & Development Group seeks to develop a 16.7 acre parcel located on Route 6 that is currently zoned Residence District R-80 with 53 townhouse type dwelling units through application of the MFR-BP Multifamily Residence Baldwin Place MFR-BP Floating Overlay district (Section 170-13.A Town Code) that would permit development at the requested density and unit type. Specifically, there will be 45 townhouses on individual fee simple lots, of which 8 will be affordable. In each of those 8 affordable townhomes, there will be a first floor affordable one-bedroom rental unit to be rented out by the owner of the three-bedroom affordable townhouse building above, for an additional 8 affordable units.

The procedures for application and approval of this floating zone to any property are identified in Section 170-13C of the Multifamily Residence MFR District. Whereas those procedures identify the two-stage process below, that process did not incorporate the necessary steps of the SEQR process.

1. Town Board Action- Approval of preliminary development concept plan and reclassification of specific parcel(s) for development in accordance with that plan; and
2. Planning Board Action – Approval of detailed final site development plan and/or subdivision plan

As such, at the Town Board meeting of October 10, 2013, the Town Board reviewed the Applicant's preliminary development concept plan and submission letter. After review and discussion regarding the proposal, the Town Board indicated its opinion that the MFR-BP Floating Zone could be applied to this site. The Board specifically stated that location of the site along the Route 6 corridor was the significant site attribute that made the zone applicable to this site. The Town Board further stated that, were a site not fronting on Route 6, it was the Board's position that the zone would not be applicable. The Board also was clear that their preliminary determination of applicability was not binding and was subject to all future analyses and studies.

Having made the threshold determination of potential zoning applicability, the Town Board decided that the Planning Board was best equipped to carry out the SEQR environmental review process to determine the classification of the action and its potential significant environmental impacts. As such, the Town Board has referred this application to the Planning Board for its review under the procedures of Section 170-13C and, additionally, asks the Planning Board whether it will act as lead agency as part of a coordinated review under SEQR (6 NYCRR Part 617).

The additional actions undertaken by the Town Board under Section 170-13C.(1)(a)[5][f] at its meeting of October 10, 2013 included the establishment of an application fee. The Town Board utilized the fee schedule for Planning Board subdivision applications as a guide and set a fee of $300 for sketch plan review and $400 for each lot, for a total of 45 lots or $18,000, or a total of $18,300. Additionally, the Town established a preliminary escrow fee of $5,000 in addition to fees already deposited for wetland delineation review by the Town Consulting Engineer.

CC: Members Town Board
Town Clerk
Roland Baroni
Open Space Committee
Joe Barbagallo
Ken Kearney
Rich Williams

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

October 11, 2013

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

RE: Hidden Meadow at Somers
Application for Approval of the MFR-BP District
US Route 6

Dear Supervisor Murphy and Members of the Town Board:

This letter serves to clarify the bedroom count of the affordable units proposed at the Hidden Meadow at Somers as discussed in our September 27, 2013 letter. A total of 16 units of affordable housing are proposed for the project. Eight of the affordable units will be three-bedroom townhomes. Each townhome will be located on its own fee simple lot. Beneath each affordable townhome (on the basement level) will be a one-bedroom affordable rental apartment. The affordable rental apartment will be owned by the owner of the townhome above it. The eight affordable townhomes plus the eight affordable rental apartments equal a total of 16 affordable units proposed for the project.

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

Very truly yours,

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

By: _____
Jeffrey J. Contelmo, P.E.
President/Principal Engineer

JJC/rdw

cc: R. Noonan, Housing Action Council Inc.
K. Kearney, The Kearney Realty & Development Group, Inc.

Insite File No. 13155.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

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PLANNING AND ENGINEERING DEPARTMENTS

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Town of Somers

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Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

MEMORANDUM

TO: Town of Somers Planning Board

FROM: Syrette Dym, Director of Planning

DATE: October 23, 2013

RE:

Project: New York SMSA Limited Partnership d/b/a Verizon Wireless Co-Location on Insite Tower, LLC
Applicant: New York SMSA Limited Partnership d/b/a/ Verizon Wireless
Location: 2580 Route 35, Somers, NY –Tax Lot Section37.13, Bl.2, Lot 3
Zoning: R-120 Residence District
Actions: Review of Special Permit and Site Plan Application

The current proposed actions consist of the following components:

1. *Application for Special Use Permit for a Wireless Telecommunications Facility consisting of co-location of Verizon Wireless Facility antennas camouflaged within the branches of the existing stealth monopole (Treepole) owned by Insite Tower, LLC (Formerly Homeland Tower) and placement of related equipment within the existing approved 3,500 square foot communications compound at the property subject to the conditions of Section 170-29..5,129.6, 129.7, and 129.8 of the Somers Town Code. Although the Applicant has not requested it, the Planning Board may consider waiving the public hearing required for a special use permit pursuant to Section 170-105 as specified in Section in Section 170-129.6F.*
2. *Application for Site Plan approval for the above project as per Section 170-129.9A. Of the Town Code. The Applicant has requested a waiver of site plan*

review and approval pursuant to Section 170-129.9 (B) and /or (C) of the Zoning Code.

Background

10-1-13 – Receipt of applications, plans and cover letter dated October 11, 20913

Basis of Comment Memorandum

The following application materials, reports and plans were reviewed as the basis of comments in this memorandum.

1. Cover Letter dated October 11, 2013, prepared by Snyder & Snyder, LLP
2. Application for Special Use Permit Wireless Telecommunications Facility, dated October 11, 2013
3. Application for Site Pan Approval, dated October 1, 2013
4. Special Use Permit and Site Plan Approval application fees of $300 and $550 dollars, respectively, made out to the Town of Somers
5. Memorandum in Support of Application by New York SMSA Limited Partnership d/b/a Verizon Wireless to Co-Locate a Wireless Telecommunications Facility prepared by Snyder & Snyder, LLP, dated October 10, 2013
6. Antenna Site FCC RF Compliance Assessment and Report prepared by Pinnacle Telecom Group, dated October 7, 2013 – Exhibit 1 RF Compliance Report
7. Noise Compliance letter prepared by Tectonic, dated September 3, 2013 – Exhibit 2 Noise Letter
8. RF Affidavit prepared by Kadry Ahmed of New York SMSA Limited Partnership d/b/a Verizon Wireless dated October 7, 2013.- Exhibit 3 RF Affidavit
9. Photograph of the Existing Stealth Tower – Exhibit 4 Structural Capacity Verification Letter prepared by Tectonic dated September 30, 2013 – Exhibit 5Full Environmental Assessment Form Part 1 and Appendix B Visual EAF Addendum prepared by Anthony Botta, Tectonic Engineering Consultants, dated October 10, 2013 – Exhibit 6
10. Federal Communications Commission Wireless Telecommunications Bureau Radio Station Authorization Licenses – Exhibit 7
11. Plans prepared by Tectonic Engineering & Surveying Consultants P.C. titled Amawalk 3, 2580 Route 35, Somers, NY 10536:
    a. T-1 – Title Sheet – 09/26/13; revised 10/01/13
    b. C-1 – Plot Plan, Setback Map & Notes – 09/26/13; revised 10/01/13
    c. C-2 – Site Plan - 09/26/13; revised 10/01/13
    d. C-3 – Site Detail Plan - 09/26/13; revised 10/01/13
    e. C-4 – Elevation, Antenna Plan & Details - 09/26/13; revised 10/01/13

Special Use Permit and Site Plan Comments

The "Memorandum in Support of Application by New York SMSA Limited Partnership d/b/a/ Verizon Wireless to Co-Locate a Wireless Telecommunications Facility" provides a checklist of how the proposed facility meets the special permit criteria set forth in Section 170-129.1 through 179-129.8 of the Zoning Code.

One item not addressed for reasons seen below, is Section 170-129.5D, which calls for submission to the Building Inspector of an annual NIER report by February 1 of each odd-numbered year, prepared by a qualified licensed professional engineer providing an analysis of the nonionizing electrical radiation emitted by the facility for the prior two calendar years. If the facility has been in operation for a lesser period, the report should cover the period for which the facility has been in operation to the end of the calendar year preceding the filing of the report.

The original tower received a building permit August 1, 2012 and the AT&T wireless facility and antennas received a building permit August 10, 2012. Neither use has yet received a Certificate of Occupancy. I have requested that the Verizon applicant's representative provide an update to the Board regarding the status of completion of construction and pending date of issuance of a C of O.

Although the applicant requests a waiver of site plan review pursuant to Section 170-129.9 (B) and/or (C) of the Zoning Code the Memorandum provides information that supports how the application and facility complies with the site plan requirements as stated in Sections 170-129.9 (A) and 170-114 of the Zoning Code.

Even if the Planning Board determines not to waive site plan review, it may consider waiving of site plan public hearing under Section 170-114C. (8) (e) as well as special permit public hearing under Section 170-129.6 F.

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PLANNING DEPARTMENT

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE 335
ROUTE 202
SOMERS, NY 10589

John Currie, Chairman
Fedora DeLucia
Christopher Foley
Vicky Gannon
Nancy Gerbino
Eugene Goldenberg
John Keane

Planning Board Meeting Date of_____, 2013

Somers Planning Board
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2013-__
Granting of Conditional Special Permit Approval and Site Plan Approval to

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS
For
CO-LOCATION OF A WIRELESS TELECOMMUNICATIONS FACILITY ON EXISTING INSITE TOWER, LLC AT 2580 ROUTE 35 (SANTARONI PROPERTY)
Town Tax Number: Section 37.13, Block 2, Lot 3

WHEREAS, a formal application by New York SMSA Limited Partnership d/b/a Verizon Wireless (Applicant) signed on October 11, 2013, for Special Permit Approval in accordance with Section 170-129.6. Special Use Permit and for Site Plan Approval in accordance with Section 170-129.9 Site Plan Review, if such site plan review is deemed required by the Planning Board along with other materials consisting of the following supporting materials and plans:

1. Cover Letter dated October 11, 2013, prepared by Snyder & Snyder, LLP
2. Application for Special Use Permit Wireless Telecommunications Facility, dated October 11, 2013
3. Application for Site Pan Approval, dated October 1, 2013
4. Special Use Permit and Site Plan Approval application fees of $300 and $550 dollars, respectively, made out to the Town of Somers
5. Memorandum in Support of Application by New York SMSA Limited Partnership d/b/a Verizon Wireless to Co-Locate a Wireless Telecommunications Facility prepared by Snyder & Snyder, LLP, dated October 10, 2013

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    a. T-1 – Title Sheet – 09/26/13; revised 10/01/13
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    c. C-2 – Site Plan - 09/26/13; revised 10/01/13
    d. C-3 – Site Detail Plan - 09/26/13; revised 10/01/13
    e. C-4 – Elevation, Antenna Plan & Details - 09/26/13; revised 10/01/13

WHEREAS, the subject application is to be located on a 7.96 acre property which is shown on the Town Tax Maps as Section 37.13, Block 2 Lot 3, located on the west side of Route 35; and

WHEREAS, the subject property is located in the R-120 Residence District as shown on the Town of Somers Zoning map, which is considered to be a higher impact location in accordance with §170-129.6(2) of the *Code of the Town of Somers*; and

WHEREAS, this application involves a wireless telecommunications facility to be located in a higher impact location in the Town of Somers and therefore heightened mitigation practices should be undertaken; and

WHEREAS, the subject lands are owned by Umberto and Carol Santaroni; and

WHEREAS, the current uses on the subject property consist of pre-existing two, two-story dwellings and one shed on the southern portion of the property. An asphalt driveway and gravel driveway, associated with the dwellings, are also part of the developed portion of the property; and

WHEREAS, the current uses on the property also include a stealth monopole (Treepole) owned by Insite Towers, LLC, (formerly owned by Homeland Towers, LLC) and a New Cingular Wireless PCS, LLC. ("AT&T") communications wireless facility; and

WHEREAS, per resolution BZ11A/09 dated October 18, 2011, the Zoning Board of Appeals, having jurisdiction at the time of application for issuance of the Wireless Telecommunications Facility special exception use permits, resolved that the variances being sought by the applicant for an 18 ft. height variance for the proposed Tree Pole, a front yard variance of 13 ft. (equipment compound), a front yard variance of 137.5 ft (pole centerline), a rear yard variance of 80.5 ft. (pole centerline), a setback from the pole centerline to dwelling variance of 296 ft. be granted to allow for a wireless telecommunications facility to be constructed on the subject property; and

WHEREAS, such facilities received Conditional Site Plan Approval, Steep Slopes Protection, Wetlands Protection, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permit approval by Planning Board by Resolution No. 2011-11 on January 11, 2012 ; and

WHEREAS, the prior approved facility was to include the following components, but which components, although issued building permits on August 1, 2012 for the tower and August 10, 2012 for the AT&T facility and are under construction, have not yet been subject to an as-built inspection by the Town Principal Engineering Technician and which have not yet received a certificate of Occupancy from the Town of Somers Building Department:

- A 135 foot high monopine tower and associated equipment
- A 3,500SF fenced equipment compound, located in the northern portion of the property approximately 370'+/- from the northern property line placed on a 10' x 25' steel frame supported by concrete piers.
- A 24-foot wide (maximum) gravel access road extending northwest from Amawalk Road (Route 35).
- A 9' x 20' parking area and a 9' x 20' turn around area located immediately east of the fenced lease area within the gravel access drive.
- The site is completely located within a 100' freshwater wetland buffer regulated by the Town of Somers; and

WHEREAS, the Planning Board has determined that the proposed application constitutes as an eligible facilities request in accordance with the Section 6409 Middle Class Tax Relief and Job Creation Act of 2012 and it does not substantially change the physical dimensions of the subject Tower; and

WHEREAS, the Somers Planning Board at their regular meeting of November 13, 2013 determined that this action was a Type II Action and is, therefore, exempt pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(7) 2 which states that construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls is a Type II action under SEQRA and that the proposed project involved less than 4,000 square feet, and, therefore, no further action under SEQRA would be required as directed by a motion and second unanimously carried by the Board; and

WHEREAS, the amended special use permit and amended site plan applications and associated plans, as revised throughout the review process, were circulated to the Town of Somers Open Space Committee, the New York City Department of Environmental Protection, the Somers Architectural Review Board, and the Westchester County Department of Planning and no comments were received by the Planning Board; and

WHEREAS, the Somers Planning Board at their November 13, 2013 meeting determined to waive the site plan public hearing in accordance with §170-114C.(8)(e) and the special permit public hearing in accordance with §170-129.6F; and

WHEREAS, the Somers Planning Board discussed the subject application at its meetings of November 13, 2013 and December 11, 2013; and

WHEREAS, the Planning Board and its Consulting Engineer discussed the project and its compliance with Section 170-129.7 Special permit standards for wireless or attached wireless telecommunications facility; and

WHEREAS, in correspondence of _____, 2013, the Town Consulting Engineer requested the following information (or provision) from the Applicant:

1. _____

WHEREAS, the Planning Board accepts the findings of the Radio Frequency Compliance Assessment and Report, dated October 7, 2013, concluding that the site complies with all applicable emissions standards promulgated by Federal and State Law and that as per the methodology, established in FCC Bulletin OET 65, the percentage of cumulative MPE is 1.3730 percent of the FCC Maximum Permissible Exposure (MPE) limit; and

WHEREAS, the Planning Board has reviewed and is familiar with the project and its surroundings; 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, that the application for conditional Amended Special Permit Approval and Amended Site Plan Approval to **New York SMSA Limited Partnership d/b/a Verizon Wireless** as shown and described by the materials enumerated herein, is **HEREBY CONDITIONALLY GRANTED** in accordance with the New York State Town Law §276 and §278 and in accordance with §170-114.C. (12) "Planning Board Action" of the Code of the Town of Somers, New York SUBJECT TO the following conditions set forth below:

<u>Conditions Associated with Special Use Permit:</u>

1. **Visual Aspects:** It is understood that aesthetic aspects of all proposed equipment including but not limited to ground-based equipment, fencing and proposed landscaping is subject to Town review and approval.

2. **Maintenance Plan:** The applicant will provide a statement to the Town of Somers with regard to commitment and schedule to maintain all new visible aspects of the installation resulting from these amended applications.

3. **Construction:** The following information, along with any additional items required by the Town Building, Planning and Engineering, or other Department, and the Consulting Town Engineer shall be submitted:

    i. Actual centerline height of each antenna array.
    ii. Map of all trenches, utility runs, and utility connections associated with the facility.
    iii. Documentation that antennas, transformer, generator and all other equipment is properly grounded and in compliance with all applicable electrical codes.

4. **Performance/Removal Bond**: The Applicant shall purchase, renew and 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.

5. **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

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170-129.4 and such other laws as may be applicable to wireless telecommunications facilities.

6. **Operations (future):** Operations shall be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town codes.

7. **Permit Term.** Pursuant to Section 170.129.6(D)(F) and (G) of the *Code of the Town of Somers*, the Special Use Permit term for the Verizon Wirelessantennas and associated equipment has an onset starting at five years from the date of this approval. This Special Use Permit may be renewed on application for additional five-year terms, provided the applicant shall demonstrate that the wireless telecommunications facility is and has been in compliance with the requirements of the *Code of the Town of Somers* per §170-129.6G. As such, the special use permit for Verizon Wireless as co-locator modifications, on an existing stealth tree monopole that is the subject of this Resolution, shall run from _____, 2013 up to and including _____2, 2018.

<u>Conditions required prior to Signing of Amended Site Plan:</u>

8. **Utility Infrastructure Analysis:** The Applicant shall provide documentation to demonstrate that additional electrical service loads proposed by new Verizon Wireless equipment, along with anticipated future co-location electrical loads may be met by existing electrical service to the cell tower site. If additional electrical equipment is required to be added to accommodate these existing and future loads, the Applicant shall indicate where such equipment will be located and any additional screening measures that will be provided.

9. **Future Provision of Co-locators**: The Applicant shall confirm that the proposed additional equipment will not impair the future addition of co-locators, both on the Tower and at ground level within the existing equipment pad enclosure.

10. **Inspection Fee**: An engineering inspection fee for the Site Plan shall be paid by check made payable to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board; the amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements as identified by the Consulting Town Engineer, and upon recommendation of the Consulting Town Engineer.

11. **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 consulting engineer services and reviews required hereunder.

On-going Conditions Required After Signing of Site Plan

12. **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.

13. **Provision and maintenance of temporary erosion and sediment control practices** through the completion of construction activities and re-establishment of site stabilization.

14. **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 non-ionizing electrical radiation standards.

15. **Improvements**: All improvements shown on the plans are to be installed in accordance with the approved plan and construction standards and specifications of the Town.

16. **Satisfaction**: All work associated with this Site Plan application shall be to the satisfaction of the Consulting Town Engineer.

17. **Construction Hours**: Construction activity shall be limited from 7AM to 6PM. No construction activity shall occur on Sundays or legal New York State holidays as specified by §144-7D.(13) of the C*ode of the Town of Somers.*

18. **Certification of Operations:** Prior to issuance of a certificate of occupancy, a certification of operations shall be provided that specifically certifies that the Tower is operating in accordance with the FCC limits for Maximum Permissible Exposure (MPE) as detailed in the Exposure Analysis Report prepared by Bechtel Communications Inc. dated October 11, 2012, and an operating agreement is to be in place to ensure that maintenance activities are completed in the future.

19. **Certificate of Occupancy:** A certificate of occupancy issued by the Building Inspector must be issued for the modified facility prior to use or operation of such modified facilities.

20. **Best Management Practices:** The Applicant implements and maintains Best Management Practices and erosion control measures during construction.

BE IT FURTHER RESOLVED, that upon determination of compliance with the foregoing conditions, the Planning Board Chairman is hereby authorized to endorse Site Plan approval upon all maps and drawings constituting the Site Plan. The Applicant shall provide six (6) prints of each map and drawing to the Planning Board Secretary. No construction or site work is authorized until the Site Plan has been signed by the Chairman and the required copies delivered.

In accordance with §170-114.H, "Time for Signature of Site Plan", and §170-114.K, "Extension", of the Town Code, failure to comply with the above shall result in the expiration of Site Plan approval on March 14, 2014 unless an extension of this time period is requested prior to the expiration date and approved by the Planning Board.

Site Plan approval and its continued validity are subject to all requirements of Section 170-114, "Site Plan Approval", and Chapter 144, "Site Plan Review", of the Town Code. Approval shall be deemed null and void one (1) year from the date of signing of the Site Plan unless a Building Permit in compliance with the above shall have been obtained and construction progressed as required by §170-114.I, "Time to Obtain Permit and Complete Construction", of the Town Code.

Before the completion of the improvements shall be approved and the Certificate of Occupancy issued, the Applicant shall submit an as-built plan to the satisfaction of the Consulting Town Engineer.

The validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan.

This resolution shall have an effective date of _____, 2013.

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 correct copy of Resolution No. _____adopted by the Town of Somers Planning Board granting an Amended Special Permit Approval and Amended Site Plan Approval to New York

SMSA Limited Partnership d/b/a Verizon Wireless for modification of existing Approved wireless facility at 2580 Route 35 (Santaroni Property)at a regular meeting held on 2013.

_____ _____

Syrette Dym, AICP **Date**
Town Director of Planning

DO WE NEED THIS SOMEWHERE?

1. That the Applicant implements and maintains Best Management Practices and erosion control measures in accordance with the practices as outlined in NYS DEC's booklets entitled, "*Reducing the impacts of Stormwater Runoff From New Development*" dated September 2001 (or more recent revisions) and the "*New York State Standards and Specifications for Erosion and Sediment Control*", also known as the Blue Book, and "*New York State Stormwater Design Manual*," dated August 2010 (including all updates and/or revisions) during construction

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PLANNING BOARD –TOWN OF SOMERS
MEETING DATES FOR 2014

ADOPTED TBD

Meeting Date	Evening	Applicant's Submission Cut Off Date
January 8, 2014	2nd Wednesday	December 20, 2013
February 12, 2014	2nd Wednesday	January 29, 2014
March 12, 2014	2nd Wednesday	February 26, 2014
April 9, 2014	2nd Wednesday	March 26, 2014
May 14, 2014	2nd Wednesday	April 30, 2014
June 11, 2014	2nd Wednesday	May 28, 2014
July 9, 2014	2nd Wednesday	June 24, 2014
August 13, 2014	2nd Wednesday	July 30, 2014
September 10, 2014	2nd Wednesday	August 26, 2014
October 8, 2014	2nd Wednesday	September 24, 2014
November 12, 2014	2nd Wednesday	October 27, 2014
December 10, 2014	2nd Wednesday	November 24, 2014

PLANNING BOARD MEETING SUBMISSION DATE - 10 BUSINESS DAYS PRIOR TO MEETING DATE.

Note: Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.

PLANNING BOARD –TOWN OF SOMERS
MEETING DATES FOR 2014

ADOPTED TBD

Meeting Date	Evening	Applicant's Submission Cut Off Date
January 8, 2014	2nd Wednesday	December 20, 2013
January 30, 2014	**5th Thursday**	**January 16, 2014**
February 4, 2014 **February 25, 2014**	**1st Tuesday** **4th Tuesday**	**January 21, 2014** **February 11, 2014**
March 12, 2014	2nd Wednesday	February 26, 2014
April 9, 2014	2nd Wednesday	March 26, 2014
May 14, 2014	2nd Wednesday	April 30, 2014
June 11, 2014	2nd Wednesday	May 28, 2014
July 9, 2014	2nd Wednesday	June 24, 2014
August 13, 2014	2nd Wednesday	July 30, 2014
September 10, 2014	2nd Wednesday	August 26, 2014
October 8, 2014	2nd Wednesday	September 24, 2014
November 12, 2014	2nd Wednesday	October 27, 2014
December 10, 2014	2nd Wednesday	November 24, 2014

PLANNING BOARD MEETING SUBMISSION DATE - 10 BUSINESS DAYS PRIOR TO MEETING DATE.

OPTION 2 NO PLANNER OR CHAIRMAN FOR THE FEBRUARY 12, 2013 MEETING

Note: Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.