

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**

**DECEMBER 11, 2013**

**7:30 P.M.**

**MINUTES** Consideration for approval of Draft Minutes for October 9, 2013

**TIME-EXTENSION**

**1. MERRITT PARK ESTATES FINAL SUBDIVISION APPROVAL**

**[TM: 5.20-1-1]**

Request for a 90-day time-extension to the period of Final Subdivision Approval from December 30, 2013 up to and including March 31, 2014 in accordance with §150-13.M. of the Code of the Town of Somers.

This is the fourteenth request for a time-extension.

**PROJECT REVIEW**

**2. 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.

Next Planning Board Meeting, January 8, 2014

Agenda information is also available at [www.somersny.com](http://www.somersny.com)

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

December 4, 2013

*Via Electronic and First Class Mail*

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

Re: *Merritt Park Estates Subdivision*  
*Town File No. 767*  
*Fourteenth Request for Ninety-Day Extension of Final Subdivision Approval*

Dear Chairman Currie and Members of the Planning Board:

At its meeting on September 11, 2013, the Board granted a thirteenth 90-day extension of Mancini Building Corp.'s ("Mancini") Conditional Final Subdivision Approval (the "Final Approval") for the above-referenced subdivision to December 30, 2013. We are writing to request a fourteenth 90-day extension pursuant to Town Law Section 276(7)(c), to and including March 31, 2014 (the first business day after the ninetieth day, which is a Sunday).

Since our last request for an extension, Mancini has completed the off-site drainage improvements and sewer and water main extensions on the Heritage Hills property, the roads in Heritage Hills have been patched, and the other areas of disturbance on that property have been seeded, mulched and stabilized. Mancini next plans to move forward with installing the catch basins and other drainage structures that comprise the road drainage system on its property. Once the on-site infrastructure work is completed, Mancini plans to install the off-site drainage improvements on the Lake Lincolndale Property Owners' Association ("LLPOA") property and will notify LLPOA before commencing that work. I understand that Mancini has been and plans to continue to be working on the infrastructure improvements on a daily basis, that Mr. Steve Woelfle makes frequent inspections of the construction site, and that construction has proceeded without significant incident. I understand that an isolated issue that arose during the recent Nor'easter rainstorm was properly addressed by Mancini.

**HOCHERMAN TORTORELLA & WEKSTEIN, LLP**

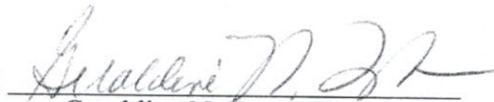
Hon. John Currie, Chairman  
and Members of the Planning Board  
December 4, 2013  
Page 2

Because the infrastructure improvements will not be completed by the December 30<sup>th</sup> expiration date, we respectfully request that the Board grant an additional 90-day extension of Final Approval, to and including March 31, 2014, at which time we will report on the status of the work.

Kindly schedule this matter for the next available Planning Board meeting and let us know if an appearance is required. Thank you for your courtesy.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

GNT:mc

cc: *(via electronic mail)*  
Syrette Dim, AICP  
Roland Baroni, Esq.  
Joseph P. Eriole, Esq.  
Mr. Steve Woelfle  
Mr. Richard Mancini  
Mr. John Mancini  
Joseph Riina, P.E.

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www.somersny.com

Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



Syrette Dym, AICP  
Town Planner  
sdym@somersny.com

**DATE:** December 6, 2013  
**TO:** Planning Board  
**FROM:** Syrette Dym, AICP  
Town Planner  
**RE:** Merritt Park Estate Subdivision 14<sup>th</sup> Time-Extension

On December 5, 2013, a request for a fourteenth 90-day time extension of Conditional Final Subdivision Approval was received in relation to the above referenced project. On September 11, 2013, the Planning Board granted a time extension for the final subdivision approval to December 30, 2013. The current requested time extension would extend approval through March 31, 2014 (the first business day after the ninetieth day). The request for extension was received within the 90 day period.

Off-site drainage improvements and sewer and water main extensions on the Heritage Hills property have been completed. The roads in Heritage Hills have been patched and other disturbed areas have been seeded, mulched and stabilized. Next Onsite steps will be installation of catch basins and road drainage system structures. Offsite drainage improvements on Lake Lincolndale Property Owners' Association ("LLPOA") property will follow after contact with the LLPOA.

The issue that arose due to the recent Nor'easter rainstorm was that stormwater entered the sewer pipe on the subject property leading to the Heritage Hills sewage treatment plant because the cap on the Mancini property failed. Once notified by Heritage Hills, Mancini immediately replaced the cap.

Steve Woelfle continues to make weekly inspections, at a minimum. I have no objections to extension of the subdivision approval.

cc: Geraldine Tortorella, Esq.  
Richard Mancini  
John Mancini

Z:\PE\Subdivision files\Merritt Park\Extensions\14th time extension.doc

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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:** December 4, 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, 2013

11-26-2013 – Receipt of revised plans, reports and responses to comments via cover letter from Snyder & Snyder dated November 25, 2013

## **Basis of Comment Memorandum**

The following application materials, reports and plans were reviewed as the basis of comments in the memorandum dated October 23, 2013

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 Plan 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 5 Full 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

The basis of the comments of this memorandum is the cover letter dated November 25, 2013 and associated plans and reports, as follows:

1. Cover Letter dated November 25, 2013, prepared by Snyder & Snyder, LLP
2. Copy of Memorandum of November 8, 2013 prepared by Woodard & Curran
3. Response Letter to Comments by Woodard & Curran letter of November 8, 2013, prepared by Tectonic, dated November 22, 2013 including the following exhibits:
  - a. Exhibit A – Generator Dimensional Layout
  - b. Exhibit B – Removal Cost Estimate , prepared by Tectonic, dated November 22, 2013
  - c. Exhibit C – Structural Analysis Report, Prepared by Sabre Towers & Poles dated November 18, 2013
4. Plans prepared by Tectonic Engineering & Surveying Consultant titled Amawalk 3, 2580 Route 35, Somers, NY 10536
  - a. T-1 Title Sheet – 09/26/13; revised 10/01/13; revised 11/22/13
  - b. C-1 – Plot Plan, Setback Map & Notes - 09/26/13; revised 10/01/13; revised 11/23/13 09/26/13; revised 10/01/13; revised 11/22/13
  - c. C-2 Site Plan - 09/26/13; revised 10/01/13; revised 11/22/13
  - d. C-3 Site Detail Plan - 09/26/13; revised 10/01/13; revised 11/22/13
  - e. C-4 Elevation, Antenna Plan & Details - 09/26/13; revised 10/01/13; revised 11/22/13

#### **Response to Applicant's Submission of November 25, 2013**

1. Tectonic Letter of November 22, 2013 – Comment/Response 2a – It is not clear from the response or the plans whether other co-locators with future available 12X20 foot areas would have sufficient space to install generators outside their pads in a manner similar to that of the proposed Verizon generator if they chose to do so. All the Tectonic letter indicates is that the installation of the generator “will not impact the capability of the ground space to accommodate the future co-location anticipated in the original approval” and that the ability to do so is “demonstrated in the Site Plan Detail 1/C-3 of the Revised Drawings”. There needs to be some verification specifically regarding the ability of other future co-locators to also each have sufficient space to place generators.
2. Tectonic Letter of November 22, 2013 – Comment/Response 4 - In indicating that there will be sufficient electric service for future co-locators, Tectonic only states that there will be sufficient electric service for the co-locators but does not address whether there is sufficient power should each future co-locator choose to install a generator if feasible given site size. This needs to be addressed. If additional electric equipment would be needed, the adequacy of the screen or any additional screening necessary needs to be addressed.

3. Tectonic Letter of November 22, 2013 – Comment/Response 3 – The applicant’s engineer Tectonic has provided a Removal Cost Estimate dated November 22, 2013 as Exhibit B of their response to comment letter of Woodard & Curran of November 8, 2013. Attached to this memorandum is a copy of the cover memorandum and Tower Removal Bond posted as part of the original application for the Homeland Tower telecommunication facility. The Tower Removal Bond, dated June 11, 2012, is specifically related to removal of the tower, not the co-locator that is the subject of this application. The Town Consulting Engineer will have to comment on the adequacy of the proposed co-locator removal bond amount of \$8,000.

Attach.

Z:\PE\Site plan files\Homeland Towers\2580 Route 35-Santaroni\Verizon Wireless Co-Location10-11-13\Planner's Comments 12-4-13.doc

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Steven Woelfle  
Principal Engineering Technician  
swoelfle@somersny.com



Syrette Dym, AICP  
Town Planner  
sdym@somersny.com

**Date:** June 20, 2012

**To:** Town Attorney  
Town Board

**From:** Steven Woelfle *SW*  
Principal Engineering Technician

**Re:** **Homeland Towers Site Plan- Santaroni**  
**Erosion and Sediment Control Bond/Tower Removal Bond**

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Please review the following documents pertaining to the Erosion and Sediment Control Bond and Tower Removal Bond required by the Planning Board:

1. Erosion and Sediment Control Bond Account No. 1008700 in the amount of \$5,740.00, issued by the Hanover Insurance Company, dated June 11, 2012, and signed by Beth K. McNellis, Attorney-in-Fact.
2. Tower Removal Bond #BLQ9577219 in the amount of \$29,002.30 issued by the Hanover Insurance Company, dated June 11, 2012, and signed by Beth K. McNellis, Attorney-in-Fact.

If you are satisfied, I would appreciate being informed so that this item may be placed on a Town Board agenda for acceptance.

SW/mm  
cc: Town Clerk/orig

EROSION AND SEDIMENT CONTROL BOND

KNOW ALL MEN BY THESE PRESENTS: That we Homeland Towers, LLC

as Principal, and the The Hanover Insurance Company

as Surety, having its principal office and place of business at: 100 West Road, Suite 504  
Towson, MD 21204

are held and firmly bound  
unto Town of Somers, 335 Route 202, Somers, NY 10589, its citizens, residents and

property owners, As Obligee, in the sum of Five Thousand Seven Hundred Forty Dollars and  
00/100 (\$5,740.00)

for which payment well and truly made, we bind ourselves, our heirs, executors,  
administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS AND DATED THIS 11th Day of June,  
2012.

WHEREAS, the above bounded Homeland Towers, LLC has  
submitted to the Town of Somers an Erosion and Sediment Control  
plan in connection with the construction of the: 2580 Route 35, Katonah, NY 10536,  
(SBL-3713-2-3), Site ID No.: NY575

NOW, THEREFORE, the condition of the above obligation is such, that if the above  
bounded Principal shall well and truly and in good, sufficient and workmanlike manner,  
conform any work to approved standards and criteria as set out in the approved Erosion  
and Sediment Control Plan, indemnify and save harmless the City, its citizens,  
residents and property owners against any and all loss by reason of failure to comply  
with the requirements of this chapter or from neglect or carelessness in performance of  
the work, then this obligation to be void; otherwise to remain in full force and virtue.

No claim, suit or action by reason of any default shall be brought against the  
Principal or Surety after one year from date of acceptance. If this limitation is made void  
by any law controlling the construction hereof, such limitation shall be deemed to be  
amended to equal the minimum period of limitation permitted by such law. The Principal  
shall be made a party to any suit or action, and be served with process commencing  
the same if the Principal can with reasonable diligence be found. No judgment shall be  
rendered against the Surety in excess of the penalty of this instrument.

Homeland Towers, LLC

By: \_\_\_\_\_

The Hanover Insurance Company

By: Beth K. McNellis

Beth K. McNellis Attorney-In-Fact



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY  
CERTIFIED COPY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

Beth K. McNellis

of Columbia, MD and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Surety Bond Number: 1008700  
Principal: Homeland Towers, LLC  
Obligee: Town of Somers

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 6th day of October 2011.



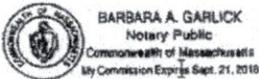
THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Robert Thomas*  
Robert Thomas, Vice President

*Mary Fitzgerald*  
Mary Fitzgerald, Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this 6th day of October 2011 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



*Barbara A. Garlick*  
Barbara A. Garlick, Notary Public  
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 11th day of June 2012

THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Glenn Margosian*  
Glenn Margosian, Vice President

Tower Removal Bond

KNOW ALL PERSONS BY THESE PRESENTS: That we Homeland Towers, LLC, a corporation duly organized under the laws of the State of NY, as Principal and The Hanover Insurance Company, as Surety, are held and firmly bound unto Town of Somers as Obligee, in the amount of Twenty Nine Thousand Two Dollars and 30/100 (\$29,002.30) for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

Whereas, the Principal has obtained written approval from the Obligee for the construction and erection of a wireless communication tower located at 2580 Route 35, Katonah, NY 10536, (SBL-3713-2-3), Site ID No.: NY575. Now, therefore if the principal well and truly complies with the maintenance, replacement, removal or relocation of the tower from the aforementioned address within 30 days upon receipt of written notice from the Obligee, to remove, replace, modify, or relocate the tower from said premises then this obligation is void otherwise to remain in full force and effect unless cancelled as set forth below:

1. It shall be a condition precedent to any right of recovery hereunder that, in the event of any default on the part of the Principal, a written statement of the particular facts of such default shall be, within Thirty (30) days, delivered to Surety at its Home Office located at 440 Lincoln Street, Worcester, MA 01653 by registered mail to the Surety and the Surety shall not be obligated to perform Principals obligation until sixty (60) days after Surety's receipt of such statement.
2. The Surety may cancel this bond at any time by giving Thirty (30) days notice, by registered mail or overnight courier service to 335 Route 202, Somers, NY 10589 (Obligee). Such termination shall not affect liability incurred under this obligation prior to the effective date of such termination.
3. No action, suit, or proceeding shall be maintained against the Surety on this bond unless the action is brought within twelve (12) months of the cancellation date of this bond.
4. Regardless of the number of years this bond may be renewed; in no event shall the liability of the Surety exceed the penal sum of this bond.
5. It is understood that the non-renewal of this bond by the Surety, or failure or inability of the Principal to file a replacement bond shall not constitute a loss recoverable by the Obligee under this bond.

Signed, sealed, and witnessed this 11th day of June, 2012.

[Signature]  
Witness

Homeland Towers, LLC  
Principal

By: [Signature]  
The Hanover Insurance Company  
Surety

Michelle L. Wilson  
Witness Michelle L. Wilson

By: [Signature]  
Beth K. McNellis, Attorney-in-Fact



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY  
CERTIFIED COPY

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Beth K. McNellis

of Columbia, MD and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Surety Bond Number: BLQ9577219  
Principal: Homeland Towers, LLC  
Obligee: Town of Somers

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 6th day of October 2011.



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Robert Thomas*  
Robert Thomas, Vice President

*Mari Fitzgerald*  
Mari Fitzgerald, Vice President

THE COMMONWEALTH OF MASSACHUSETTS }  
COUNTY OF WORCESTER } ss.

On this 6th day of October 2011 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



BARBARA A. GARLICK  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Sept. 21, 2018

*Barbara A. Garlick*  
Barbara A. Garlick, Notary Public  
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 11th day of June 2012

THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*Glenn Margosian*  
Glenn Margosian, Vice President

## MEMORANDUM



**TO:** Town of Somers Planning Board  
**CC:** Marilyn Murphy, Planning Board Secretary  
**FROM:** Rob Wasp, EIT, CDT on behalf of Joseph C. Barbagallo, P.E., BCEE  
**DATE:** December 6, 2013  
**RE:** New York State SMSA Limited Partnership (d/b/a Verizon Wireless) – Santaroni Property  
Amended Site Plan and Special Use Permit  
2580 Route 35  
TM: 37.13-2-3, R-120 District

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### 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 and Special Use Permit request for the existing wireless telecommunications facility located at the 2580 Route 35. The Application proposes the co-location of wireless communication equipment for the carrier Verizon Wireless to the existing Tower and contained within the existing fenced equipment compound limits. Proposed work includes the installation of 12 new panel antennas to the existing camouflaged monopole Tower and construction of an equipment shelter and associated electrical service connections. The Application also proposes the construction of an emergency backup generator to serve Verizon Wireless equipment in the event of power failure. No further development is proposed at this time. The following documents were considered during the current review period.

### DOCUMENTS REVIEWED

- Cover Letter, by Snyder & Snyder, LLP, dated November 25, 2013
- Letter with attachments: "New York SMSA Limited Partnership d/b/a Verizon Wireless", by Tectonic Engineering & Surveying Consultants, PC, dated November 22, 2013.
- Letter, by Cynthia Garcia, NYC DEP, dated November 15, 2013.
- "New York SMSA Limited Partnership d/b/a Verizon Wireless: Amawalk 3 2580 Route 25", Drawing Sheets: "T1" & "C1"- "C4", prepared by Tectonic Engineering & Surveying Consultants, PC, dated September 26, 2013, last revised November 22, 2013.

### PERMITS AND APPROVALS REQUIRED

- Town of Somers: Amended Site Plan Approval
- Town of Somers: Special Use Permit

### DISCUSSION

The existing wireless telecommunications facility located at 2580 Route 35, was approved by Resolution No. 2011-11 at the January 11, 2012 meeting of the Planning Board. Verizon Wireless



is the first additional carrier to request co-location at the existing cell tower facility previously constructed by Insite Towers, LLC for the wireless carrier AT&T.

The proposed telecommunications equipment by Verizon Wireless is shown to be co-located below AT&T antennas on the existing stealth monopole. The modifications to the existing cell tower do not appear to be significant in nature and all disturbance is contained within the limits of the existing fenced equipment compound.

While the current submittal provides additional information to address previously identified comments, some key concerns related to the proposed generator remain to be addressed. The following is a summary of our comments at this time. The status of all previously identified engineering comments as well as new comments is shown in **Bold Type**. It should be noted that further comments may be added upon the receipt of additional information.

1. The provided application documents indicate that no additional ground disturbance outside the existing gravel surface communications compound will be created as a result of construction activities. While the Applicant is not required to obtain coverage under the Town of Somers Stormwater Management and Erosion and Sediment Control Permit, temporary erosion and sediment controls should be utilized during construction to protect nearby environmentally sensitive areas. The Applicant shall revise the plan to illustrate the installation of silt fence downgradient of the existing equipment compound and drain inlet protection at drain inlets within the existing equipment compound and gravel parking area. The Applicant shall include construction details for temporary erosion and sediment control measures consistent with the NYSDEC New York Standards and Specifications for Erosion and Sediment Control (NYSSESC), latest edition. A note shall be added to the plan that all temporary erosion and sediment controls shall be maintained in accordance with NYSSESC requirements through the completion of construction activities.  
**Addressed, The Applicant has added the requested note and construction detail related to silt fence. The revised site plan depicts the installation of silt fence downgradient of the facility equipment compound.**
2. The proposed co-location includes installation of a diesel generator alongside the proposed Verizon Wireless equipment shelter. The following comments are applicable to our review of the proposed emergency generator:

- a. The proposed generator is depicted to be constructed on a concrete pad adjacent to the 12 foot by 20 foot equipment shelter. While the generator is located inside of the fenced equipment compound, space accommodations for generators were not considered during site plan approval for the existing wireless communications facility. The Applicant shall address if the proposed generator location has the potential to impact or limit the ability of other wireless carriers to co-locate within the existing equipment compound. **The Applicant has noted that the originally approved wireless telecommunications facility site plan was approved with four tenant carrier lease areas, consisting of three 12'x20' areas and one 12'x30' lease area. The Applicant has leased the 12'x30' lease area.**

**While a 12'x30' lease area was incorporated at the time of original site plan approval, it should be noted that the proposed arrangement of lease areas differs from the arrangement approved on the existing site plan. The 12'x30'**



equipment compound was located parallel to the southern face of equipment compound fence, located south of the Tower structure, as shown on the original approved site plan layout. Under the proposed site plan, the 12'x30' lease area is located parallel to the western face of the equipment compound fence and has been "swapped" with the existing 12'x20' area that had been shown at that location.

Based upon the provided plan, the alternate layout of carrier lease areas appears to have inconsequential impact on the ability of other carriers to co-locate within the existing equipment compound area. While approval of this modification is subject to the preference of the Planning Board, it is our recommendation that this lease area arrangement is acceptable.

- b. The Applicant shall clarify if a separate fuel storage tank is necessary for the proposed diesel generator. **Addressed, The Applicant has provided a construction detail for the proposed generator. The fuel storage tank consists of a 175 gallon triple wall containment unit and is located beneath the generator footprint.**
  - c. The Applicant shall revise the plans to include a construction detail for the proposed generator which identifies its height in relation to the proposed equipment cabinets and existing compound fence. **Addressed.**
  - d. **The Applicant shall provide a description of refueling operations for the proposed generator. The description should include provisions for the prevention and containment of accident fuel spills that may occur during refueling activity.**
  - e. **The Applicant shall include a calculation of the proposed electrical load usage for the generator based upon the proposed carrier equipment. The Applicant shall estimate total generator runtime based upon fuel consumption under maximum calculated load, considering the proposed fuel tank capacity.**
  - f. **While the Planning Board has previously expressed interest in incorporation of a common generator to serve all carrier tenants to the Wireless Telecommunications Facility, the Applicant has asserted that their responsibility as a tenant must only be to provide backup service for their own equipment. Although the Applicant is only responsible for serving their own equipment, the Planning Board may wish to consider if provisions to provide emergency power supply for proposed Somers Fire Department Tower equipment, are reasonable, and should be contemplated at the present time.**
3. The Applicant shall provide documentation (i.e. cost estimate) to demonstrate that the existing Abandonment/Removal Bond for the Wireless Telecommunications Facility has sufficient balance to remove additional equipment proposed for co-location. The Abandonment/Removal Bond amount, as amended, is subject to the review and acceptance by the Principal Engineering Technician and Consulting Town Engineer. **Addressed, the Applicant has provided an abandonment bond estimate for the**



removal and disposal of new equipment proposed for co-location. Based upon our review, we recommend that the estimate reflects an acceptable bond amount.

4. The Applicant shall provide documentation to demonstrate that additional electrical service loads proposed by new co-locator equipment may be met by the 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. **Addressed.**
5. The provided Environmental Assessment Form indicates that a motion activated light will be installed on the exterior of the equipment shelter and positioned to face the ground. Town Code §170-129.5(E) specifies that illumination is prohibited on a wireless telecommunications facilities within the exception of facility safety lighting. The Planning Board should consider whether motion activated lighting constitutes safety lighting as defined by Town Code. **Applicant comment response subject to Planning Board satisfaction. It is our recommendation that the proposed motion activated light is acceptable, providing that an additional note is added to the site plan. The note should indicate that the exterior light shall be oriented to project light directly towards the ground surface. A restrictive shield must be installed on the light fixture to limit light projection to within the equipment compound**
6. The Applicant's Engineer shall provide supporting structural analysis calculations to demonstrate that the provided structural certification considers all currently proposed loads by co-location in addition to existing and future anticipated co-location loads on the Tower. **Addressed.**

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Wasp'.

Robert Wasp, EIT, CDT  
Assistant Consulting Town Engineer

On behalf of,

A handwritten signature in black ink, appearing to read 'Joseph C. Barbagallo'.

Joseph C. Barbagallo, P.E., BCEE  
Consulting Town Engineer