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PLANNING DEPARTMENT

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Town of Somers

WESTCHESTER COUNTY, N.Y.



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

**SOMERS PLANNING BOARD MINUTES
AUGUST 24, 2011**

ROLL:

PLANNING BOARD

MEMBERS PRESENT:

Chairman DeLucia, Ms. Gerbino, Mr. Keane,
Mr. Foley, Mr. Goldenberg, Ms. Gannon and
Mr. Currie

ALSO PRESENT:

Town Planner Sabrina Charney Hull
Consulting Engineer Joseph Barbagallo
Town Attorney Joseph Eriole
Planning Board Secretary Marilyn Murphy

The meeting commenced at 7:30 p.m. Planning Board Secretary Marilyn Murphy called the roll. Chairman DeLucia noted that a required quorum of four members was present in order to conduct the business of the Board.

APPROVAL OF JUNE 22, 2011 AND JULY 27, 2011 MINUTES

Chairman DeLucia noted that Planning Board Secretary Marilyn Murphy prepared and submitted for the Board's consideration the approval of the draft minutes of the Planning Board meeting held on June 22, 2011 consisting of nine (9) pages and draft minutes from the July 27, 2011 meeting consisting of eight (8) pages.

Chairman DeLucia asked if there were any comments or questions from members of the Board on the draft minutes of June 22, 2011.

Ms. Gannon said that she was not at the June 22, 2011 Planning Board meeting but she read the minutes and can vote on the minutes.

The Chair asked if there was a motion to approve the June 22, 2011 draft minutes.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the minutes of June 22, 2011 were approved.

Chairman DeLucia asked if there were any comments or questions from members of the Board on the draft minutes of July 27, 2011 and no one responded.

The Chair asked if there was a motion to approve the July 27, 2011 draft minutes.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the minutes of July 27, 2011 were approved.

Chairman DeLucia noted that the DVD of the June 22, 2011 and July 27, 2011 Planning Board meetings are made a part of the approved minutes and are available for public viewing at the Somers Public Library. The text of the approved minutes is also on the Town's website www.somersny.com and is available for public review at the Planning & Engineering office at the Town House.

PROJECT REVIEW

HOMELAND TOWERS, LLC\NEW CINGULAR WIRELESS PCS, LLC (AT&T) FOR SITE PLAN APPROVAL, TREE REMOVAL, STEEP SLOPES WETLAND, AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [SANTARONI PROPERTY] [TM: 37.13-2-3]

Chairman DeLucia noted that this is the project review of the application of Homeland Towers, LLC\New Cingular Wireless PCS, LLC for Site Plan Approval under Somers Town Code Chapter 144; permits for Tree Preservation, Chapter 156; Wetlands Protection, Chapter 167; Steep Slopes Protection, Chapter 148; and Stormwater Management and Erosion and Sediment Control, Chapter 93 for the installation of a proposed

wireless telecommunications facility consisting of a 130-foot tall monopole with branches extending to a maximum 35 feet, together with an equipment compound at the base thereof, on a portion of a 6.4 acre residential property located at 2580 Route 35 in the R-120 Residential Zoning District owned by Umberto and Carol Santaroni. She said that the leased area consists of approximately 3,500 square feet.

The Chair noted that this application is currently before the Zoning Board of Appeals (ZBA) as Lead Agency under SEQRA, in a coordinated review with the Planning Board as an Involved Agency, for a Special Use Permit under Zoning Section 170-129.6 and area variances.

The Chair explained that Manuel Vincente is the managing member of Homeland Towers, LLC a New York limited liability company with a main office located in White Plains, New York and is represented by Robert D. Gaudio, Esq. of Snyder & Snyder, LLP and AT&T is represented by Neil J. Alexander, Esq. of Cuddy & Feder, LLP.

The Chair mentioned that the application was last discussed at the July 27, 2011 Planning Board meeting whereby Attorney Gaudio updated the Board with the proceedings held by the ZBA and explained the fundamental changes that have improved the project, including the fact that the Somers Fire Department equipment had been added to the proposal. She said that the Board was not able to have a proper review since the application remained to be incomplete due to the Board not receiving a report from Town Consulting Engineer Michael Musso of HDR for Consulting Town Engineer Barbagallo's review and comment regarding the Visual Impact Analysis dated July 2011 prepared by applicant's consultants VHB Engineering and Surveying, and a report from Tectonic Engineering, Surveying & Consultants P.C. of the most recent Stormwater Pollution Prevention Plan (SWPPP).

The Chair noted that she would like to disclose that in a letter from Westchester County Planning Board Commissioner Edward Buroughs dated April 18, 2011, she noted that a copy was sent to David DeLucia, Director of Park Facilities, County Department of Parks, Recreation and Conservation. She explained that David DeLucia is her husband's nephew and her Godson but neither her husband nor she had any communication with him for several or more years.

Chairman DeLucia acknowledged for the record receipt of the following: a copy of a submittal letter to ZBA Chairman Marx dated and received on August 9, 2011 from Attorney Gaudioso of Snyder & Snyder noting that the Somers Fire Department equipment has been added to the proposal and responding to comments from Town Planner Hull dated July 25, 2011 and the ZBA's July 19, 2011 Public Hearing and enclosing revised visual renderings; a third Additional Radio Frequency Information Report; a memo from Martin P. Dougherty, P.E. Senior Traffic Engineer confirming sight lines and the re-located access drive; and revised charts dated August 9, 2011 detailing all submitted information in response to the scoping documents. She said that in addition, also enclosed with Attorney Gaudioso's letter to Chairman Marx, in response to the June 15, 2011 letter comments from Andrea Oncioiu of the Department of Environmental Protection (DEP),

Attorney Gaudioso enclosed a letter from Colin A. Diehl of Tectonic Engineering & Surveying dated July 28, 2011 to Andrea Oncioiu with a revised variance application, revised Environmental Mitigation Report prepared by Tectonic dated July 28, 2011; revised Stormwater Pollution Prevention Plan prepared by Tectonic dated July 2011; and a revised Site Plan prepared by Tectonic last dated July 13, 2011 with revised Zoning Conformance Table and added proposed landscaping tables as requested by Town Planner Hull. The Chair mentioned that the Board also received an affidavit in support of the application signed by Manual Vincente and notarized by Attorney Gaudioso on October 5, 2009.

The Chair said that the Board is also in receipt of a memo dated August 17, 2011 from Town Planner Hull, AICP, giving a summary of the August 16, 2011 ZBA meeting, and also submitting for the Board's information a draft Negative Declaration Notice of Determination of Non-Significance dated August 15, 2011 that the ZBA requested her to prepare for its August 16, 2011 meeting. She explained that no action was taken by the ZBA; a memo to the Board dated August 19, 2011 from Consulting Engineer Barbagallo, P.E., BCEE, with comments following his review of the Stormwater Pollution Prevention Plan and other documents. The Chair noted that Consultant Engineer Barbagallo also comments that the Visual Impact Analysis dated July 2011 prepared by VHB Engineering & Surveying is currently being review by HDR; and a memo to the Board dated August 19, 2011 from the Conservation Board (CB) with three concerns and recommendations. She said that it appears that a quorum of

four members was not present at their August 9, 2011 meeting; therefore, the Planning Board will take their comments and recommendations under advisement.

The Chair mentioned that Town Planner Hull sent a memo to the Conservation Board (CB) advising them that the Planning Board could not take official action on their comments as a quorum was not present at their meeting.

The Chair asked Stacey Calta of HDR/LMS to provide the Board, for the benefit of the public, the issues she discussed at the August 16, 2011 Zoning Board of Appeals (ZBA) meeting and give an update of the status of the applicant's Visual Impact Analysis dated July 2011, and the written review report to be received by the Planning Board by September 6, 2011. She mentioned that the applicant's representative, staff and the Board may join with any questions or comments.

Stacey Calta, landscape architect, indicated that her report will be submitted to the Planning Board and Zoning Board of Appeals by September 6, 2011 with HDR's full review of the application. Ms. Calta said that at the ZBA meeting she discussed issues on the landscape plan and issues on details and planting information that was overlooked or incorrect on Tectonic's plans. She indicated that there will be minor comments on the text and there are no issues on the simulations as they are presented. She said that the simulations are accurate and as expected for the visibility of the tower. Ms. Calta noted that viewpoint 4 that was included in the August 9, 2011 submittal has a high impact on the visibility of the tower and was discussed at length at the ZBA meeting. She mentioned that discussion ensued on how mitigation of the view can take place. Ms. Calta said that HDR is suggesting placing a planter box in front of the fence in the driveway to block the view of the tower. She noted that she discussed the planter box with the applicant and it will be shown on the revised plans.

The Chair said that while going over the submissions, documents and materials, several questions and concerns arose and she would like some clarification. She noted that in Town Planner Hull's August 17, 2011 memo, on page 2, Ms. Calta told the ZBA that HDR's review would be complete and a report issued by September 6, 2011. The Chair asked

Ms. Calta if staff can make comments on that complete report for the Planning Board meeting on September 14, 2011. Ms. Calta replied that staff will have time to make comments on the report for the Planning Board meeting on September 14, 2011.

The Chair noted that in Consulting Engineer Barbagallo's August 19, 2011 memo, page 5, under Visual Impacts & Mitigation, numbers 1 through 3, he responds: "Visual Impact Analysis dated July 2011 is currently being reviewed by HDR." She said that the ZBA's July 19, 2011 minutes on page 5, Chairman Marx advised Attorney Gaudioso that as there are materials still outstanding he cannot view this application as being complete at this time. The Chair mentioned that on page 6, Chairman Marx disagreed with Attorney Gaudioso with respect to the completeness of the application and said that the Board could not take any action as they are still awaiting responses from Mr. Musso, the Planning Board and Consulting Engineer Barbagallo and that the application would be adjourned until the August 16, 2011 meeting whereby on August 16, 2011 the ZBA determined that application is complete. The Chair asked if this is a contradiction since as of this date we are still awaiting responses from Mr. Musso of HDR and Consulting Engineer Barbagallo.

Mr. Keane interrupted and noted that from a procedural perspective making a Determination of Significance under SEQRA means an application is complete as of that date and all the documentation provided up to that date are complete. He said that he does not understand in the absence of HDR's critique of the VHB Visual Impact Analysis how the application can be complete. Mr. Keane noted that if the application is complete we are in the phase of making a Determination of Significance.

Town Attorney Eriole advised that there is a difference between an application being complete in order to make a Determination of Significance from the question if an application is complete.

Mr. Keane said that the ZBA as of August 16, 2011 has determined that the file on this application is complete and adequate to make a Determination of Significance. He said to determine that an application is complete and then continue to collect more documentation is inappropriate. Town Planner Hull explained that the Chairman of the ZBA determined that the application was complete in that the applicant provided everything that was requested to make the application submission complete.

Ms. Gerbino said that she received input from professionals at the Maxwell School of Public Administration and she proposed the problem that Mr. Keane just stated and she was advised that if you go into a bank and ask the teller for \$150 from your account and she counts out \$150 and hands that to you that transaction is not complete until you finish counting the \$150. Ms. Gerbino explained that as far as the teller is concerned the transaction is complete because she did what she was asked but the action is not complete until the person counts the \$150.

Town Attorney Eriole opined that the ZBA determined the application is complete for purposes of its continued review. He said that the question that more information is necessary to make a Determination of Significance or make an ultimate decision on the project is different. Town Attorney Eriole stated that the Board can ask for additional information on those points.

Town Planner Hull explained that the ZBA is waiting for HDR's report, comments from Consulting Engineer Barbagallo and the Planning Board before they make a Determination of Significance.

Mr. Keane questioned again why the ZBA determined that the application is complete.

Attorney Gaudioso opined that the ZBA determined the application complete for the context of the shock clock. He explained that the Chairman of the ZBA determined that the application was complete at the August ZBA meeting with respect to the filing of all the necessary materials and this is important to the applicant because this is an application under the Federal Telecommunications Act and the 150-day time limit under the FCC shock clock. Attorney Gaudioso stated that the ZBA was not in a position to make a SEQRA determination based on the fact that there are outstanding consultant's reports and they wanted to give the Planning Board the opportunity to comment pursuant to SEQRA. He explained that the ZBA deemed the application incomplete in July due to the outstanding materials and in August upon the revised submission on the additional information requested by Mr. Guyot and Mr. Burke the application was deemed complete that the application provided all the requested materials which started the 150-day shock clock.

Mr. Keane said that the applicant is saying that the shock clock has commenced and that may become a legal issue. He said that there are no set rules on deciding if there is adequate information on making a Determination of Significance. He noted that the Lead Agency makes the decision if there is enough information to make a Determination of Significance based on the facts surrounding the application. Mr. Keane opined that as an Involved Agency the Planning Board should know the entire makeup of the complete application so they are reviewing all the appropriate documents that the ZBA has decided is complete for the purpose of making a Determination of Significance. He indicated that his major concern is that once the determination is made and it is not a Positive Declaration we are stuck even if there is inadequate information in the file. He indicated that higher constraints cannot be imposed on the applicant thereafter unless there are reasons allowable under SEQRA to do so.

Town Attorney Eriole said that if the Determination of Significance is made the Lead Agency has determined that the application and the environmental file are complete to make that determination. He stated that the ZBA does not want to make that determination until they receive the Planning Board's input.

Mr. Keane noted that the Planning Board should make a written statement to the ZBA on their comments and views in regard to this application based upon the described action. He stressed that the described action should be identified as part of the Determination of Significance.

Town Planner Hull said that the ZBA is fully aware of the need of the Planning Board to review all the consultant's reports in order to advise them on making their determination. She noted that the ZBA originally decided that the tower would be a tree pole; however, the ZBA is interested in hearing which is the best treatment of the tower. She said that the number one issue of potential significance with the tower is the aesthetic visual impact. Town Planner Hull said that by not having the applicant's report the Board is at a disadvantage and cannot decide if this is a significant impact and the ZBA will not make a decision until they hear from the Planning Board. Town Planner Hull indicated that a particular viewpoint is troublesome to both Boards and at this point the Boards are waiting on the visual consultant to identify if there are solutions to mitigate that view.

Ms. Gannon noted that Ms. Calta is here and the Board can discuss their questions and concerns about submitted materials.

The Chair asked if Site Plan approval from the Planning Board is part of completeness of the application.

Town Attorney Eriole advised that Site Plan approval is not part of the completeness of the application.

Mr. Goldenberg mentioned that at the August ZBA meeting they took a vote on the type of tower that would be appropriate and six voted for the tree pole and one for the monopole which is the opposite of the Planning Board's recommendation. He opined that it is difficult to make a recommendation without the consultant's reports.

Town Planner Hull reiterated that the consultant's reports will be submitted prior to the next Planning Board and ZBA meeting.

The Chair noted that Consulting Engineer Barbagallo will need those reports for his review.

Consulting Engineer Barbagallo explained that when the review process was discussed with HDR it was decided that there would not be a double review with HDR providing the visual analysis and his role will be less than HDR's with his review being visuals of the site and compound as it relates to the Site Plan.

Consulting Engineer Barbagallo commented on the completeness review and said that the first review is basically a check box review to make sure everything that was requested is there and following that completeness review is a substantive review of the submitted information to determine if the correct information was submitted and after it is determined that all the information is complete for public review. Consulting Engineer Barbagallo said that he is confused about the starting of the shock clock because HDR's report has not been submitted.

Mr. Foley opined that it is not fair to the applicant if the Board's consultants have not submitted their reports.

Consulting Engineer Barbagallo said that there was a scoping document

for the visual analysis and when HDR's report is reviewed you can check to make sure that all the items in the scoping document have been provided.

Town Attorney Eriole explained that the law is talking about completeness from a check box perspective to start the clock. He noted that the 150 days is about gathering the additional information.

Attorney Gaudioso noted that the Town has a 30 day window to decide if something is not properly checked off to tell the applicant. He opined that the check box is a requirement of the Zoning Code and he believes that the applicant went above and beyond the requirements of the Zoning Code.

Mr. Keane asked Ms. Caltà if HDR is examining VHB in the context of the scoping document. He said that VHB did not do a number of things that were called for in the scope. He questioned if because VHB did not provide everything that was requested does that interfere with the shock clock process.

Mr. Foley reminded the Board that the ZBA deemed the application complete. He asked if the Planning Board is in a position to question the ZBA decision.

Town Attorney Eriole reiterated that the shock clock is running.

Attorney Gaudioso noted that the applicant has been willing to work with the Board and if Mr. Keane feels that something is lacking please let the applicant know. He opined that it should be stated on the record so the applicant can provide the information if something is missing.

Mr. Keane noted that the Planning Board cannot change the ZBA's determination but if information is missing that should be provided. He said that it should be done after HDR's technical review.

Town Attorney Eriole said that stopping the shock clock should not be the focus. He explained that the focus should be on the 150 days to gather information and make a decision.

The Chair asked Attorney Gaudioso if he is willing to make changes if the Board asks for them.

Attorney Gaudioso said that he does not know what the changes are but will address any reasonable changes.

Mr. Currie asked if co-locaters and additional equipment are considered at the beginning of the project.

Attorney Gaudioso stated that the Code requires that co-locaters on the pole and the pole locaters on the ground are taken into consideration. He said that the engineering for stormwater is based on the entire compound.

At this point Town Attorney Eriole was excused from the meeting.

Ms. Gannon noted that the pad that was approved for a different cell tower application was not sufficient and she would like HDR to make sure that this does not happen again so an applicant does not have to re-engineer the project.

Attorney Gaudioso explained that the pad not being sufficient is not an uncommon problem and depends on the type of facility.

Ms. Gannon mentioned Town Planner Hull's August 17, 2011 memo that summarizes the ZBA meeting, *Discussion also included the number of carriers that can be located on the various types of poles. AT&T disclosed that they now occupy three frequencies and need three spots where prior to June they had indicated that they only needed two.*

Attorney Gaudioso indicated that AT&T will not need three slots on this tower but on a flag pole or concealment design. He explained that the discussion at the ZBA meeting was on the type of pole and Mr. Carpaneto said that he did not want a monopole unless the antennas were internally mounted. He noted that AT&T said that if the antennas are internally mounted they will need three slots.

Town Planner Hull said that the tree pole was used to demonstrate the three slots that AT&T will need but they did make the Board aware that previous to June AT&T would need two spaces.

Attorney Gaudioso disagreed with Town Planner Hull and asked Tony Gioffre who represents AT&T to explain.

Attorney Gioffre, representing AT&T, said that if AT&T was required to relocate within a concealment pole or horizontal pole where antennas are mounted internally they would need three slots to provide the technology for each of its licenses. He commented that on a tree pole all 12 antennas would be located on one horizontal plane which would provide service for all three technologies.

Ms. Gannon mentioned the August submission which shows the rendering for viewpoint 4 and she compared that to the July submission of view no. 4 from VHB. She said that the VHB rendering shows two external arrays within the monopine and the monopole shows one. She said that if the Board is using this as a comparison in visual analysis she would like to see the same number of external arrays. Ms. Gannon said that it would be helpful to see what the final product will look like.

Attorney Gaudioso said with the tree pole you do not see the antennas but on the monopole you see what the antennas look like. He noted that the ZBA felt the tree pole is the better option.

The Chair asked Consulting Engineer Barbagallo to summarize his memo to the Board for the benefit of the public.

Consulting Engineer Barbagallo mentioned comment 12 on page 4 of his memo, *the project is in close proximity to sensitive environmental areas, which will restrict the ability to expand the compound or increase impervious surfaces for those contemplated in the future. As such, the Applicant shall provide documentation based on its experience with similar applications can accommodate the carriers serving the Somers/Yorktown area.* He said that co-locaters have been coming back looking for larger compounds. Consulting Engineer Barbagallo asked if a hard look has been taken when sizing the compound.

Attorney Gaudioso said that every application except for the Amato application was by a carrier. He noted that tower companies are in the business of getting co-location whereas if a carrier is building a tower they may not care about their competitors and the base and not take a hard look. Attorney Gaudioso mentioned that Tectonic designs most of the compounds for the carriers and they will state why this proposal is reasonable.

Consulting Engineer Barbagallo noted under his new comments in his memo he asked that the applicant revise the Site Plan drawings to include a note indicating that construction activity will not occur outside the hours of 7:00 AM and 6:00 PM, Monday through Saturday. He said that it shall be noted on the revised Site Plan drawings that no construction vehicles or materials will be stockpiled under the driplines of trees to be preserved.

Consulting Engineer Barbagallo said that the proposed level spreader shall be extended to the limit of disturbance along the proposed elevation contour 344 feet. He noted that the applicant shall also include a gravel trench at the base of the proposed level spreader to facilitate infiltration. He mentioned that the Mitigation Plan basically restores the function of the impacted buffer and he feels that the stormwater should be discharged over a larger area instead of discharging it at a single point.

Attorney Gaudioso stated that he does not have a problem with the conditions in Consulting Engineer Barbagallo's memo except for one comment and Tectonic will speak to Consulting Engineer Barbagallo in reference to this one concern.

Consulting Engineer Barbagallo mentioned that the applicant shall provide documentation of NYS Department of Transportation (DOT) Permit Approval and Attorney Gaudioso said that will be a condition of approval.

Consulting Engineer Barbagallo asked the applicant to provide the designation of specific soil types within the proposed limit of disturbance under Section 1440B (2). He said that in addition the applicant shall provide a grain size analysis within the limits and depths of disturbance. He indicated that this information shall be used to design appropriate erosion control measures along the disturbed steep slopes adjacent to a regulated wetland.

Mark Lucasic, representing Tectonic, said that this concern will be addressed in the SPPP and Erosion and Sediment Control Plan.

Consulting Engineer Barbagallo said that relative to the front distance variance, the fall zone of the Tower includes Route 35. He noted that the applicant shall provide alternative design options that would prevent the Tower from potentially impacting Route 35. He said that the question is if there is better technology that would allow for more break zone so that the

distance can be increased from Route 35. Consulting Engineer Barbagallo indicated that sometimes things happen in a way we can't predict.

Attorney Gaudioso stated that Sabre Towers provided a letter indicating a collapse radius of 64 feet with the potential collapse radius reaching the property boundary along Route 35. He opined that there is no other engineering solution.

Consulting Engineer Barbagallo noted that the way that the fall zone of the Tower has been designed it is predicted to buckle in a way that it will be on the applicant's property.

Attorney Gaudioso mentioned that the tower is designed to exceed the New York State design.

Consulting Engineer Barbagallo mentioned that the retaining wall has been changed to a compacted soil retaining wall.

Attorney Gaudioso said that the retaining wall will be a condition of shop drawings.

Mr. Keane asked if Consulting Engineer Barbagallo considered in his analysis the electrical power supply and if NYSEG will provide a three phase four wire system. He asked if NYSEG will provide overhead or underground service to the tower. He mentioned that there may be a visual impact and regardless if the power supply is overhead or underground how will it impact retaining walls, stormwater practices and the compound.

Consulting Engineer Barbagallo said that all soil disturbance as well as on ground equipment will be represented on the Site Plan.

Attorney Gaudioso indicated that the underground transformers are shown on the plans.

Mr. Goldenberg mentioned that at the ZBA meeting there was a question in reference to the disturbance of soil and the use of fertilizer for the saving of trees. He questioned what will happen if the trees are saved but after a year the trees die.

Ms. Calta indicated that at the ZBA meeting there was discussion that the applicant will provide a scenario of what will be planted in its place if a tree dies. She said that she is looking into all the tree protections and she will be commenting on how much grading can be done on the drip line of the trees. Ms. Calta mentioned that during her review she found that 32 trees will not survive.

Attorney Gaudioso stated that there cannot be a guarantee that the trees will not die but the trees close to the area of construction will receive the best effort to save those trees. He mentioned that there will be a plan to better save those trees, ie., tree wells, fertilizer but if the trees still die there will be a replacement planting plan.

The Chair noted under the Tree Ordinance a tree must survive for two years and the applicant shall provide a two year landscaping warranty.

Town Planner Hull stated that the applicant has agreed to take a hard look at the Landscape Plan and if trees in the construction area die they will submit a replanting plan.

Ms. Gannon mentioned the letter from Attorney Gaudioso dated August 9, 2011 to Andrea Oncioiu of the DEP, *“there has been no public opposition to the proposed site.”* She stressed that the Planning Board has not held a Public Hearing of the Site Plan for this project therefore the public has not been heard on this application.

Attorney Gaudioso replied that the parallel he was drawing on was that the last three applications for cell towers before the ZBA, there was no public opposition.

Mr. Keane said that Ms. Calta may want to consider that view 4 that was provided by VHB that a 24 millimeter focal length camera was used instead of a 50 millimeter camera. He commented that VHB should explain the reasons for using the 24 millimeter focal length camera.

Attorney Gaudioso noted that the 50 millimeter camera did not show the base so the other focal lens was used to show the full ground analysis. Mr. Keane said that VHB has not addressed how the pole looks in its setting in the neighborhood and didn't follow the scope provided by the applicant. He noted that the pole is right up against the roadway and

screening will be difficult and the only mitigation is the pine tree that will only disguise the antenna but not the pole. Mr. Keane stated that this has to be addressed.

Mr. Keane opined that the idea that passing the pole from the road equated to 1 second viewing time is totally wrong. He said that the straight on view at the speed limit is 4 seconds. Mr. Keane noted that you will be able to see that the tree pole is out of context with its setting. He commented that there are no alternatives being offered from a mitigation perspective. Mr. Keane noted that the DEP will only allow the pole in a specific spot based on the DEP setbacks and the variance for the DEP Permit.

Mr. Keane said that a tree pole may not be the right thing and suggested a pole that uses camouflage techniques to break up the texture and form. He indicated that there has not been any mitigation to the maximum extent practicable used by the applicant. Mr. Keane indicated that there are many options that exist that can be used as mitigation. He stated that the applicant has not met the standard and this should be addressed by LMS/HDR.

Mr. Keane mentioned that the statement that a 29 foot utility pole is the equivalent to a 130 foot cell tower pole is unbelievable. He opined that the report has to be done correctly and alternatives provided.

Attorney Gaudioso opined that based on the location of the pole the proposed location is the best. He said that the focus is on viewpoint 4 where the pole is visible. Attorney Gaudioso said that based on the entire community and based on the location of the pole the applicant has looked at all the options and based on the visual analysis and the 1 to 4 second viewpoint along the roadway travelling 55 MPH the Sabre tree pole is the best alternative. He stressed that aesthetics is not about whether something is visible or not visible but is about if there is a significant impact on a visual resource. He said that the tower is proposed on State Road 35 and is visible for a 1 to 4 second time.

Mr. Keane said that according to Section 170.129 7 (j) (k) it states how mitigation alternatives should be used.

The Chair mentioned that at the August ZBA meeting Ms. Calta said that

she disagreed with the timing of 1 second regarding passing the site. She said that Ms. Calta calculated 4 seconds over the 200' distance and will ask for distances to be placed on the plans so that she can confirm her timing.

Mr. Keane indicated that the pole will be viewed by 3 million people travelling in a westerly direction.

Ms. Gannon opined that viewpoint 4 is the problem viewpoint and this should be addressed. She noted that the offered mitigation always tends to be the same.

Attorney Gaudioso said that he has presented the different options that are appropriate for this area. He noted that he cannot offer something that he does not have but he is willing to research something if the Board has a different option in mind.

Mr. Foley said that at the end of the process if the Board decides that the tower cannot be mitigated where does that leave the Board.

Attorney Gaudioso said that from a Federal perspective if the Board denies the application it would have the effect of prohibiting service. He noted that the Court has stated that there has to be a gap in service and has to be the least intrusive means as possible. He stressed that if the Board has a less intrusive way he would look at that option. Attorney Gaudioso commented that the ZBA voted 6 to 1 in favor of the tree pole because it fits in the context. He said that the location from a global standpoint is not very visible and from the residential areas is very protective of the residential area.

Mr. Keane reiterated that reasonable and possible alternatives should be looked at such as camouflage. He said that changing the texture of the pole such as cladding makes the pole blend with the background. He noted that the Town Code calls for the maximum extent reasonably possible as far as mitigation is concerned and he asked that the information be provided and the Board can make the judgment if it complies or doesn't comply.

Ms. Gannon opined that the flat brown color of the pole bothers her because trees don't have brown trunks.

The Chairman read from Section 170-129 .7 (1) *a wireless telecommunications facility or attached wireless telecommunication facility*

shall be sited and designed to have the minimum adverse visual impact on the Town, the immediate neighborhood, residential property, parks, scenic vistas, and roadways, taking into account the proximity to potential viewers and sight lines from major viewing points, and shall incorporate camouflage or stealth technology to the maximum extent reasonably possible as provided in Section 170-129.7D.

Attorney Gaudioso indicated that the tower will be visible from Route 35 and will have more viewers but it is the quality of the viewers. He said that the tower would be more of an impact if there were less viewers and you have to take into consideration the overall context. He mentioned that the tower is not visible from parks or scenic vistas but is visible for 1 to 4 seconds on Route 35.

The Chair mentioned Mr. Vincente's affidavit from 2009 number 5, pursuant to Section 170.129.7.D. (1) of the Town of Somers Zoning Code the siting and the design of the facility shall accommodate and utilize the best available technology to reduce, to the maximum extent reasonably possible, the impact of the facility on the Town, the immediate neighborhood, residential areas, parks, scenic views and roadways. Mr. Vincente says that since the site is heavily screened by trees it is the opinion of Homeland Towers that an artificial tree pole would effectively blend in with the immediate neighborhood.

The Chair held up a bottle brush and compared it to the Amato tree tower. She mentioned that she almost brought in small artificial Christmas trees to show what the Amato cell tower looks like.

Attorney Gaudioso objected to the pipe cleaner analogy and said that it is inappropriate. He opined that this is disrespectful to the application and the applicant who has put significant time and money into the application.

The Chair said that the Board received a letter from Commissioner Edward Buroughs of the Westchester County Planning Board dated April 18, 2011 commenting that "since submitted material does not show a visual analysis from Lasdon Park, we recommend the Town require the applicant to provide such an analysis which includes before-and-after renderings from various viewpoints in the park. A detailed rendering of the tree pole's 'foliage' must also be provided, as other similar facilities in the county (such as the 'giant toilet bowl brush' on the Hutchinson River Parkway) have

sparked significant public outcry. Depending on the visual analysis, it may be determined that a standard wireless monopole instead of a stealth tree design may be more appropriate, if the construction of the facility must occur.” The Chair indicated that Attorney Gaudioso disputes this in his August 9, 2011 letter to the DEP. She said that Attorney Gaudioso never responded to the Westchester County Planning Board.

Attorney Gaudioso stated that he responded to the ZBA and copied the Planning Board and answered the comments from the Westchester County Planning Board. He noted the HDR confirmed the analysis that the pole would not be visible from Lasdon Park.

Ms. Gannon agreed that you cannot see the cell tower from Lasdon Park.

Chairman DeLucia commented that the Amato property tree pole is a “bottle brush” and an eyesore. She opined that it scars the landscape in Somers and to now consider another “bottle brush” for this property is an insult. She mentioned that the Amato tree pole was to have wider branches at the bottom (8’); tapering off to the top instead it is a “bottle brush”. The Chair mentioned viewpoint 4 which shows the tree pole and it almost appears to be somewhat of a cone type. She noted that the Amato tree pole does not look that way.

Attorney Gaudioso indicated that the bottom branches on the tree pole are wider but it is difficult to see unless you are close up.

The Chair said that if the tree pole is put in on the Santaroni property people will say “it is just like the one on the Hutch”.

Attorney Gaudioso said that he has heard positive comments on the Amato tree pole.

Mr. Keane said that when all the leaves are off the trees the comments may be different.

Ms. Gannon said that she barely notices the Amato tree but that may be different when the leaves are off the trees. She noted that if there are more setbacks and trees she would be more comfortable with the Santaroni application.

Town Planner Hull said that the Planning Board after the September Planning Board meeting will have the opportunity to send a memo to the ZBA after the Board reviews HDR's report.

The Chair directed the applicant to address the outstanding issues and 13 new comments provided in staff's memoranda and the concerns and comments of the staff, consultants and the Board. She said that this application is adjourned to the September 14, 2011 Planning Board meeting.

PROJECT REVIEW

METROPCS NEW YORK, LLC AT LINCOLN HALL SCHOOL CO-LOCATION OF A WIRELESS TELECOMMUNICATION FACILITY FOR AMENDED SITE PLAN APPROVAL AND SPECIAL USE PERMIT 115 ROUTE 202 [TM: 16.15-1-1]

Chairman DeLucia said that this is the application of MetroPCS New York, LLC having an office at 5 Skyline Drive, Hawthorne, New York, under Somers Town Code Wireless Ordinance Section 170-129 for Amended Site Plan Approval and Special Use Permit for property located at Lincoln Hall, 115 Route 202, Lincolndale, New York to co-locate a wireless telecommunications facility with 6 panel antennas on a proposed 15' extension of the existing 95' tall tower with associated unmanned equipment to be located within a proposed expansion of the existing fenced compound at grade in an R-120 Residential Zoning District, a lower impact area. The Chair noted that MetroPCS seeks to provide wireless service along portions of Route 118, Route 202, Route 139, Lovell Street and the Heritage Hills area, as well as the surrounding local roads in the vicinity of the premises. She mentioned that the total acreage of the project is 0.005 acres on approximately 447 acres. The Chair said that the owner of the existing tower is Crown Castle of New Castle, Delaware who has authorized MetroPCS, represented by Anthony B. Gioffre, Esq., of the law firm Cuddy & Feder of White Plains, New York, to act as the applicant by letter of authorization dated April 18, 2011 signed by Lewis Bingham, Property Specialist. She explained that Verizon, Omnipoint (T-Mobile), Sprint and AT&T are currently operating wireless telecommunications facilities on the existing tower at this site. The Chair noted that the applicant is also represented by Engineer Valore of Schwenksville, PA.,

Nicole Piretti, Environmental Consultant of EBI Consulting; and Christopher Olson, Senior Radio Frequency Engineering Consultant.

The Chair acknowledged for the record receipt of the following: a letter dated June 9, 2011 received July 19, 2011 from Anthony B. Gioffre III, Esq. of Cuddy & Feder LLP submitting an application for Amended Site Plan Approval and Special Use Permit, a Full Assessment Form and related documents and materials; Site Plan Drawings prepared by Valore, LLC dated February 4, 2011, last revised April 29, 2011; a letter dated July 18, 2011 received July 19, 2011 from Anthony G. Gioffre submitting additional documents and information, namely, that the proposed expansion area does not contain steep slopes, wetlands or wetland buffer area or watercourses in the proposed project area, and that the proposed limit of disturbance for the proposed installation is approximately 350 SF, which is below the 500 SF threshold and therefore a SWPPP is not required; a letter dated August 22, 2011 received August 23, 2011 from Cuddy & Feder enclosing an affidavit of posting on August 9, 2011; a memo from Town Planner Hull with her project review comments and recommendations; a memo dated August 19, 2011 from Robert Wasp, EIT (Engineer in Training) on behalf of Consulting Engineer Barbagallo with a summary of review comments; a memo dated August 19, 2011 from the Conservation Board (CB) with four concerns and recommendations. The Chair mentioned that it appears that a quorum of four members was not present at their August 9, 2011 meeting; therefore, the Planning Board will take their comments and recommendations under advisement. She noted that Town Planner Hull submitted a memo to the CB saying that the Planning Board cannot take any official action in reference to their memo regarding MetroPCS because it appears that the CB did not have a quorum present in order to make those recommendations.

The Chair asked the applicant's representative to give a brief presentation regarding this application.

Anthony Gioffre, the applicant's attorney, said that MetroPCS is a Federal licensed provider of wireless communication services and in order to avoid building a new tower they are seeking to put a 15' extension off the top of an existing tower. He noted that the next available co-location spot on the tower will be below AT&T approximately at the 59' level. Attorney Gioffre mentioned that he provided a propagation map demonstrating that providing coverage on that level of the tower will give inadequate coverage.

He commented that the coverage deficiency between the proposed location and the 59' location would be a 71% difference and would not provide the coverage that MetroPCS needs to provide coverage toward the east of the site. He noted that this would cause an additional site and to provide the least intrusive means of providing service a modest extension would be required in order to provide coverage to this area.

Attorney Gioffre indicated that he submitted a lot of documentation materials and demonstrated compliance with the Federal guidelines with respect to emissions providing a cumulative analysis demonstrating that with all the carriers and MetroPCS's proposal it still would be less than 2.5% of the threshold prorated by the FCC.

Attorney Gioffre said that photos were taken from additional locations to the east and south. He noted that the viewpoints were not visible from the tower so they were not submitted with the original application. He clarified that the viewpoints that are identified for the neighborhoods to the south and to the east are representative on the map. Attorney Gioffre provided the Board copies of the photos of the additional locations and would like to receive feedback from the Board.

Mr. Goldenberg asked what other locations MetroPCS has in Town.

Attorney Gioffre said that MetroPCS is presently only at the Towne Centre.

Mr. Goldenberg asked the reason why MetroPCS wants to locate on the Lincoln Hall tower.

Attorney Gioffre said that MetroPCS is a new carrier and this will be the second location in Somers. He mentioned that MetroPCS is trying to identify locations where there are co-location opportunities.

The Chair asked Town Planner Hull to share her project review memo to the Board for the benefit of the public.

Town Planner Hull said that Lincoln Hall is considered a Low Impact Location. She mentioned that she asked for a key map and Attorney Gioffre referred to that key map. Town Planner Hull noted that she asked for information regarding the extension of the tower and that it is not visible from any of the neighborhoods particularly to the east and south. She

mentioned that no variances are requested and the tower is within the setback that are required by Code. Town Planner Hull indicated that the only thing missing is verification that there is no visual impact from the neighborhoods.

Attorney Gioffre said that if the proposed application does not happen MetroPCS will submit an application for a cell tower. He stressed that the co-location is the least intrusive means to cover a large area without the need for an additional tower.

Mr. Keane stated that the Board needs the tools to go through the process. He mentioned the structural aspects by adding the 15' extension.

Attorney Gioffre said that the structural aspect has to be done by NYS Building Code. He mentioned that a structural analysis has been provided. Attorney Gioffre noted that he just received a letter from the structural engineer that there is no fall zone on this tower.

Mr. Keane questioned if there is an adequate footprint for the equipment ground facility. He also wondered if you can see the tower from the railway road bed and the bike path.

Attorney Gioffre indicated that the compound will have to be expanded to house MetroPCS.

Attorney Gioffre showed the Board a photo log map with additional viewpoints.

The Chair asked Consulting Engineer Barbagallo to summarize his memo for the benefit of the public.

Consulting Engineer Barbagallo asked the applicant to depict the proposed limit of disturbance in square feet on the plan. He said that the NYS Department of Environmental Conservation (DEC) Resource Map included in Exhibit F of the report depicts the project site to be located within the checkzone of a state regulated wetland. He requested that the applicant have a delineation of nearby wetlands completed in accordance with NYSDEC requirements. Consulting Engineer Barbagallo also requested that the Site Plan include topography on the drawings within the area of the proposed compound expansion. He asked that documentation that Velour

LLC is a professional corporation licensed to practice in the State of New York.

The Chair mentioned the necessity standard and Mr. Foley said it was already done with the Towne Centre application and the Board agreed.

Attorney Gioffre said that the prior application demonstrated that there is no coverage in this part of Town.

Attorney Gioffre requested the scheduling of a Public Hearing on this application.

On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously carried, the Board moved to schedule a Public Hearing on MetroPCS at Lincoln Hall for Wednesday, October 12, 2011 at 7:30 PM at the Somers Town House.

The Chair directed the applicant to provide a key map so that the Board has an adequate understanding of the visual impact of increasing the height of the existing tower by 15 feet and demonstrate that increasing the height of the tower does not affect any neighborhoods to the east and south of the existing tower and address the outstanding issues and comments of the Consulting Town Engineer and the Board.

PROJECT REVIEW

MITCHELL CONSERVATION SUBDIVISION

[TM: 16.09-1-9]

Chairman DeLucia noted that this is the project review of the application of Gary and Ann Mitchell for a four-lot Preliminary Conservation Subdivision Approval, Steep Slopes, Stormwater Management and Erosion and Sediment Control and Tree Removal Preservation Permits. She said that the property is owned by Gary and Ann Mitchell and is located at 201 Tomahawk Street, NYS Route 118, on the west side of the street, south of the Route 118 intersection with Green Tree Road in the R-40 Residential Zoning District. The Chair explained that the south side of the site abuts the Town of Somers Koegel Park and the proposal would divide a 7.10 acre parcel into four single-family residence lots fronting on a new Town roadway 800 linear feet long and 25 feet wide within a 50-foot wide right-of-

way consisting of an existing residence and outbuildings on one 0.94 acre lot, two new lots on 0.94 acres, and the remaining lot on a 3.29 acres serviced by individual septic systems, wells and driveways. The Chair mentioned that this property is less than 12 acres. However, the Town Board at its regular meeting held on November 18, 2010 adopted an amendment to Town Code Article IIIA Conservation Zoning Section 170-13.2 Authorization, which was filed by the New York Secretary of State to authorize the Planning Board to proceed with a Conservation Subdivision because of the benefits to the Town and the applicant.

The Chair mentioned that this application was last discussed at the April 27, 2011 Planning Board meeting whereby the Board determined that the Proposed Action is an Unlisted Action under SEQRA and Chapter 92 of the Code of the Town of Somers in conjunction with Article 24 of the NYS Environmental Conservation Law and declared its intent to be Lead Agency and circulated a Notice of Intent to be Lead Agency to all involved and interested agencies dated May 13, 2011, together with Part I of the Full Environmental Assessment Form and a copy of the plans. She explained that unless an objection is expressed by any other involved agency within 30 days from the date of the notice, the Planning Board shall assume this role. The Chair indicated that the Board received a letter dated May 23, 2011 from the Westchester County Planning Board having no objection and a letter dated May 25, 2011 from the NYC Department of Environmental Protection (DEP) having no objection. She said that the Board has not received an objection from any other involved and interested agencies and the 30 days have expired to object to the Planning Board serving as Lead Agency and therefore the Somers Planning Board assumes the role and declares itself Lead Agency. The Chair mentioned that the applicant was also directed to submit revised plans and a revised Stormwater Pollution Prevention Plan (SWPPP) and address the outstanding issues and comments from staff and the Board.

The Chair acknowledged receipt of the following: a letter dated and received on August 9, 2011 from applicant's representative Timothy S. Allen, P.E. of Bibbo Associates, submitting a copy of the plans last revised July 22, 2011, the SWPPP last revised July 25, 2011 and responding to comments made in memoranda from the Consulting Town Engineer dated April 22, 2011 and the Town Planner dated April 22, 2011; a memo dated May 6, 2011 received May 9, 2011 from the Conservation Board (CB) with 5 concerns and recommendations, specifically number 5, commenting a

creation of a cul-de-sac needed for emergency vehicles to turn around and a letter dated May 17, 2011 received May 20, 2011 from Westchester County Department of Health noting that the proposed development will require approval as a realty subdivision from the Health Department and any proposed on-site wastewater treatment systems and proposed water supplies will require approvals from the Health Department; a memo dated and received May 20, 2011 from the Somers Historic Properties Board recommending a 6' high cedar stockade fence on the property along the church and cemetery cleared area, that the owner maintain the fence and the fence be screened with tall and thin plantings such as evergreens; a letter dated May 23, 2011 received May 24, 2011 from Westchester County Planning Board who had no objection to the Board being Lead Agency, responded to previous letters and had no further comments at this time; a letter dated May 25, 2011 received May 27, 2011 from the NYC Department of Environmental Protection (DEP) who had no objection to the Board being Lead Agency with 9 additional comments; a memo dated June 24, 2011 received June 27, 2011 from the CB with comments and recommendations, specifically to reduce the number of lots, questions regarding the EAF and drawings; a memo dated August 19, 2011 from Consulting Engineer Barbagallo commenting that a site walk of the proposed subdivision was held with Mr. Barbagallo and Board member Vicky Gannon on Saturday, June 4, 2011, and giving his review comments for discussion regarding the revised Stormwater Pollution Prevention Plan (SWPPP) and Site Plan; and a memo dated August 18, 2011 from Town Planner Hull with a project description and project review comments regarding the revised Site Plan and, a Stormwater Pollution Prevention Plan, and requesting the applicant to provide additional information.

The Chair asked the applicant's representative to give a brief presentation on the revised submission.

Engineer Allen, applicant's engineer, indicated that the plans have been revised to update the drainage and he addressed comments received from staff. He noted that there was discussion on plantings on the north side and cedar fencing on the south side and the applicant will consider both. Engineer Allen indicated that the back property line will be delineated for the donation to Koegel Park. He said that the property can be fenced or there can be signage to inform trespassers that they are entering private property but that will be the Board's decision. Engineer Allen noted that this is a viable plan and the roadway has been reduced. He opined that the

application is ready for a Public Hearing and he asked that the Public Hearing be scheduled.

Ms. Gerbino referred to Consulting Engineer Barbagallo memo dated August 19, 2011 in reference to number 5, on page 3, *the site should be secured with signage to inform hikers or those using the trail from Koegel Park that they are entering private property.* She asked if the implication is that the trail goes on to the private property or that it is near the private property.

Town Planner Hull said that it is her understanding that the trail will be deeded to Koegel Park. She noted that the applicant agreed to provide demarcation between Lot 4 and the proposed conservation parcel so that encroachment into this area does not occur. She said that the owner of lot 4 has to know what the boundaries are.

Consulting Engineer Barbagallo noted that during the site walk with Ms. Gannon they noticed a trail that extends to the southern end of the property to the old bar way and at a point the trail will be on lot 4.

Engineer Allen stated that the trail does not lead anywhere and if you walk on the trail it will only lead you to Gary Mitchell's house.

Ms. Gerbino asked if there is a trail.

Gary Mitchell, applicant, stated that there is a trail from the Church to Koegel Park that is on the adjoining property.

On motion by Ms. Gerbino, seconded by Ms. Gannon, and unanimously carried, the Board moved to schedule a Public Hearing on the application of Preliminary Conservation Subdivision Approval for the Mitchell Conservation Subdivision for Wednesday, October 12, 2011, at 7:30 P.M. at the Somers Town House.

The Chair directed the applicant to respond to Consulting Engineer Barbagallo's items 12 and 13 under the SWPPP review and address the outstanding items under Site Plan review, and respond to comments from staff and the Board.

At this time Consulting Engineer Barbagallo left the room.

Mr. Foley noted that Engineer Barbagallo is one of the applicants on the request for a time-extension.

TIME-EXTENSION

BARBAGALLO/MEICHNER ROADWAY IMPROVEMENTS SITE PLAN APPROVAL

Chairman DeLucia noted that the Board received a request by letter dated and received August 17, 2011 from Timothy S. Allen, P.E. of Bibbo Associates, LLP on behalf of their client requesting a one-year time-extension from September 10, 2011 to September 10, 2012 for the Barbagallo/Meichner Roadway Improvements for the Scenic Resource Protection Area known as Smith Lane to the re-grant of Resolution No. 2008-08 for Site Plan Approval covering the period from September 10, 2009 to September 10, 2011. The Chair explained that Engineer Allen's letter states that "The Meichner's are currently working on financing for their new home and need additional time."

The Chair said that by memo dated August 17, 2011 Town Planner Hull had no objection to the Planning Board issuing the requested time-extension.

The Chair asked if there were any comments or questions from members of the Board and no one responded.

On motion by Mr. Goldenberg, seconded by Ms. Gannon, and unanimously carried, the Board moved to grant a one-year first time-extension to the re-grant of Site Plan Approval from September 10, 2011 to and including September 10, 2012 for the Barbagallo/Meichner Roadway Improvements for the Scenic Resource Protection Area known as Smith Lane.

At this time Consulting Engineer Barbagallo rejoined the meeting.

TIME-EXTENSION

SUSAN HAFT/RIDGEVIEW DESIGNER BUILDERS, INC. FINAL CONSERVATION SUBDIVISAION APPROVAL [TM: 16.12-1-41 & 42)

Chairman DeLucia indicated that this is a request by letter dated August 5, 2011 received August 8, 2011 from Geraldine N. Tortorella, Esq. of the law firm Hocherman, Tortorella & Wekstein, LLP for the Board's consideration for a third 90-day time-extension from August 24, 2011 to and including November 23, 2011 of the Conditional Final Conservation Subdivision Approval granted on May 25, 2011 to Susan F. Haft and Ridgeview Designer Builders, Inc. for property located on the east side of Lovell Street north of Benjamin Green Lane. The Chair mentioned that the second time-extension expires today, August 24, 2011. She explained that under the 2010 amendment to Town Law Section 276 (7) (c) the Planning Board is given the authority and discretion to extend the two-time limit on extensions due to current economic conditions and the difficulty in obtaining project financing. The Chair noted that in her letter dated August 5, 2011, Attorney Tortorella stated "There are a few conditions of approval that require the payment of funds and/or posting of security which our clients are not prepared to undertake at this time given the current economic conditions that are outside our clients' control. This continues to be the case." The Chair said that Attorney Tortorella requested that we let her know if her appearance is required. She explained that Town Planner Hull telephoned her as to this request, and although she felt it would not be necessary, two other members of the Board were contacted and advised that her appearance will not be necessary.

The Chair noted that by memo dated August 16, 2011, Town Planner Hull has no objection to the Planning Board issuing the requested time-extension.

The Chair asked if there were any comments or questions from members of the Board and no one responded.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the Board moved to grant a third 90-day time-extension of the Conditional Final Conservation Subdivision to Susan F. Haft and Ridgeview Designer Builders, Inc. from August 24, 2011 to and including November 23, 2011.

There being no further business, on motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the meeting adjourned at 11:30 P.M. and the Chair noted that the next Planning Board meeting will be held

on Wednesday, September 14, 2011 at 7:30 P. M. at the Somers Town House.

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary

