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4 **SOMERS PLANNING BOARD MINUTES**
5 **MAY 26, 2010**
6
7

8 **ROLL:**
9

10 **PLANNING BOARD**

11 **MEMBERS PRESENT:** Chairman DeLucia, Mr. Keane,
12 Ms. Gerbino, Mr. Goldenberg, Mr. Foley,
13 Ms. Gannon and Mr. Currie
14

15 **ALSO PRESENT:** Town Planner Charney Hull
16 Consulting Town Engineer Barbagallo
17 Town Attorney Joseph Eriole
18 Planning Board Secretary Murphy
19

20 The Chair welcomed new member John Currie to the Planning Board.
21 She noted that Mr. Currie was appointed to the Planning Board to fill
22 a vacancy ending December 2012. She explained that he previously
23 served as a member of the Board and is therefore experienced in the
24 responsibilities, rules and procedures of the Planning Board.
25

26 The Meeting commenced at 7:35 p.m. Planning Board Secretary
27 Marilyn Murphy called the roll. Chairman DeLucia said that a
28 required quorum of four members of the Board were present and
29 called the meeting to order.
30

31 **APPROVAL OF APRIL 28, 2010 MINUTES**
32

33 Chairman DeLucia noted that Planning Board Secretary Murphy
34 prepared and submitted for the Board's consideration the approval of
35 the draft minutes of the April 28, 2010 Planning Board meeting
36 consisting of twenty-three (23) pages.
37

38 The Chair asked if there were any comments or questions from
39 members of the Board and no one responded.
40

1 The Chair asked if there was a motion to approve the April 28, 2010
2 draft minutes.

3

4 On motion by Ms. Gerbino, seconded by Ms. Gannon, (Mr. Currie
5 abstained) and carried, the minutes of April 28, 2010 were approved.

6

7 The Chair noted that the DVD of the April 28, 2010 Planning Board
8 meeting is made a part of the approved minutes and is available for
9 public viewing at the Somers Public Library and on the Town's
10 website www.somersny.com. She said that the approved minutes
11 are also available for public review at the Planning & Engineering
12 office at the Town House.

13

14 **PROJECT REVIEW**

15

16 **HOMELAND TOWERS, LLC/NEW CINGULAR WIRELESS PCS**
17 **SITE PLAN AND STEEP SLOPES (AMATO PROPERTY)**
18 **[TM: 38.17-1-5] 121 ROUTE 100**

19

20 Chairman DeLucia said that this is the project review of the
21 application of Homeland Towers, LLC/New Cingular Wireless PCS
22 LLC (AT&T) for Site Plan Approval, Steep Slopes Permit and
23 Stormwater Management and Erosion and Sediment Control Permit
24 for property owned by Michael P. Amato and Alice T. Amato located
25 at 121 Route 100 for the installation of a wireless telecommunications
26 facility consisting of a 140' monopole with antennas mounted thereon
27 with related equipment at the base thereof in the R-80 Residential
28 Zoning District and Westchester County Agricultural District. The
29 Chair explained that the Zoning Board of Appeals (ZBA) is currently
30 reviewing this application for a Special Use Permit and variances.
31 She noted that the ZBA is Lead Agency under SEQRA in a
32 coordinated review with the Planning Board. The Chair mentioned
33 that Homeland Towers is represented by Robert D. Gaudio, Esq. of
34 Snyder & Snyder, and AT&T is represented by Neil J. Alexander,
35 Esq. of Cuddy & Feder, LLP.

36

37 The Chair said that this application was last discussed at the April 14,
38 2010 Planning Board meeting whereby the Board directed staff to
39 send the ZBA its status report of the meeting for their information and
40 directed the applicants to provide additional information and respond

1 to the Town Planner's comments. She explained that the applicants
 2 were also directed to provide an updated survey and to show the
 3 stream and the 100-foot wetland buffer on both sides of the stream
 4 on the constraints map.

5
 6 The Chair acknowledged receipt of the following: a memo dated April
 7 14, 2010 from the Conservation Board with concerns and
 8 recommendations; the applicants' submission under cover letter
 9 dated and received on May 13, 2010 with responses to Town Planner
 10 Hull's April 8, 2010 comments together with an updated survey of the
 11 entire 14.4 acre property, revised site plan, color constraint maps and
 12 Stormwater Pollution Prevention Plan, all prepared by Tectonic
 13 Engineering & Surveying Consultants P.C.; Visual Impact Analysis
 14 dated May 2010 prepared by VHB Engineering, Surveying and
 15 Landscape Architecture, P.C.; and a revised Environmental
 16 Assessment Form; a copy of a letter dated May 11, 2010 to ZBA
 17 Chairman Paul Marx, Esq. and circulated to the Town Planner and
 18 the Planning Board from Michael P. Musso, P.E. of HDR Architecture
 19 and Engineering, P.C. providing the Town with additional HDR
 20 qualifications and proposed application review procedures; another
 21 copy of a letter dated May 18, 2010 supplement to their letter dated
 22 May 11, 2010 to ZBA Chairman Marx providing a scope of services
 23 and budget for additional visual assessment work proposed; two
 24 memoranda dated May 18, 2010 and May 20, 2010, respectively, to
 25 the Planning Board and the Zoning Board from Town Planner Hull,
 26 AICP each with her project review and recommendations; and a
 27 memo dated May 24, 2010 to the Planning Board from Consulting
 28 Town Engineer Joseph C. Barbagallo, P.E., BCEE of Woodard &
 29 Curran with his review comments and discussion.

30
 31 The Chair asked the applicant's representative to give a brief update
 32 regarding the application for the benefit of the Board and the public.
 33 Robert Gaudio, the applicant's attorney, indicated that on May 13,
 34 2010 the applicant submitted a substantial submission including the
 35 Site Plan, Survey, Color Constraints Maps, revised Environmental
 36 Assessment Form, Stormwater Pollution Prevention Plan (SPPP),
 37 Visual Impact Analysis which included a full Landscaping Plan based
 38 on soils analysis by a Landscape Architect, additional visual
 39 renderings, including the multi-colored progressive color pole, Sabre
 40 Tree Pole, an analysis of the prior methodology comparison to the

1 documents from the State and viewshed profiles. He mentioned that
2 he received the comments from the Town Planner and Consulting
3 Town Engineer and he noted that based on their comments he will
4 revise the plans. Attorney Gaudioso said that there are two issues
5 where he would like feedback. He said that one is regarding the
6 utilities and mentioned that he can leave the utilities as is, which is
7 partially underground, or use a couple of utility poles to span the
8 wetland buffer or re-route the utilities completely underground which
9 would pull the utilities away from the 100-foot wetland buffer to the
10 north. Attorney Gaudioso said that if the utilities are underground that
11 would lead to crossing the pipe stream and the corresponding buffer.
12 He mentioned that a permit is required from the Planning Board
13 because of the access drive and the stormwater prevention plan
14 items. Attorney Gaudioso noted that his second issue is the
15 comment from Consulting Town Engineer Barbagallo questioning
16 why additional gravel was not shown on the existing dirt road. He
17 commented that he does not feel additional gravel is needed but if the
18 Board feels strongly about improving the dirt road with additional
19 gravel he has no objection.

20
21 Attorney Gaudioso indicated that he received Mr. Musso's report
22 regarding his proposed additional scope of work and he looks forward
23 to his final report. He mentioned that Town Planner Hull requested
24 that the Planning Board provide comments to the ZBA on Part II of
25 the EAF and he asked that the Board provide those comments to the
26 ZBA as they are meeting on June 15, 2010.

27
28 The Chair asked Town Planner Hull to share her memo to the
29 Planning Board and ZBA for the benefit of the public.

30
31 Town Planner Hull said that her May 20, 2010 memo had an
32 additional set of comments comparing the scope of work of HDR/LMS
33 and Saratoga Associates. She noted that she received two proposals
34 regarding visual impact analysis. Town Planner Hull said
35 specifically she had questions regarding HDR/LMS scope of work.
36 She explained that the ZBA has asked HDR to proceed with their
37 Landscape Architect to move forward with the visual impact analysis.
38 She noted that the last sentence of her memo on Page 7 states
39 specifically, *HDR/LMS should provide clarification as to what will be*
40 *involved in the evaluation of the applicants Visual Assessment...*

1 Regarding Task 2 she said that there is a question if the Landscape
2 Architect will be providing comments on the mitigation plans or is this
3 a task for HDR's engineers regarding Task 3 Town Planner Hull
4 stated that this should be clarified. She asked what will be the basis
5 for developing "completion" methodology. Also regarding Task 3
6 Town Planner Hull said that she suggested that HDR/LMS bring their
7 Landscape Architect to this meeting to hear the Planning Board's
8 concerns and to answer any questions regarding the proposed scope
9 of work but was told that the Landscape Architect had a conflict with
10 another meeting and will not be able to attend tonight. Town Planner
11 Hull commented that Part II of the EAF is the responsibility of the ZBA
12 and she suggested that when the Planning Board is comfortable with
13 this application they discuss the EAF and provide input to the ZBA.

14
15 The Chair stated that the request for the applicant to prepare a
16 Master Plan for the Town to show the area with gaps in coverage has
17 not been addressed.

18
19 Attorney Gaudioso said that he addressed the issue of the Master
20 Plan significantly in two AT&T reports, and that report is being
21 reviewed by HDR/LMS as part of the final report. He opined that a
22 Master Plan is not required. Attorney Gaudioso indicated that AT&T
23 disclosed all their existing and proposed facilities in a report dated
24 August 8, 2009. He commented that engineering analysis for the
25 Amato site has been provided and he feels that everything as far as a
26 Master Plan has been provided.

27
28 Town Planner Hull noted that the applicant feels that the radio
29 frequency plan is a Master Plan as far as they are concerned. She
30 indicated that the plan does not look at all the cell towers and is not
31 what she intended as far as knowing the entire Town layout in
32 relation to the neighboring communities.

33
34 Attorney Gaudioso said that all the existing and proposed towers
35 were covered in the AT&T report. He opined that the report goes
36 above and beyond what is required by Code.

37
38 Mr. Keane noted that AT&T is saying that they do not expect to put
39 up any more towers than what they have now, but there may be other
40 carriers that want to provide cell towers. He said that the cell towers

1 will have a finite capacity to provide services and in theory it is not
2 inconceivable that there may be another pole necessary next to one
3 that already exists in order to provide capacity for other providers.
4 Mr. Keane questioned if a particular provider can do what is being
5 requested when it pertains to other providers and to speculate as to
6 whether other providers will be involved. He indicated that it is a two
7 prong issue, do we have all the providers who may provide services
8 in Somers, and, do we have their forward looking speculation as to
9 their capacity requirements. He opined that capacity is the issue more
10 than anything else. Mr. Keane said there is a possibility in Somers
11 that there will be more poles that are closer together and in similar
12 locations to keep the cells intact. He noted that there is also an issue
13 with putting poles closer to the more traveled roadways. Mr. Keane
14 mentioned that there may be a problem with the Town Code as to
15 what the Town is expecting to be done and what is expected of an
16 applicant. Mr. Keane opined that it is naïve of the applicant not to do
17 its due diligence and provide their Master Plan which does not fill in
18 the gaps of a Master Plan as the Planning Board sees it.

19
20 Consulting Town Engineer Barbagallo asked if the applicant can state
21 the minimum number of towers that they need to provide coverage.
22 He noted that discussion was held saying that if the tower is higher
23 you may be able to eliminate a tower further down the road.

24
25 Mr. Foley asked after the two AT&T towers are built are there any
26 more gaps in the Town of Somers.

27
28 Attorney Gaudioso said that AT&T has shown how the tower heights
29 connect and how they provide coverage through the Route 35
30 corridor. He noted that technology and the use of phones change.

31
32 Mr. Goldenberg said that he would like to see what the Town of
33 Somers will look like with the cell towers. He mentioned that there is
34 new technology that allows antennas in homes. Mr. Goldenberg
35 mentioned his fear is that Somers will allow coverage for every cell
36 tower company.

37
38 Attorney Gaudioso stated that this application promotes co-location
39 as the tower is designed for 5 co-locators. He noted that AT&T
40 cannot say what the other carriers' plans are but the sites have been

1 disclosed in the Town of Somers and surrounding towns in the
2 submitted reports. Attorney Gaudioso said that he understands the
3 Board's concerns but the Code does not require a Master Plan. He
4 mentioned if the Town wants to minimize the number of towers the
5 Code would be changed to allow greater height. He explained that
6 almost all towers in Town require a height variance.

7
8 Mr. Goldenberg suggested the Town develop a Master Plan for cell
9 towers.

10
11 Mr. Keane mentioned that the applicant is limited in convincing
12 residents to allow towers on their property. He noted that this is the
13 first tower that will be in a residential zone. Mr. Keane opined that the
14 Town Board review this legislation and address the issues. He
15 indicated his concern about where the next cell tower will be.

16
17 Neil Alexander, attorney for AT&T, said that you can only stretch so
18 far from your existing sites before you create a gap. He mentioned
19 that AT&T is trying to create safe, adequate and reliable coverage.
20 He explained that an AT&T tower is located at the Majestic site. He
21 noted that the ZBA tested AT&T at different heights. Attorney
22 Alexander stated that the height AT&T is proposing at the Amato site
23 is the height that is needed. He mentioned that the next tower is
24 located at exit 6A at Goldens Bridge.

25
26 Mr. Currie asked if the stretches will be further if the height
27 requirements were higher.

28
29 Attorney Alexander said that the towers would reach further if they
30 were higher.

31
32 The Chair mentioned that Chairman Marx of the ZBA made a
33 comment at the ZBA meeting that the DOT property is not feasible
34 but it may be if the tower is higher.

35
36 Attorney Gaudioso explained that the applicant looked at the tower at
37 200-feet on the DOT property but there are also limitations on that
38 property. He indicated that a 200-foot tower will require FAA lighting
39 and therefore is not aesthetically pleasing and there are topography
40 limitations.

1 Attorney Gaudioso explained that you want to cover a certain
2 geographic area because each site can only handle a certain amount
3 of calls and data. He noted that each site is limited in the amount of
4 frequency that is allowed by the FCC. Attorney Gaudioso indicated
5 that there is a capacity issue that may become an issue in the future.

6
7 Mr. Goldenberg asked if the problem is the gap riding from Route 35
8 into Somers. He said that he would like Mr. Musso to address that
9 gap.

10
11 Attorney Gaudioso noted that he has had dropped calls and poor
12 service on his cell phone in the Route 35 area. He stressed that
13 there is a significant gap in service at the Route 35 location which has
14 been demonstrated by AT&T. Attorney Gaudioso noted that if there
15 is a medical emergency and the phone call does not go through that
16 is significant.

17
18 Ms. Gerbino commented that she never had any problems with
19 service using her AT&T phone on Route 100 and Route 35.
20 She said that there are more technical uses that are more
21 demanding.

22
23 Mr. Foley noted that he has no service using his AT&T phone on
24 Route 35.

25
26 Ms. Gannon indicated that Attorney Alexander spoke more
27 extensively at the ZBA meeting about predicting five years from now
28 and that AT&T may be back to fill in spots and that the IPAD will be a
29 game changer. She opined that Attorney Alexander's remarks were
30 really spot on.

31
32 Mr. Keane said that if the Town wants to do a Master Plan they have
33 to realize that technology constantly changes but they could decide
34 the best placement of a pole based on the cell concept regardless of
35 whose property it is and decide by eminent domain to take that
36 property for the cell tower because that is the best way to go. He
37 explained that it is like perceiving street scapes from a planning
38 perspective. Mr. Keane mentioned seeing a pole on the edge of the
39 road next to two huge trees (70-80 ft) at the New Canaan Golf
40 Course. He noted that going north or south you do not see the pole

1 until you go by it. He explained that from a Master Plan perspective
2 this might be what the Town should consider.

3

4 Mr. Foley stressed that the problem is that the Town is not starting
5 with a clean slate as there are cell towers already in Somers.

6

7 The Chair asked how many gaps will the Amato cell tower fill.

8

9 Attorney Gaudioso stated that the Amato cell tower will fill the gaps
10 surrounding the Route 35 and Route 100 corridor.

11

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

14

15 Consulting Town Engineer Barbagallo said that he provided
16 additional engineering input based on the January 19, 2010 Action
17 Letter. He mentioned that these comments shall serve to supplement
18 comments provided by the Town Planner in her April 8, 2010
19 memorandum to the Board. He noted that the intent of this comment
20 was to have the applicant provide the Planning Board with a complete
21 inventory of the potential design options and best available
22 technology for camouflaging the pole in order to determine the most
23 appropriate alternative that could be incorporated into the visual
24 renderings. Consulting Town Engineer Barbagallo stated that this
25 document does not address this objective. He said that it is his
26 understanding that the visual impact assessment will be reviewed by
27 a separate Town Consultant at the discretion of the Planning Board.

28

29 Consulting Town Engineer Barbagallo reviewed his memo with the
30 Board and the public. He mentioned that the Erosion and Sediment
31 Control Map shall include locations of all temporary and permanent
32 erosion and sediment control measures that comply with the most
33 current version of the New York State Standards and Specifications
34 for Erosion and Sediment control, for each stage of the project,
35 including initial land clearing and grubbing to project completion and
36 achievement of final stabilization. He said that this has not been
37 addressed. However, a note shall be provided stating that any areas
38 used for temporary access, storage of construction materials, or
39 stockpiling shall be decompacted using the procedures outlined in the
40 NYSDEC "Deep Ripping and Decompaction" guidelines, dated April

1 2008. Consulting Town Engineer Barbagallo said that the applicant
2 shall include an inspection schedule for the proposed basin to ensure
3 continuous and effective operation of the practices. He explained
4 that the proposed basin is no longer included on the plans; therefore,
5 an inspection schedule for the basin is no longer required. He noted
6 that an inspection schedule for the maintenance of the proposed
7 swale and rip-rap outlet are required as these are permanent features
8 that will need to be maintained by the owner to ensure continuous
9 effective operation. Consulting Town Engineer Barbagallo indicated
10 that the applicant shall evaluate if the existing 24" drain pipe requires
11 structural reinforcement, i.e., concrete encasement, to accommodate
12 the anticipated loading conditions. Consulting Town Engineer
13 Barbagallo said that his concern is the large concrete trucks that will
14 drive over the drain pipe and asked that the applicant determine if
15 temporary or permanent stabilization is needed.

16
17 Mr. Keane suggested bridging so the truck can safely go over the
18 pipe.

19
20 Attorney Gaudioso said that the applicant's engineer will work with
21 Consulting Town Engineer Barbagallo to work out a solution.

22
23 Mr. Keane said that the FEAF as it pertains to stormwater
24 GP-0-80-001(superseded) and should be GP-0-10-001.

25
26 Consulting Town Engineer Barbagallo said that the proposed
27 underground conduit shall be included as part of the overall area of
28 disturbance and the applicant shall provide the appropriate
29 corresponding erosion and sediment controls. He said that the
30 Planning Board should consider the visual implications of the
31 proposed overhead utility lines. Consulting Town Engineer
32 Barbagallo said that the proposed gravel surfacing detail shall be
33 revised to include at least a 6" gravel depth to prevent displacement.
34 He mentioned that a note shall be added to the Site Plan drawings
35 indicating that any change in surface materials, e.g., gravel to
36 impervious, is not permitted.

37
38 Mr. Keane stated that with the roadway that is basically in a garden
39 that infiltration takes place at the earliest possible moment. He noted
40 that it is not only infiltration but is filtration. Mr. Keane explained that

1 shutting down volume and velocity to the maximum extent practicable
2 is important and if that does not happen there will be a pad of
3 sediment that becomes a stream when it discharges from the outflow
4 with the excess flow going over the top and pulls the sediment over
5 the course of 5 or 6 years and will create a river of water and sand
6 that will go into the wetland. He opined that the road should be
7 pitched to the North so the road becomes a barrier to prevent the
8 water from moving to the South.

9

10 Consulting Town Engineer Barbagallo stated that he specifically
11 asked for the applicant to review the discharge point from where the
12 swale ends up. He mentioned that he asked for a level spreader and
13 to evaluate what happens downstream. Consulting Town Engineer
14 Barbagallo said that his view on tilting the road to the north or south
15 that may put more water in the swale and will require greater controls
16 at the downstream side.

17

18 Mr. Keane mentioned the problem with the road is that there will be a
19 substantial suspension of sediment for a long time. He noted that
20 based on the design this will happen.

21

22 Consulting Town Engineer Barbagallo reiterated that in order to make
23 the evaluation of the design he needs the information from the
24 applicant that he requested (level spreader at the down gradient
25 side). He stated this is one of the reasons that he referenced the
26 application incomplete.

27

28 Consulting Town Engineer Barbagallo said that he wants HDR to
29 focus on the design options and best available technology for
30 camouflaging the pole in order to determine the appropriate
31 alternative that can be incorporated into the visual resource
32 renderings. He asked that HDR determine if there has been an
33 adequate review by the applicant balancing towers, technology and
34 heights to backup the applicant's comments that they have looked at
35 the gap in coverage at the minimal level of impact.

36

37 The Chair introduced Michael P. Musso, P.E., Senior Project
38 Engineer of HDR Architecture and Engineering, P.C., and to give a
39 presentation regarding HDR qualifications, proposed application,

1 review procedures, visual impact analysis, scope of services and
2 budget.

3

4 The Chair suggested that the applicants' representatives, Planning
5 Board attorney, staff and the Board interject their questions and/or
6 comments in an open discussion.

7

8 Michael Musso, the Board's representative, approached the podium
9 and discussed his review. He noted that he will report on the status
10 of the application particularly the visual analysis. Mr. Musso
11 mentioned that he has been a consultant for the ZBA for the last 7
12 years and worked on the Somers Commons and Town Centre cell
13 tower projects as well as other cell tower proposals. He explained
14 that the Landscape Architect from his firm that will be working on this
15 project could not attend this meeting due to a prior commitment.

16

17 Mr. Musso stated that his expertise is in civil and environmental
18 engineering and public health. He noted that radio frequency
19 emissions, radio frequency, needs for the site, technology,
20 height issues and SEQRA are all areas that he advises for wireless
21 issues. Mr. Musso noted that his firm works for 20 municipalities.

22

23 Mr. Musso mentioned that he will speak to Consulting Town Engineer
24 Barbagallo on the stormwater issues so there will not be a duplication
25 of services. He indicated that his report will focus on the need for the
26 site, technology and where there are existing AT&T sites in Somers
27 and other sites where AT&T is not located at this time and the reason
28 that AT&T cannot be located on sites. Mr. Musso commented that
29 the corridor where AT&T is interested in remedying the gap
30 in service is Route 100, Route 35 and up to Route 139. He stated
31 that AT&T has described their plans and how the Amato site will
32 interact with the existing and contemplated sites. Mr. Musso agreed
33 that there is no section entitled Master Plan. He indicated that maps
34 showing towers from existing sites and coverage from the proposed
35 site on Route 100, including different cell tower heights, drive testing
36 and a table that notes their existing sites in Somers and vicinity and
37 their proposed sites. Mr. Musso said that his report will review other
38 opportunities and why they are not viable. He mentioned that
39 information on the DOT property and alternate sites will be included
40 in the report. He informed the Board that HDR has worked on cell

1 tower Master Plans for two communities in New York. Mr. Musso
2 commented that he has tried to get information on co-location
3 potential in order to have an understanding on how tall the tower has
4 to be. He mentioned that going back to the Master Plan he put
5 together a Table of Contents, status of technologies, hand-held
6 devices and what they are used for and satellites. He noted that he
7 took a hard look at engineering, different technologies and future
8 technology. Mr. Musso said that he looked at all the carriers that are
9 licensed in Westchester and Rockland County and pulled together
10 their coverage maps. He noted that in Rockland County the towers
11 are on GIS and he said that he will look into Westchester County to
12 see if cell towers are on GIS. He explained that he did a montage of
13 all the carriers to anticipate where they need coverage and then
14 overlay them with land use which will prioritize what is in line with the
15 preferred site.

16
17 Mr. Musso indicated that in his report he will review the application
18 submittals in regard to Town Code, the need for the site, coverage
19 and RF, meeting the visual standard, description of site visits, balloon
20 test, visual assessment reports, before and after photos, viewshed
21 analysis. He noted that Stacy Calta, landscape architect, will provide
22 detailed comments on the methods that have been used and will
23 review the views from the tower and will describe the type of camera
24 and prospective used and will comment on recommendations for
25 stealthing or what mitigation can be used. Ms. Calta will also be
26 looking at worse case scenarios of view, not only from residential or
27 commercial properties but also moving north on the Route 100
28 corridor. Mr. Musso stated that Ms. Calta will comment on the tree
29 types and how viable they will be for the site and how long the trees
30 will take to grow into significant shielding. Mr. Musso explained that
31 the applicant's tree screening proposal will get better with time. He
32 mentioned that screening closer to the tower will be reviewed. Mr.
33 Musso said that he will be reviewing a pole with antenna concealed
34 inside a slender pole, antennas flushed mounted on the outside of the
35 pole and the stealth tree design. He said that there is visual guidance
36 from the Department of State and the DEC on the stealth tree design.
37 Mr. Musso noted that north of the site and to the east there is decent
38 cover as there is topography with a significant tree line on both sides.
39 Mr. Musso said that he will be working on the configuration of the
40 pole, paint, flagpole or flagless pole. He noted that HDR will be

1 looking at traffic counts, cultural resources, safety, structural analysis,
2 site visit photos, visual addendum and viable options. Mr. Musso
3 indicated that he provides a disk with over 100 photos of wireless
4 facilities showing different types of pole. He mentioned that the
5 report will deal with radio frequency, health and safety, RF emissions
6 and what levels must be adhered to and other issues that the
7 Consulting Town Engineer has not looked at. Mr. Musso indicated
8 that the report will be submitted for the June 15, 2010 ZBA meeting.

9

10 Mr. Keane asked what the distribution voltage into the site will be and
11 will it be a single phase transformer or three phase transformers and
12 what is the voltage for utilization of the equipment at the base of the
13 tower. Mr. Keane said that the reason he is asking is because he
14 feels that the distribution lines should be overhead.

15

16 Consulting Town Engineer Barbagallo stated that the distribution line
17 is proposed underground to the buffer and then overhead across the
18 wetland buffer.

19

20 Mr. Musso indicated that the electrical plan has not been submitted.

21

22 Mr. Keane said that the Town of Somers does not have available for
23 the Planning or Zoning Board a Planning or Design Manual such as
24 what was developed by the Department of State for the Town of
25 Pittsford. He indicated that in the Design Manual there is a visual
26 impact analysis model. Mr. Keane stressed that the Planning and
27 Zoning Board have not used any kind of a model to analyze the visual
28 impact of cell towers in Somers. He noted that the Board learned that
29 the DEC has an internal guidance program that has certain practices
30 that you can employ for the purpose of performing a visual impact
31 analysis. Mr. Keane also noted that the US Department of Forestry
32 has a design manual for aesthetics since 1973. He commented that
33 when you review these documents you get a significant amount of
34 background knowledge of what the visual impact analysis is about.
35 He said that in the case of the Amato site there are certain things that
36 the Board may want done, i.e., digital stimulation, but he would really
37 like to know what you are dealing with physically on the ground.

38

39 Mr. Keane opined that the worst view on the Amato site is the cone of
40 view in front of 7-Eleven. He said that if you are sitting at the light

1 looking north/northwest you can see the pole. Mr. Keane mentioned
2 that one of the aspects of visual impact analysis is to examine the
3 duration of view from various viewpoints and to consider the groups
4 and the number of people viewing the tower. He noted that nothing
5 has been provided in the documentation that has been submitted that
6 discusses the duration of the view from the various important
7 viewpoints. Mr. Keane mentioned travelling north on Route 100
8 looking northwest as an important viewpoint. He said that if you look
9 at the DEC screening methodology, screening can take place
10 anywhere between where you are standing from your point of view all
11 the way up to the pole. Mr. Keane said that the Board just wants the
12 pole to be less obstructive. He opined that trees placed along Route
13 100 may be more effective than placing trees up close to the tower.
14 Mr. Keane said that it is important to understand how and where you
15 place the screening. He mentioned that there are multiple places that
16 you view the pole and he is interested in the type of screening that
17 can be implemented from where you stand/sit in a car on Route 100
18 up to the pole in the wireless compound.

19
20 Mr. Keane stated that when you talk about SEQRA you are talking
21 about mitigation. He noted that the view has to be examined and to
22 focus on the mitigation- screening of this view in relation to the tower.
23 Mr. Keane said that the criteria for visual impacts in the Town Code
24 170-129.7 is the "maximum extent reasonably possible". He
25 indicated that the consultant should have factual data to determine
26 whether or not this is the case. Mr. Keane noted what is important is
27 that the neighborhood that will be impacted by the tower be defined,
28 duration of the view, screening, and the camouflage techniques
29 utilized to treat the tower. He said that you should not be talking
30 about stealth technology when you mention camouflage, even though
31 that has some bearing.

32
33 Mr. Keane emphasized that the Planning Board wants to see the
34 viewshed extending in a north/northwest direction beginning just
35 south of the entrance drive to 7-Eleven along Route 100. He said
36 that after many requests this has not been provided.

37
38 Attorney Gaudioso disagreed saying that has been provided and that
39 he has provided everything that has been asked for.

40

1 Mr. Keane disagreed with Attorney Gaudioso saying that what has
2 been provided talks about the duration of view in the community.

3

4 Town Planner Hull stated that the Planning Board asked for a
5 panoramic view and Attorney Gaudioso said that was not necessary
6 and did not provide the panoramic view.

7

8 Mr. Keane opined that the applicant, not the consultant, should pick
9 out the tree designs for the Board's consideration.

10

11 Ms. Gannon asked Mr. Keane how many seconds the pole will be in
12 view.

13

14 Mr. Keane stated that the pole will be in view for 6 to 8 seconds.

15

16 Ms. Gannon read from Attorney Gaudioso memo; *the views for a*
17 *person travelling in a motor vehicle along Route 100 and Route 35*
18 *with the posted speed limit along Route 100 is 50 MPH and the*
19 *individual travelling along the ½ mile stretch of Route 100, 1/4 mile*
20 *north/south of the proposed facility is visible and looking northwest*
21 *toward the facility rather than at the roadway will only have the pole in*
22 *view for approximately 36 seconds.*

23

24 Mr. Keane said that the Board wants to get this project done properly
25 and effectively and in a timely fashion but there has been nothing
26 forthcoming.

27

28 Mr. Keane reiterated that screening, camouflage technique, point and
29 duration of view must be addressed. He said that when you look at
30 SEQRA and figure out the action the applicant has to describe what
31 the tower will look like using all the applicable criteria. Mr. Keane
32 opined that the VHP report does not address what has been
33 mentioned tonight. He said that he has not seen anything that
34 resembles a visual impact analysis in all the documentation that has
35 been provided.

36

37 Mr. Keane asked Attorney Gaudioso if he will work with Mr. Musso
38 and his staff.

39

1 Attorney Gaudioso said that he looked at points of view, duration of
2 view, screening, camouflaging and the proposed Sabre tree pole. He
3 mentioned that he looks forward to Mr. Musso's report and will
4 respond accordingly if there are additional issues.

5
6 Ms. Gannon asked Mr. Keane if he would like to see a more detailed
7 rendering of what the applicant has expressed is their favorite, and if
8 it is a tree pole or a Sabre tree pole. She said that it should be shown
9 with tree branches in proportion and the height that it will be on this
10 site. Ms. Gannon asked if the proposal should be specific to this site
11 and if the applicant states that he has provided that information
12 please let the Board know where it is located in the document.

13
14 Attorney Gaudioso indicated that originally based on comments from
15 the Board and the ZBA a monopole was proposed. He mentioned
16 that he provided designs of the Sabre tree pole designed specifically
17 for this site.

18
19 Ms. Gannon noted that a view was provided from Route 100 and
20 Route 35 with a monopole, disguised as a Sabre tree, and she asked
21 if that is the applicant's rendering of the Sabre tree pole.

22
23 Town Planner Hull requested that design be resubmitted.

24
25 Attorney Gaudioso stated that design was submitted on May 13, 2010
26 and was submitted with the HDR report but for convenience a
27 separate copy was provided. He commented that the applicant would
28 hire the same artist that painted a former cell tower pole in Somers.

29
30 Mr. Foley said that he has been looking at the rendering submitted on
31 May 13, 2010 and it also depicts telephone poles, street lights, a
32 large structure, several commercial buildings, cars and signage. He
33 indicated that there is so much going on in the photo that the last
34 thing he is worried about is the Sabre pole.

35
36 Attorney Gaudioso stated that at no point does any camouflaging
37 work every single time, every single place. He mentioned that
38 comments from the ZBA asks that the Sabre tree pole be looked at.
39 Attorney Gaudioso said that the ZBA is looking for guidance on which
40 design looks best.

1 Mr. Keane indicated that the view across from 7-Eleven is missing.

2

3 Attorney Gaudioso noted that 7-Eleven is a commercial property and
4 when you review the DEC document which talks about looking at
5 visual resources, 7-Eleven is not a visual resource. He said that he
6 provided prior photographs of 7-Eleven.

7

8 Mr. Goldenberg opined that this is not a coordinated effort.

9

10 Attorney Gaudioso responded that is not a fair statement.

11

12 Town Planner Hull stated that the applicant's preferred tower is the
13 Sabre tree pole which is demonstrated in the visual assessment
14 submitted on May 13, 2010. She opined that this is the action the
15 applicant wants to move forward on based on comments from the
16 Planning and Zoning Boards. Town Planner Hull mentioned that Mr.
17 Musso is preparing an assessment of the applicant's analysis and
18 she wants to clarify that the Sabre tree pole will be used for Mr.
19 Musso's analysis.

20

21 Attorney Gaudioso said that the model is the standard monopole and
22 the mitigation methods include the Sabre tree pole. He opined that
23 the Sabre tree pole is the best alternative. Attorney Gaudioso noted
24 that if mitigation is necessary you will be using some type of pole
25 camouflage technology.

26

27 Town Planner Hull reiterated the monopole disguised as a Sabre tree
28 is the action that will be reviewed.

29

30 Mr. Keane asked how far from the top will the branches go.

31

32 Attorney Gaudioso responded that the branches from the top of the
33 tree will go 70-feet.

34

35 Town Planner Hull said that the Board needs to give their consultant
36 time to provide an analysis.

37

38 Town Attorney Eriole said procedurally that the applicant recognizes
39 that there are comments from the Town consultant, comments from
40 the Board that are already on the record or will be forthcoming. He

1 indicated that Mr. Musso and the applicant will respond or
2 characterize why they are not responding. He advised that the in-
3 depth discussion of whether the record is complete is appropriate
4 after the Town consultant's report and the applicant's response.

5
6 Attorney Gaudioso opined from a SEQRA record there is a complete
7 record with respect to the ZBA moving forward. He indicated that he
8 will respond to the Town Planner and Consulting Town Engineer's
9 comments. He asked if additional visual simulations are needed.
10 Attorney Gaudioso stated that he cannot respond to one Board
11 member asking for something but if there is something specific he will
12 provide it or state why it will not be provided.

13
14 Town Attorney Eriole noted that the bridge will be gapped by Mr.
15 Musso's report. He said that the connection between the Planning
16 Board and the ZBA will be made and clarified by Mr. Musso's report.
17 Town Attorney Eriole asked that Mr. Musso, in a very succinct way,
18 clarify what has been submitted in respond to Mr. Keane's and the
19 Planning Board's aesthetics comments.

20
21 Ms. Gannon mentioned VP5 showing the view from 7-Eleven looking
22 forward and asked if the Board wants to see a photo simulation of the
23 Sabre tree.

24
25 Mr. Keane clarified that photo simulations are only one element that
26 make up a visual analysis. He stated that he prefers to look at the
27 particular topography and where the pole will go and show what
28 physically is in that location. Mr. Keane stressed that screening is
29 very important as well as camouflage. He noted that screening has
30 to tie in with the use of the branches on the pole.

31
32 Mr. Keane recommended that the status of this meeting be conveyed
33 to the ZBA so they have an understanding where the Planning Board
34 is coming from for their June 15, 2010 meeting.

35
36 The Chair asked if there were any other comments or questions from
37 members of the Board.

38
39 Ms. Gannon asked if Town Planner Hull has any outstanding
40 questions.

1 Town Planner Hull said that Ms. Calta will be responding to her
2 questions shortly.

3

4 Town Attorney Eriole stated that the SEQRA record is not complete.
5 He noted that a memo should be sent to the ZBA saying that the
6 Planning Board needs time to review and comment on Mr. Musso's
7 report before the ZBA takes action.

8

9 The Chair directed the applicant to submit additional information,
10 technical review report, including visual assessment in order to allow
11 for an appropriate review.

12

13 The Chair also directed staff to send the ZBA its status report of this
14 meeting for their information. She noted that the applicants are
15 scheduled for the June 9, 2010 Planning Board agenda and she
16 would appreciate it Mr. Musso will let the Board know if his report will
17 be ready for the Planning Board's June 9, 2010 meeting.

18

19 **PROJECT REVIEW**

20

21 **HOMELAND TOWERS, LLC\NEW CINGULAR WIRELESS PCS,** 22 **LLC (AT&T) SITE PLAN AND WETLAND PERMIT** 23 **(SANTARONI PROPERTY) 2580 ROUTE 35** 24 **[TM: 37.13-2-3] CARRYOVER**

25

26 Chairman DeLucia indicated that this is a carryover from the May 12,
27 2010 agenda of the project review of the application of Homeland
28 Towers, LLC/New Cingular Wireless PCS, LLC (AT&T) for Site Plan
29 approval and Wetland Permit for property located at 2580 Route 35,
30 owned by Umberto and Carol Santaroni for the installation of a
31 wireless telecommunications facility in an R-120 Residential Zoning
32 District. The Chair mentioned that this application will be carried over
33 to the June 9, 2010 agenda to give the Board an opportunity to
34 review resubmission of revised materials.

35

36 Robert Gaudio, the applicant's attorney, explained that he does not
37 anticipate having a new submission before the June 9, 2010 Planning
38 Board meeting. He explained that the applicant is revising the entire
39 Site Plan and will provide wetland mitigation methods to address the

1 DEP concerns. Attorney Gaudio indicated that the applicant will
2 also need a DEP variance.

3

4 There being no further business, on motion by Ms. Gannon,
5 seconded by Mr. Currie, and unanimously carried, the meeting
6 adjourned at 10:00 P. M. and the Chair noted that the next meeting of
7 the Planning Board will be held on Wednesday, June 9, 2010 at
8 7:30 P. M. at the Somers Town House.

9

10

11

12

Respectfully submitted,

13

14

Marilyn Murphy

15

Planning Board Secretary

16