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**SOMERS PLANNING BOARD MINUTES
JUNE 9, 2010**

10 **ROLL:**

11
12 **PLANNING BOARD**

13 **MEMBERS PRESENT:** Chairman DeLucia, Mr. Keane,
14 Mr. Goldenberg, Ms. Gannon, and
15 Mr. Currie

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

21
22 **ABSENT:** Ms. Gerbino and Mr. Foley

23
24 The meeting commenced at 7:30 p.m. Planning Board Secretary
25 Marilyn Murphy called the roll. Chairman DeLucia noted that a
26 required quorum of four members was present in order to conduct the
27 business of the Board.

28
29 The Chair mentioned that Gene Goldenberg would like to make a
30 statement.

31
32 Mr. Goldenberg said that on a personal note he would like to thank
33 the EMS and Fire Department of the Town of Somers for saving his
34 life one year ago. He stated that the EMS and the Fire Department
35 are very qualified and he wants to acknowledge them for saving his
36 life. Mr. Goldenberg noted that the EMS and Fire Department are an
37 important part of this Town. He explained that the Fire Department
38 held a fundraiser (comedy night) two weeks ago at Somers High
39 School and his friend sold 62 tickets for the event. Mr. Goldenberg
40 mentioned that his friend's 62 tickets were half the amount of tickets

1 sold for the fundraiser. He stated that the EMS and Fire Department
2 are all volunteers and have to be supported and he is asking the
3 citizenry of this Town to support them because in the future the Town
4 may have to have paid firefighters and that will result in a tax
5 increase. Mr. Goldenberg asked that when the Fire Department has
6 an event that they be supported.

7
8 Chairman DeLucia noted that Planning Board Secretary Murphy
9 prepared and submitted for the Board's consideration the approval of
10 the draft minutes of the May 12, 2010 Planning Board meeting
11 consisting of twenty-one (21) pages.

12
13 The Chair asked if there were any comments or questions from
14 members of the Board.

15
16 Mr. Currie explained that he was not present at the May 12, 2010
17 meeting but he read the Planning Board minutes and therefore he
18 can vote on the minutes.

19
20 The Chair asked if there was a motion to approve the May 12, 2010
21 draft minutes.

22
23 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and
24 unanimously carried, the minutes of May 12, 2010 were approved.

25
26 The Chair noted that the DVD of the May 12, 2010 Planning Board
27 meeting is made a part of the approved minutes and is available for
28 public viewing at the Somers Public Library. The text of the approved
29 minutes are also on the Town's website www.somersny.com and is
30 available for public review at the Planning & Engineering office at the
31 Town House.

32
33 **PUBLIC HEARING**

34
35 **AMAWALK POINT ROAD/CALANDRUCCI**
36 **STEEP SLOPES PERMIT**
37 **REDUCTION OF PERFORMANCE BOND**

38
39 Chairman DeLucia noted that this is the Public Hearing of the
40 Amawalk Point Road/Calandrucci Steep Slopes Permit to consider

1 the request by letter dated January 27, 2010 of Joseph Zuzzolo, P.E.
2 of Halcyon Construction Corporation for the reduction of Site
3 Improvement Performance Bond No. 08891060 posted October 29,
4 2007 from the original bond amount of \$299,870 to \$51,251 for
5 roadway improvements of Amawalk Point Road in accordance with
6 Somers Town Code Section 150-16G. The Chair said that on
7 September 21, 2005 by Resolution No. 2005-23 the Planning Board
8 granted Conditional Approval to Ann and Thomas Calandrucci for
9 Steep Slopes and Tree Preservation Permits and Waiver of the Road
10 Specifications. She explained that the Amawalk Point Road is to be
11 maintained as a private road. The Chair mentioned that the lot is
12 situated on the north side of NYS Route 35 and on the north side of
13 the unimproved Amawalk Point Road in an R-80 Residential Zoning
14 District and is designated on the Town Tax Maps as Sheet 36.12,
15 Block 2, Lot 3. She said that Ann and Thomas Calandrucci propose
16 to construct a single family house on the existing residential lot.

17
18 The Chair noted that on March 19, 2010, Steven Woelfle, Principal
19 Engineering Technician, sent a copy of a memo attaching the letter
20 request of Mr. Zuzzolo, itemizing the roadway cost estimate indicating
21 the required improvements completed and the amount of reduction, a
22 roadway checklist prepared by Mr. Woelfle dated March 12, 2009, a
23 copy of the permit for the roadway construction, a copy of the
24 Resolution requiring the posting of a Performance Bond, and if
25 needed, As-Builts, inspection reports, notification and certifications on
26 file. The Chair commented that this request was discussed at the
27 May 12, 2010 Board meeting whereby the Board scheduled a Public
28 Hearing for this evening.

29
30 The Chair asked Planning Board Secretary Murphy if prior to this
31 Public Hearing has the required legal notice been published.

32
33 Planning Board Secretary Murphy stated that the legal notice was
34 published in the North County News for the May 26, 2010 issue.
35 The Chair asked if there was anyone present who wished to be heard
36 regarding this request for a bond reduction and no one replied.

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 Consulting Town Engineer Barbagallo had an
2 objection to the reduction of the performance bond.

3

4 Consulting Town Engineer Barbagallo indicated that he had no
5 objection to the reduction of the performance bond.

6

7 The Chair asked that since there was no one present who wished to
8 be heard, if there was a consensus of the Board to close the Public
9 Hearing and approve the bond reduction.

10

11 On motion by Mr. Goldenberg, seconded by Ms. Gannon, and
12 unanimously carried, the Planning Board moved to recommend to
13 the Town Board that under Section 150-16G of the Code of the Town
14 of Somers the reduction of the Amawalk Point Road/Calandrucci
15 Performance Bond No. 08891060 from the original bond amount of
16 \$299,870 to \$51,251.

17

18 Ann Calandrucci said that construction is finished and she asked if
19 the whole bond amount can be released. She noted that Amawalk
20 Point Road is a private road.

21

22 Consulting Town Engineer Barbagallo replied that on a procedural
23 basis a public hearing notice stating the release of the bond would
24 have had to be published. He noted that the final course is in place
25 and he asked that a copy of the maintenance agreement be
26 submitted from the applicant.

27

28 Mr. Keane explained that the Planning Board does not release bonds
29 but makes a recommendation to the Town Board and the Town
30 Board releases the bond.

31

32 **PROJECT REVIEW**

33

34

35 **HOMELAND TOWERS, LLC/NEW CINGULAR WIRELESS PCS**
36 **(AT&T) SITE PLAN AND STEEP SLOPES PERMIT (AMATO**
37 **PROPERTY) [TM: 38.17-1-5] 121 ROUTE 100**
38 **CARRYOVER**

39

1 Chairman DeLucia stated that this is the project review of the
 2 application of Homeland Towers/New Cingular Wireless PCS (AT&T)
 3 for Site Plan Approval, Steep Slopes Permit and Stormwater
 4 Management and Erosion and Sediment Control Permit for property
 5 owned by Michael P. Amato and Alice T. Amato located at 121 Route
 6 100 for the installation of a wireless telecommunications facility
 7 consisting of a 140' monopole in the R-80 Residential Zoning District
 8 and Westchester County Agricultural District. The Chair said that the
 9 Zoning Board of Appeals (ZBA) is currently reviewing this application
 10 for a Special Exception Use Permit and variances. The Chair
 11 indicated that the ZBA is Lead Agency under SEQRA in a
 12 coordinated review with the Planning Board. She noted that
 13 Homeland Towers is represented by Robert D. Gaudio, Esq. of
 14 Snyder & Snyder, and AT&T is represented by Neil J. Alexander,
 15 Esq. of Cuddy & Feder, LLP.

16
 17 The Chair noted that this application was last discussed at the May
 18 26, 2010 Planning Board meeting whereby the board directed staff to
 19 send the ZBA its status report of the May 26, 2010 meeting for their
 20 information and directed the applicants to provide additional
 21 information and respond to the Town Planner's comments.

22
 23 The Chair mentioned receipt of an e-mail from attorney Robert D.
 24 Gaudio representing Homeland Towers with a comment that it was
 25 OK to adjourn since the Town's wireless consultant HDR will not have
 26 its report available for review and discussion for this meeting. She
 27 said that this application will be carried over to the June 23, 2010
 28 Planning Board meeting.

29
 30 **PROJECT REVIEW**

31
 32 **HOMELAND TOWERS, LLC\NEW CINGULAR WIRELESS PCS,**
 33 **LLC (AT&T) SITE PLAN AND WETLAND PERMIT**
 34 **(SANTARONI PROPERTY) 2580 ROUTE 35**
 35 **[TM: 37.13-2-3] CARRYOVER**

36 Chairman DeLucia said that this is a carry-over from the May 26,
 37 2010 agenda of the project review of the application of Homeland
 38 Towers/New Cingular Wireless PCS (AT&T) for Site Plan approval
 39 and Wetland Permit for property located at 2580 Route 35 owned by
 40 Umberto and Carol Santaroni for the installation of a wireless

1 telecommunication facility in an R-120 Residential Zoning District.
2 The Chair explained that this application is presently before the ZBA
3 for a Special Exception Use Permit and area variances. She noted
4 that the applicants are in the process of substantially revising the site
5 plan and therefore this matter will be carried over to the June 23,
6 2010 agenda.

7

8 **DECISION**

9

10 **ST. JOSEPH'S CHURCH/JFK HIGH SCHOOL**

11 **[TM: 28.15-1-8, 9, 10]**

12

13 Chairman DeLucia noted that this is a request by letter dated
14 June 8, 2010 to Town Planner Sabrina D. Charney Hull, AICP from
15 Drazen Cackovic, AIA of DCAK-MSA Architecture of Nyack, N.Y.
16 representing the applicant the Roman Catholic Archdiocese of New
17 York, to determine whether it would be possible for the Church's
18 contractor to begin work on the relocated baseball field prior to
19 signing the Site Plan for operation this fall season at the John F.
20 Kennedy (JFK) High School campus. She explained that the Board
21 will be required to amend the Planning Board's October 21, 2009
22 Resolution No. 2009-15 Granting of Conditional Amended Site Plan
23 Approval and various permits to The Archdiocese of New York for the
24 Church of St. Joseph at the John F. Kennedy High School Campus.
25 The Chair said that Town Planner Hull will provide the Board and the
26 public with the circumstances regarding this request. Town Planner
27 Hull also provided the Board with draft Amended Resolution No.
28 2010-04 amending Resolution No. 2009-15 for discussion and
29 approval.

30

31 Town Planner Hull apologized to the Board for not giving them the
32 information requesting permission to construct the baseball field
33 without a signed Site Plan as the request was only made recently.
34 She explained that a representative from the Archdiocese of New
35 York asked that they begin excavating and earth moving associated
36 with preparation of the baseball field. Town Planner Hull noted that
37 all the conditions required under Resolution No. 2009-15 have been
38 adhered to with the exception of the New York State Department of
39 Transportation (NYSDOT) Driveway Permit and posting of the bonds
40 and inspection fees. She said that she had a discussion with the

1 Town Supervisor and Town Attorney and it was determined that the
 2 construction of the relocation of the baseball field is not associated
 3 with the building construction and can be separated from the signing
 4 of the Site Plan. Town Planner Hull indicated that the mechanism to
 5 allow this would be approval from the Planning Board in amending
 6 Resolution No. 2009-15 and approving a new resolution that will
 7 provide for two processes. She noted that prior to the signing of the
 8 Site Plan there will be language incorporated in the amended
 9 resolution which will give them the authority to start earth work on the
 10 baseball field as long as the bond is posted for that work. She stated
 11 that the language in the Resolution specifically states that the Church
 12 construction cannot begin until there is a signed Site Plan. Town
 13 Planner Hull noted that the contractor who will be working on the
 14 athletic fields is different from the contractor who will be constructing
 15 the Church. Town Planner Hull commented that the applicant had
 16 verbal communication with NYSDOT who gave verbal approval and
 17 indicated that the permit will be issued within two weeks.

18
 19 Town Planner Hull reviewed Resolution No. 2010-04 with the Board.
 20 She mentioned that on the first page in the block it states that this is
 21 an amendment to Resolution No. 2009-15 and a change to the
 22 meeting date to June 9, 2010. Town Planner Hull noted that on Page
 23 12, line 37, accompanying Negative Declaration dated June 14, 2009
 24 as reflected by Resolution No. 2009-11 *is hereby adopted as part of*
 25 *the conditional approval of this amended site plan.* Town Planner
 26 Hull said that a Whereas was added on page 12, line 41 which reads
 27 *On June 8, 2010 the Applicant informed the Planning Board that they*
 28 *have satisfied all of the conditions required prior to signing of the site*
 29 *plan with the exception of payment of the engineering inspection fee*
 30 *and performance/bond security and receipt of NYSDOT approval of*
 31 *the Driveway Work Permit;* and a Whereas clause was added to the
 32 top of Page 13, line 1, *Whereas, the Applicant has indicated that*
 33 *recent telephone conversations held in early June 2010 with*
 34 *NYSDOT indicated that the Driveway Work Permit should be issued*
 35 *in two weeks.* Town Planner Hull noted that a Whereas clause was
 36 added on Page 13, line 15, to read, *the Planning Board mentioned*
 37 *that there shall be no construction related activities in association with*
 38 *construction of the remaining Site Plan elements until the Site Plan*
 39 *has been signed and the appropriate fees and bonds related to the*
 40 *remaining site plan elements have been posted;* and a Whereas

1 clause added to page 13, line 20, *Whereas, by reference this*
2 *Resolution No. 2010-04 incorporates all provisions and conditions of*
3 *Planning Board Resolution Numbers 2009-15 and 2009-11.*
4

5 Town Attorney Eriole suggested that under Conditions Required Prior
6 to Signing of Site Plan on page 13 be changed to *Conditions* and the
7 Board agreed to the change.

8
9 Mr. Keane suggested that the word *new* baseball field be added to
10 Condition 2 on page 13 and throughout the Resolution and the Board
11 agreed.

12
13 Town Planner Hull suggested a change to Condition 3 on page 13,
14 That the applicant provides a copy of the NYS DOT Driveway work
15 permit *prior to the signing of the site plan*. The Board agreed to the
16 change.

17
18 Town Planner Hull said that she will attach the request letter from the
19 applicant to the Resolution.

20
21 Town Planner Hull indicated that Condition 4, on Page 14, add *prior*
22 *to the signing of the site plan*.

23
24 Town Planner Hull changed Condition No. 5, to read *That a*
25 *performance bond/security be posted to cover the cost of soil erosion*
26 *and sedimentation control measures involved in construction of the*
27 *new baseball field prior to the start of construction of the new*
28 *baseball field; said security shall be in an amount recommended by*
29 *the Town Engineer and shall be in form, sufficiency and manner of*
30 *execution satisfactory to the Town Attorney and approved by the*
31 *Town Board.*

32
33 Town Planner Hull changed Condition No. 6, to read, *That a*
34 *performance bond/security be posted to cover the cost of soil erosion*
35 *and sedimentation control measures for the remainder of the site*
36 *work in association with the remaining elements of the Site Plan, prior*
37 *to signing of the Site Plan; said security shall be in an amount*
38 *recommended by the Town Engineer and shall be in form, sufficiency*
39 *and manner of execution satisfactory to the Town Attorney and*
40 *approved by the Town Board.*

1 Town Planner Hull changed Condition No. 7 to read, *That an*
2 *engineering inspection fee for the construction of the new baseball*
3 *field shall be paid by check made payable to the Town of Somers in*
4 *accordance with the Fee Schedule adopted by the Town Board, prior*
5 *to the start of construction of the new baseball field; the amount of*
6 *such fee shall be set after submission by the Applicant of the*
7 *estimates costs for required improvements, as identified by the Town*
8 *Engineer, upon recommendation of the Town Engineer.*

9
10 Town Planner Hull changed condition 8 to read, *That an engineering*
11 *inspection fee for the remainder of the site work in association with*
12 *the remaining elements of the Site Plan shall be paid by check made*
13 *payable to the Town of Somers in accordance with the Fee Schedule*
14 *adopted by the Town Board prior to signing of the Site Plan; the*
15 *amount of such fee shall be set after submission by the Applicant of*
16 *estimated costs for required improvements, as identified by the Town*
17 *Engineer, and upon recommendation of the Town Engineer.*

18
19 Town Planner Hull described the changes to number 4, under On-
20 going Conditions Required as Part of Construction of the Baseball
21 Field and After Signing of Site Plan to read *a bond release in*
22 *association with construction of the new baseball field will require a*
23 *partial As-Built reflecting the work in association with preparation of*
24 *the new baseball field, as well as a breakdown of work completed*
25 *compared to the break down of work related to the posted bond.*

26
27 Town Planner Hull said that change to number 5, under On-going
28 Conditions Required as Part of Construction of the new Baseball
29 Field and After Signing of Site Plan will read, *A bond release in*
30 *association with construction of the remaining Site Plan will require*
31 *an As-Built drawing, as well as a breakdown of work related to the*
32 *posted bond.*

33
34 Mr. Keane suggested using Code provisions when referring to bond
35 releases.

36
37 Town Planner Hull stated that she will add the Code section.

38
39 Town Planner Hull noted the change of the Resolution date to June 9,
40 2010 on page 15, line 36.

1 Town Planner Hull mentioned page 16, line 10 and changed the date
2 of the Resolution to *June 9, 2010*. She noted that under the
3 Certification on page 16, line 22 the Resolution number is changed to
4 2010-04 and on line 29, the meeting date is changed to June 9, 2010.

5
6 Mr. Keane asked the reason to start construction of the new baseball
7 field now.

8
9 Mr. Goldenberg opined that the JFK campus will be closed during the
10 summer and that may be one on the reasons to start the baseball
11 field construction now.

12
13 Drazen Cackovic, the applicant's architect, explained that there is a
14 limited period to have the baseball field completed by the fall and he
15 would like to have a full growing season by the fall in order that the
16 field can be used in the Spring.

17
18 Town Planner Hull said that she will incorporate the reason for
19 starting the new baseball field now into the resolution.

20
21 Town Planner Hull said that a Whereas clause will be added on page
22 13, line 5, to read *the Applicant is requesting approval from the*
23 *Planning Board to start construction of the new baseball field, to allow*
24 *for one full growing season prior to required use in the Spring of*
25 *2011, which is separate and apart from the other site construction,*
26 *prior to signing of the Site Plan; and.*

27
28 Mr. Keane referred to the Baseball notes and asked what the phasing
29 will be in relation to the erosion and sediment control practices
30 especially since the new baseball field is adjacent to the pond. He
31 stressed that controls will have to be more than hay bales and silt
32 fences.

33
34 Consulting Town Engineer Barbagallo noted that there is a pre-
35 construction meeting on Friday and he will prepare meeting minutes
36 and clarify the sequence of construction.

37
38 Mr. Goldenberg reminded the applicant that the bond has to be
39 approved by the Town Board and they meet this Thursday.

40

1 Mr. Keane asked if DEP has given approval of the construction of the
2 new baseball field.

3

4 Architect Cackovic said that the DEP has approved the construction
5 of the new baseball field and will be attending the pre-construction
6 meeting.

7

8 The Chair indicated a consensus of the Board to approve Resolution
9 No. 2010-04 Granting of an Amendment to Resolution No. 2009-15
10 as amended.

11

12 On motion by Mr. Goldenberg, seconded by Mr. Currie, and
13 unanimously carried, the Board moved to approve Resolution No.
14 2010-04 Granting of an Amendment to Resolution No. 2009-15
15 Granting of Conditional Site Plan Approval and Permits to The
16 Archdiocese of New York for the Church of St. Joseph at the John F.
17 Kennedy High School Campus to allow the Church's contractor to
18 begin work on the relocated new baseball field prior to signing the
19 Site Plan for the Chairman's signature.

20

21 There being no further business, on motion by Ms. Gannon,
22 seconded by Mr. Goldenberg, and unanimously carried, the meeting
23 adjourned at 8:30 P. M. Chairman DeLucia noted that the next
24 meeting of the Planning Board will be held on Wednesday,
25 June 23, 2010 at 7:30 P. M. at the Somers Town House.

26

27

28

Respectfully submitted,

29

30

Marilyn Murphy
Planning Board Secretary

31

32