Te lephone
(914) 277-5366

FAX
(914) 277-4093

PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

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
FEBRUARY 9, 2011

ROLL:

PLANNING BOARD MEMBERS PRESENT: Chairman DeLucia, Mr. Keane, Ms. Gerbino, Mr. Foley and Ms. Gannon

ABSENT: Mr. Goldenberg, Mr. Currie and Consulting Town Engineer Barbagallo

ALSO PRESENT: Town Planner Sabrina Charney Hull
Town Attorney Joseph Eriole
Planning Board Secretary Murphy

Chairman DeLucia said that the Somers Planning Board welcomes everyone to the Wednesday, February 9, 2011 meeting of the Somers Planning Board. She explained that the two meetings scheduled for January 12, 2011 and January 26, 2011 were cancelled due to a snow storm.

The Chair noted that she would like to thank the Supervisor and members of the Town Board for reappointing her chairman of the Planning Board for the year 2011. She indicated that in accordance with Town Law Section 271, she is designating Board member John Keane to serve as chairman in her place and absence.

The Chair asked the Board members if there were any comments and no one replied.

The Chair noted that there is a consensus of the Board that Board member John Keane serve as chairman in her place and absence.

The meeting then commenced at 7:35 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 DECEMBER 8, 2010 MINUTES

Chairman DeLucia noted that Panning 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 December 8, 2010 consisting of fourteen (14) pages. The Chair explained that the secretary also submitted a new page 7, to correct line 30, as requested by Board member Vicky Gannon, that the word "mythology" be changed to "methodology".

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

The Chair asked if there was a motion to approve the December 8, 2010 draft minutes, as amended.

On motion by Ms. Gannon, seconded by Mr. Keane, and unanimously carried, the minutes of December 8, 2010, as amended, were approved.

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

TIME-EXTENSION

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

Chairman DeLucia noted that first**,** the Board will be discussing agenda item number 3, a request by letter dated January 21, 2011 received on January 24, 2011 by Geraldine N. Tortorella, Esq. of the law firm Hocherman Tortorella & Wekstein, LLP for the Board's consideration of a first 90-day time-extension from February 25, 2011 to and including May 26, 2011 of the Conditional Final Subdivision Approval granted on August 25, 2010 of the Subdivision of 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 explained that Attorney Tortorella's request is made due to the fact that the applicant does not anticipate being prepared to file the plat in the near future.

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

Mr. Foley reminded the Board that he requested more detail in terms of the basis for the time-extension request. He said that he has made an issue about the bare bones letter that was submitted. Mr. Foley noted that there probably is justification for the extension but the Board needs more information.

The Chair said that she requested Attorney Tortorella provide more information on the request for the time-extension but was told that Attorney Tortorella had a previous engagement.

The Chair mentioned that applicant Eric Moss is present to give additional information concerning this request.

Eric Moss, applicant, stated that the reason the time-extension was requested is for economic reasons and he is not prepared to file the plat at this time.

Mr. Keane said that he is prepared to grant the extension but the next time a time-extension is requested more information must be provided. He opined that the reason being economics for a time-extension is not an acceptable excuse.

Mr. Foley noted that the applicant is saying that financially he is not sure that he wants to move forward with the project and the Code does not provide for a time-extension under these circumstances.
Mr. Keane mentioned that the Board denied the Oaks Site Plan because their reasoning was economic. He noted that they went to Court and lost.

Town Planner Hull explained that the Code allows three 90-day time-extensions and after that the applicant can state extenuating circumstances.

The Chair indicated that there is a consensus of the Board to grant the 90-day time-extension.

Ms. Gannon said that Attorney Tortorella will be notified that her presence will be required if another time-extension is requested.

Mr. Keane noted that legal representation is not necessarily needed but the applicant must have sufficient reasons for the time-extension.

Ms. Gannon said that the section of the Town Code and rational for the request must be provided.

On motion by Ms. Gannon, seconded by Mr. Keane, and unanimously carried, the Board moved to grant a first 90-day time-extension of the Conditional Final Subdivision Approval of the Subdivision of Susan F. Haft and Ridgeview Designer Builders, Inc. from February 25, 2011 to and including May 26, 2011.

PROJECT REVIEW

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

Chairman DeLucia mentioned that this is the project review of the application of Homeland Towers, LLC and New Cingular Wireless PCS LLC (AT&T) for Site Plan Approval, Tree Preservation, Wetland and Steep Slopes and Stormwater Management and Erosion and Sediment Control Permits for property located at 2580 Route 35 owned by Umberto and

Carol Santaroni for the installation of a proposed 130' tall wireless telecommunication facility and related equipment in the R-120 Residential Zoning District. The Chair explained 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 and area variances. She mentioned that Mr. 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. Gaudioso, Esq. of Snyder & Snyder, LLP, and AT&T is represented by Neil J. Alexander, Esq. of Cuddy & Feder, LLP.

The Chair commented that this application was last discussed at the September 22, 2010 Planning Board meeting whereby Attorney Gaudioso stated that he hoped to have a scoping meeting with members and staff of both Boards. She said that pre-application scoping meetings were held on October 14, 2010 and November 30, 2010 with applicants' representatives and representatives of the ZBA, Planning Board, professional Town and consulting staff, DEC and DEP.

The Chair acknowledged for the record receipt of the following: a letter dated November 18, 2010 from ZBA Secretary Teresa Reale, that a site walk and balloon test have been scheduled for Saturday, December 11, 2010 between 9:00 A.M. and 12:00 P.M.; a letter dated and received on December 20, 2010 from Robert D. Gaudioso, Esq. of Snyder & Snyder to ZBA Chairman Paul Marx and members enclosing a letter dated December 16, 2010 to Mr. Gaudioso from Michael Koperwhats, Planner of Vanasse Hangen Brustlin, Inc. **(**VHB**)** giving results of the December 11, 2010 balloon test with attached photographs; a copy of a memo dated December 29, 2010 to the Planning Board with a request from the ZBA that the Planning Board provide comments with respect to the applicants' recent submission prior to the ZBA's next meeting; a copy of a letter dated December 31, 2010 received on January 3, 2011 from Stacey Calta, RLA, Visual Resources Analysis of HDR reporting on balloon test viewpoint results for discussion by the ZBA with recommendations from the Planning Board; a copy of e-mail from Town Planner Hull to ZBA and Planning Board members dated January 4, 2011 attaching HDR's comments regarding Scope of Work and Visual Character Analysis and changes for Planning Board discussion and comment to the ZBA; a memo dated January 7, 2011 from Consulting Town Engineer Joseph C. Barbagallo, P.E., BCEE to the

Planning Board with comments relative to visual impacts and mitigation only and concurring with Town Planner Hull's comment that the applicant consider the potential view from the lower portions of the tower and the proposed equipment compound area; a memo dated January 7, 2011 from Town Planner Sabrina Charney Hull, AICP to the Planning Board giving a project description, details of the project, project review and recommendations; comments regarding the Balloon Test Documents, Comments regarding Scoping Documents and Outstanding Comments from Previous Memoranda; and a memo dated January 25, 2011 received on January 31, 2011 from the Conservation Board asking whether photographs were taken from Lasdon Park and from Wood Street.

The Chair mentioned that this evening, the Board will be discussing the results of the December 11, 2010 balloon test and scoping documents and, according to Town Planner Hull's January 7, 2011 memo to the Planning Board, make recommendations to the ZBA for its February 15, 2011 meeting regarding the areas that should be further analyzed in accordance with the Scoping Documents and also determine whether or not they concur with the substance of the scoping documents and recommend use of the scoping documents to the ZBA.

The Chair asked Town Planner Hull to summarize her memo to the Board for the benefit of the public and then lead the Board concerning the balloon test results and HDR's comments and changes regarding the Scope of Work and Visual Character Analysis in order for the Planning Board to provide comments to the ZBA for its February 15, 2011 meeting.

Town Planner Hull explained that the purpose of this agenda item is for the Board to make recommendations regarding the viewshed analysis for four locations to the Zoning Board of Appeals so they can direct the applicant to do further analysis on those view points. She commented that the ZBA is waiting to hear from the Planning Board regarding their support of the scoping documents and if changes are necessary.

Town Planner Hull said that her memo addressed and summarizes HDR's recommended view points which are View 2, View 11 and View 24 and View 28. She commented that HDR noted that the difference between View 2 and View 4 should be discussed due to the angle of the picture as taken by VHB in View 4. Town Planner Hull mentioned that the proposed tower location is a tree pole which will resemble all the other trees in the

area. She explained that the upper portion of the tower will be masked by a tree but when you are driving along Route 35 you will be exposed to the lower portion of the tree and the equipment compound. Town Planner Hull said her recommendation is that the critical areas be considered the areas along Route 35 and that further visual analysis should be conducted from Views, 2, 3, 4, and 27, 28, and 29. She indicated that the Board can recommend all 6 views or only 4 views. Town Planner Hull opined that the focus of the viewshed analysis should be what you see while driving on Route 35. She noted that is her recommendation and the Board has to decide what it will recommend to the ZBA. She stated that the Consulting Town Engineer concurs with her analysis that the applicant consider the potential view from the lower portions of the tower and the equipment compound area.

Town Planner Hull said that HDR made changes to the Scoping Document which she provided to the Board. She noted that she had no problem with the changes as they represent discussions that occurred during the scoping meetings and indicated that she also had no problem recommending to the ZBA to move forward and utilize the scope.

The Chair asked if there were any comments from members of the Board.

Mr. Keane said that four viewpoints should be selected including the worst case view. He indicated that these will not be the only views but will be the worst case views. He opined that the worst case views will refer to the people viewing the pole. Mr. Keane explained that when you come around the curve at the location of the pole and turn to the left the bottom half of the pole will come into view. He mentioned that on the final curve on the opposite end of Route 35 turning to the right the pole comes into view and that is a viewpoint of concern. Mr. Keane explained that the greatest number of people who will be viewing the pole will be people in cars. He noted that the Department of Transportation (DOT) vehicle count in the vicinity of the pole could be in the millions per year. Mr. Keane indicated that this is the rationale for selecting these viewpoints. He noted that methods to mitigate these impacts should be fully explored using the thresholds of maximum extent practicable and maximum extent reasonably possible.

Mr. Keane noted that the top of the pole will be visible from the other side of the Amawalk Reservoir. He said that an application has been submitted

for a simulated tree pole which will have artificial limbs half way down the pole leaving the bottom portion without mitigation. Mr. Keane explained that the reason for the scoping was to have everything out on the table all at once so the Boards do not design the project for the applicant. Mr. Keane said that the applicant should provide the greatest amount of information as soon as possible so the Lead Agency can make a Determination of Significance. He noted that upon receipt of an application, unless additional information is required, a Determination of Significance by the Lead Agency should be made within 20 days. Mr. Keane mentioned that he is baffled by the idea that this application has been before the ZBA for quite a while and a determination has not been made. He opined that the visual impacts concerning the tower are the most significant impacts. Mr. Keane noted that the tree pole will draw more attention than mitigating the view of the tower.

Mr. Keane stated that several issues have to be addressed. He noted that in regard to visual impacts how many people will see the tree pole, what portion are they seeing and when are they seeing the pole and does this constitute a concern that warrants mitigation in terms of screening or camouflage.

Town Planner Hull said that it is her understanding that the actions of the Planning Board this evening will influence the direction the ZBA gives to the applicant and to provide the information needed to determine if there is a significant impact.

Ms. Gerbino said that worst case views, strong impact, are strong, descriptive verbs. She noted that when she viewed the balloon during the balloon test she could not see the balloon as a driver in her car but when she was a passenger in the car she got a glimpse of the balloon. Ms. Gerbino said that the worse case views are at the base of the site. She opined that the tree may be a greater impact than a pole.

Mr. Keane noted that the tree calls attention to itself and may have the greater impact.

Town Planner Hull reminded the Board that the tree was proposed in the application and there are many advantages for the applicant using the tree instead of the concealment pole such as the availability for co-locators.

Mr. Keane said that there is no clear cut definition on the significance of the visual impact but he does not accept the conclusion that the few pictures that were taken states there was no impact. He noted that leaf-off condition was minimized and he feels this is the worst condition.

Mr. Keane noted that screening the pole will be difficult because the pole will be down in a gully. He mentioned that some type of camflauge should be used and not just paint the pole a certain color.

Mr. Keane opined that the time working on the scope was well spent and the scope has retracted certain requirements from the Pittsford document to be used as part of the scoping criteria that will give the Town of Somers more information to make a decision. Mr. Keane noted that some of the pictures that were taken at the pole site at a 60º angle are inappropriate and have to be redone. He said that view 2 would be a good location if it is taken from the perspective of the eye level of a car coming around the corner in front of the Santaroni house where the pole will be located at street level and not angled at 60º.

Town Planner Hull explained that the viewshed analysis from points in time is not just from the top. She indicated that if the Board wants this it will have to do a 360º viewshed analysis from the entire pole.

Mr. Keane pointed out that under Mitigation and Alternatives in the scoping document *with respect to screening as a mitigative measure, demonstrate, using linear procedure, or photo simulation showing placement of the proposed screening at various points along the line of site, and adequately showing the extent and efficacy of the tower screening proposed.* He stressed that the applicant should be made aware that you can use 3-dimensions. Mr. Keane said that unless the applicant can demonstrate depth of field at putting a tree at point A and the pole at point B, three hundred feet away, and demonstrating using photo simulation showing how the tree will screen the pole, that will not work unless it can be technically demonstrated. He indicated that the linear perspective method that is outlined in the DEP-00-2 guidance should be used.

Town Planner Hull said that the applicant and his consultant were confused by the term linear perspective but the consultant agreed to research the mitigative measure. She explained that the Planning Board as an involved agency will have the opportunity to review the material and make

comments. She said that she will mention at the ZBA meeting that the applicant must demonstrate using photo simulation how the tree will be screened and how this will not work unless it is technically demonstrated.

Ms. Gannon said the focus is on the most recent site walk and for purposes of completeness the Board should look at the early set of photographs. She indicated that the Board should say that they constructively considered the early photographs and maybe they should be re-looked at. Ms. Gannon noted that from the early site walk the photographs include photo simulations of the monopine design and a non-concealment pole with the external array. She indicated that VP1 which is shown at the road level is similar to Views 27 and 28 and is low enough to show the guard rail. Ms. Gannon stated that she realized that the compound and the lower level are important when she reviewed the February 10, 2010 submittal and she suggested that this may be important for the review. She said that the land slopes down at the site of the tower and if the Board can see a rendering of the compound the Board could confirm if the compound is out of sight.

Town Planner Hull said that based on the scoping sessions renderings or photo simulations of the compound should be provided. She mentioned that revised drawings have not been submitted so the Board cannot compare the angle of the photos in relation to the location of the compound. Town Planner Hull indicated that location of the compound in relation to the analysis was discussed during the scoping sessions and she expects to receive all the information that was requested at the scoping sessions.

Ms. Gannon clarified her words by saying that when she hopes that the compound will not be visible she means that the slope is great enough and the height is such that it will not be a visual eyesore. She commented that she was not at the scoping sessions so she has less knowledge of where the final location of the tower will be.

Town Planner Hull noted that there may not have to be mitigation for the visual impact of the compound but documentation has to be provided to show this is true.

Mr. Keane said that the exact location of the tower is not known because of negotiations taking place with the applicant and New York City.

Town Planner Hull said that the ZBA is asking for the Board's input on the worst case scenario and she asked if the Board wants to add VP1.

Ms. Gannon noted that she feels that the Board was directed to review the last set of photographs when making their decision on the worst case scenario.

Town Planner Hull said that the Board could highlight on the map the segment of the roadway and list the photos that the Board is concerned with the visual impact of the tower.

Mr. Keane stressed that during the scoping session it was clearly pointed out to the applicant that there is a point coming south and north on Route 35 where the tower is not visible until you come around the curve. He said that it was pointed out during the scoping session that these were the worst case views that must be addressed. He suggested that instead of using photographs the Board should state the vicinity of the worst case scenarios based on the greatest number of people who will view the tower.

Ms. Gannon said that if the applicant is asking the Board to identify four worst case scenarios should the Board prioritize the worst case scenarios to indicate the Board's concerns.

Town Planner Hull said that the Board can answer the question because the Board can point to the section of roadway that is a concern as the location of the tower has not been determined.

Mr. Keane said that the scope tells the applicant to select four viewpoints including the worst case scenarios. He stressed that it is the applicant's obligation to determine the worst case scenarios. Mr. Keane acknowledged that the Board is helping the applicant by stating that the two points on Route 35 are two of the worst viewpoints but the applicant has the obligation to have their technical people determine what are the worst case scenarios.

Town Planner Hull stated that she found six worst case viewpoints (Views 2, 3, 4, 27, 28 and 29). She indicated that VHB recommended View 4, 11, 24, 27 to be selected for further analysis.

Ms. Gannon questioned 7C of the scoping document, *From points identified by the Lead Agency upon with the consideration of other boards of the Town.*

Town Attorney Eriole said that the word “upon” will be omitted.

Ms. Gannon commented that the scope looks like two documents that are put together and she suggested that they be complete citations. She also requested clarification on the location of the Windy Hill area.

Mr. Keane said that the applicant’s landscape architects understand the documents and are in the other reference documents. He suggested that the documents be organized similar to a DEIS.

Town Attorney Eriole said that the document was organized to have two documents and was intended to be a working document and the nuts and bolts of the visual impact analysis. He noted that he will take a hard look to make sure that the two documents in terms of standards are consistent. Town Attorney Eriole said that the documents were intentionally made to be separate.

Mr. Keane recommended that the format follow the Pittsford document as it will make the document more understandable.

Town Planner Hull asked if the Board can make the recommendation to the ZBA that the scope is the approved scope.

Mr. Keane opined that the substance that the Board is concerned about is in the scope but the applicant should put the scope in an understandable format.

The Chair said that there was a consensus that the Town Planner verbally convey our comments to the ZBA instead of sending a memo.

On motion by Mr. Keane, seconded by Ms. Gerbino and unanimously carried the Board agreed that Town Planner Hull will verbally convey the Board’s comments to the ZBA at the ZBA’s February 15, 2011 meeting.

PROJECT REVIEW

NEW CINGULAR WIRELESS PCS, LLC (AT&T)
AMENDED SITE PLAN 80 ROUTE 6
[TM: 4.20-1-11]

Chairman DeLucia noted that this is the project review of the application of New Cingular Wireless PCS, LLC (AT&T) for a Special Use Permit, Area Variances and Amended Site Plan Approval to co-locate a wireless telecommunications facility for three panel antennas inside an existing monopole and related equipment cabinet inside new shelter at grade located at the Somers Commons Shopping Center, 80 Route 6. The Chair noted that according to the applicant's covering letters dated November 12, 2010 and January 26, 2011 each with Exhibits, AT&T has entered into Lease Agreements with UB Somers, Inc. as the owner of the property and with T-Mobile as the owner of the existing concealment monopole and seeks to provide wireless service along Routes 118 and 6 as well as the surrounding local roads, homes, and businesses in the vicinity of the premises.

The Chair acknowledged for the record receipt of the following: cover letters with Exhibits dated November 12, 2010 and January 26, 2011 with plans; a memo from the Conservation Board dated and received on January 26, 2011 with 4 concerns and recommendations; a memo from Town Planner Sabrina Charney Hull, AICP, dated January 7, 2011 to the Planning Board with Project Review and Recommendations; and a revised memo from Town Planner Hull dated February 9, 2011 with updated comments depicted in bold type.

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

Neil Alexander, applicant's attorney, approached the podium and pointed out to the Board the location of the tower and the equipment compound. He explained that T-Mobile has the top two slots on the cell tower with two remaining slots. Attorney Alexander indicated that AT&T will be located on the fourth slot with another carrier reserving the third slot. He indicated that the proposed equipment cabinets are not in the location as presented under the previous Omnipoint approval because AT&T equipment requires a cable bridge so the cables can go from the equipment room over to the monopole which has an ice bridge. Attorney Alexander said that the lease

area will go through where the wetland line is; however, no activity will occur within the wetland line.

Attorney Alexander noted that the applicant had to make a decision if they should apply for a wetland permit or a variance for the setbacks from the ZBA. He asked the Planning Board which design they prefer.

Attorney Alexander mentioned that the studies that were submitted show the 90º rotation under Option 1 which flips the building and moves it over one foot. He noted that Option 2 is not preferable but is workable but will need a wetland permit.

Mr. Keane said that the disturbance of the wetland buffer has already taken place by the current curbing. He mentioned that the tree will have to be moved to another location.

Greg Lahey, representative of Tectonic Engineering, showed the Board Option 2. He said that anytime there is an application before a Board AT&T tries to minimize the amount of permitting.

Mr. Keane opined that Option 2 is more visually pleasing.

Attorney Alexander requested that a Public Hearing on the application be scheduled.

Mr. Keane asked where is the information that states that coverage is necessary in this location.

Attorney Alexander stated that there is no choice as this tower has to be used under the Somers Town Code. He indicated that this is a high priority zone and before he can build a new tower he must co-locate on an existing tower, if something is available.

Ms. Gannon mentioned that there are ten views listed on the map but there are only nine views and she suggested that Koegel Park may be missing.

Attorney Alexander said that there should only be nine views on the map.

Ms. Gannon mentioned that on the EAF a Zoning variance is necessary but on the EAF it says “no” to the Zoning variance.

Attorney Alexander mentioned that he provided an EAF but this application is a Type II and is exempt from SEQRA.

The Chair directed that the applicant revise the plans and color in the wetland and submit a wetland application.

Attorney Alexander asked for a recommendation to the ZBA because now that Option 2 is being used the ZBA has to know how much of a variance is needed.

Town Planner Hull advised that the recommendation will be made to the ZBA after the Public Hearing.

On motion by Ms. Gannon, seconded by Mr. Keane, and unanimously carried, the Board moved to schedule a Public Hearing for the application of New Cingular Wireless PCS, LLC (AT&T) for Amended Site Plan Approval, additional permits and Wetland Permit on Wednesday, March 9, 2011, at 7:30 P.M. at the Somers Town House.

DISCUSSION

WIRELESS TELECOMMUNICATIONS FACILITIES REQUEST FOR PROPOSALS

Chairman DeLucia said that this is a Board discussion regarding a Request for Proposals (RFP) for a qualified firm to assist the Town of Somers with review of its existing wireless telecommunications facilities legislation and to propose new legislation. She noted that the Town is also seeking a firm to review wireless applications submitted to the Town.

Town Planner Hull explained that the RFP was developed when both the Planning Board and the Zoning Board (ZBA) were at odds over Lead Agency status. She noted that originally the RFP was for someone to resolve the Town's Code issues in relation to Lead Agency and to review the Code to see if it is what it should be. Town Planner Hull mentioned that there was discussion if the consultants are working in the best interest of the Town. She noted that the RFP has changed over time from the original intent to where it stands now and to have qualified experts that work for the benefit of the Town.

The Chair said that the RFP is divided into groups; invitation, introduction, scope of services, selection criteria and process, form of proposal, qualifications, fee proposal, project timing and insurance.
Ms. Gannon noted that Town Planner Hull requested feedback from the Planning Board on the RFP. She said that it does not make sense to ask for one company to do Code revisions and application review. Ms. Gannon suggested that the applicant provide a sample of his work product and to make sure the applicants qualification are from a law-related background. She commented that the Town Attorney's office will have to be involved to review the Code changes and she asked about the expense to the Town.

Town Attorney Eriole indicated that the Town Attorney's review of the Code changes and proposed legislation will not be escrow related but will be a Town expense.

Ms. Gannon suggested receiving references from municipalities where the applicant provided services. She noted that under qualifications *you must disclose if **you** are working or have worked for an entity within the industry and list all other related projects.* She indicated that she does not understand the question and asked if ***you*** relates to an individual or a corporate entity. She said that the word ***you*** should have a little more specificity.

Town Planner Hull stated that this is standard language where **you** means the applicant's firm. She noted that in the past consultants that the Town has used have represented the industry. Town Planner Hull said that she does not disagree that one company should do the code revision and another the application review. She explained that the condition presently in the RFP is to cover all bases and if there is not adequate response to address both issues in the RFP it does not preclude the Board from asking someone else to review them. Town Planner Hull noted that she identified four firms as potential vendors.

Ms**.** Gerbino said that she investigated the four firms that were identified as potential vendors in reference to the RFP. She noted that one firm had negative as well as positive reviews but you learn by negative reviews and correct your mistakes. Ms. Gerbino opined that the RFP is moving in the right direction and she is pleased with how the request was written.

Ms. Gannon noted that the sentence *as written and amended, the current legislation calls for issuance of a special use permit and site plan approval from the Somers Planning Board.* She suggested that a line be inserted stating that "variances still rest with the ZBA."

Mr. Keane stated that the applicants are major world-wide corporations who can employ all the technical consultants. He indicated that if this raises confidence and understanding with the Federal Law and relevant State Laws, in particular state of the art technology and all the relevant technology related to mitigation, the Board has to make sure they hire the right people to act as consultants.

Mr. Foley asked whose idea was it to send out the RFP.

Town Planner Hull in conversation with the Town Supervisor decided to send out the RFP so the Town will be in the best position to deal with cell tower technology. She indicated that the Planning Board has the authority to send out the RFP and a committee will review the proposals.

Town Attorney Eriole advised that he will check to make sure that the RFP does not have to go through the Town Board.

There being no further business, on motion by Mr. Keane, seconded by Ms. Gerbino, and unanimously carried, the meeting adjourned at 10:00 P.M. and the Chair noted that the next Planning Board meeting will be held on Wednesday, February 23, 2011 at 7:30 P. M. at the Somers Town House.

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary