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PLANNING DEPARTMENT

TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



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

3

**SOMERS PLANNING BOARD MINUTES
JANUARY 11, 2012**

4

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6

7 **ROLL:**

8

9 **PLANNING BOARD**

10 **MEMBERS PRESENT:**

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

11

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13

14 **ALSO PRESENT:**

Town Planner Sabrina Charney Hull
Consulting Engineer Joseph Barbagallo
Town Attorney Joseph Eriole

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17

18 The meeting commenced at 7:30 p.m. Town Planner Hull called the roll.

19

20 Chairman Currie noted that a required quorum of four members was
21 present in order to conduct the business of the Board.

22

23 Chairman Currie said that on behalf of the Board and the Town of Somers
24 he would like to thank Fedora for all her years on the Planning Board and
25 especially as Chairman.

26

27 **TIME-EXTENSION**

28

29 **MERRITT PARK ESTATES SUBDIVISION**

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

31

1 Chairman Currie asked the applicant's representative to give an explanation
2 for the request for a time-extension for the Merritt Park Subdivision.

3
4 Geraldine N. Tortorella, Esq. of the law firm Hocherman, Tortorella &
5 Wekstein, LLP, the applicant's attorney, explained that she is asking the
6 Board's consideration for a sixth 90-day time-extension. She explained that
7 the applicant wanted to start construction for the infrastructure and be able
8 to accomplish completion of the infrastructure before filing the subdivision
9 plat. Attorney Tortorella mentioned that this would allow the applicant to
10 post a lower performance bond. She explained that before construction can
11 start all of the easements and agreements from off-site property owners
12 must be secured to allow work on the Lake Lincolnale property. She
13 mentioned that two basins are being created for stormwater improvement
14 purposes. Attorney Tortorella stated that the applicant is providing
15 stormwater improvements on the Condo 29 property in the Heritage Hills
16 development. She indicated that all but one of the agreements from both
17 parties, Lake Lincolnale Property Owners Association and Heritage Hills
18 have been submitted. She explained that those agreements are necessary
19 before work can take place on their property. Attorney Tortorella stressed
20 that the applicant is missing one agreement. She noted that for these
21 reasons the applicant is requesting a 90-day time-extension from January
22 9, 2012 to and including April 9, 2012. She said that the extension is
23 allowed by law.

24
25 The Chair asked Town Planner Hull if she had any objection to the Planning
26 Board issuing the requested time-extension.

27
28 Town Planner Hull responded that she had no objection to issuing the
29 requested time-extension.

30
31 The Chair asked if there were any comments or questions from members of
32 the Board.

33
34 Mr. Keane asked if the Board can grant more than a 90-day time-extension.

35
36 Attorney Tortorella stated that Town law allows only 90-day time-
37 extensions.

38
39 On motion by Ms. DeLucia, seconded by Mr. Goldenberg, and unanimously
40 carried, the Board moved to grant a sixth 90-day time-extension to Mancini

1 Building Corp for Merritt Park Estates Subdivision to the period of
 2 Conditional Final Subdivision Approval from January 9, 2012 to and
 3 including April 9, 2012.

4
 5 **DECISION**

6
 7 **HOMELAND TOWERS, LLC\NEW CINGULAR WIRELESS PCS,**
 8 **LLC, (AT&T) SITE PLAN APPROVAL, TREE REMOVAL, STEEP**
 9 **SLOPES, WETLAND, AND STORMWATER MANAGEMENT AND**
 10 **EROSION AND SEDIMENT CONTROL PERMITS**
 11 **[SANTARONI PROPERTY] 2580 ROUTE 35 [TM: 37.13-2-3]**

12
 13 Chairman Currie noted that the Planning Board will be reviewing the draft
 14 Resolution of Approval and making a decision on the application of
 15 Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T) for Site
 16 Plan Approval and permits for Tree Preservation, Stormwater Management
 17 and Erosion and Sediment Control, Steep Slopes and Wetlands. He said
 18 that this application was last discussed at the December 14, 2011 Planning
 19 Board meeting whereby the Board directed that the draft resolution be
 20 considered this evening.

21
 22 The Chair asked the applicant’s representative to give a brief presentation
 23 regarding this application.

24
 25 Robert Gaudio, the applicant’s attorney, said that the Board closed the
 26 Public Hearing but kept open the 10 day written comment period. He noted
 27 that Mr. Ma, an adjoining property owner, had concerns and he answered
 28 his questions. Attorney Gaudio mentioned that he told Mr. Ma that he
 29 can call him with any additional questions. He mentioned that Mr. Ma
 30 reviewed the application at the Planning Office.

31
 32 Attorney Gaudio indicated that he reviewed the draft resolution and had
 33 no comments.

34
 35 The Chair asked Consulting Engineer Barbagallo if he had any comments
 36 on the draft Resolution.

37
 38 Consulting Engineer Barbagallo said that based on discussion at the last
 39 meeting he added a condition of approval prior to the signing of the Site
 40 Plan. He asked that the applicant submit an evaluation by a Wetland

1 Scientist to evaluate the functional equivalence of the wetland buffer
2 mitigation measures to the undisturbed condition for review and approval
3 by the Planning and Engineering Departments.
4

5 Attorney Gaudioso opined that the documents that have been submitted
6 evaluate the functional equivalence of the wetland buffer but he will provide
7 an additional letter from Tectonic Engineering detailing the removal of the
8 invasive species and the stormwater management practices that will be
9 employed to keep the sediment out of the wetlands.

10
11 Consulting Engineer Barbagallo said that there was discussion on
12 minimizing the width of the driveway. He indicated that Tectonic
13 Engineering provided additional documentation on the redesign of the
14 driveway. He noted that he spoke to the Department of Transportation
15 (DOT) regarding the porous asphalt and the narrower driveway and to
16 minimize the curb cut. Consulting Engineer Barbagallo stated that the DOT
17 was amenable and appreciated the call.
18

19 Attorney Gaudioso indicated that the applicant will revise the plan and have
20 it reviewed by Consulting Engineer Barbagallo before submitting to the
21 DOT.
22

23 Ms. DeLucia said that in a letter dated December 16, 2011 the Department
24 of Environmental Protection (DEP) considered the application complete.
25

26 Ms. Gerbino suggested that on Page 2, Number 2 of Consulting Engineer
27 Barbagallo's January 6, 2012 memo it should read *That prior to an*
28 *application for a Certificate of Occupancy...* Consulting Engineer
29 Barbagallo agreed to the change.
30

31 The Chair mentioned that Mr. Ma is not present this evening and no one is
32 representing Mr. Ma. Chair Currie assumed that Mr. Ma is satisfied with
33 the information that he received.
34

35 Attorney Gaudioso indicated that he had a lengthy discussion with Mr. Ma
36 and responded to Mr. Ma's e-mail that was sent to the Board.
37

38 Mr. Goldenberg mentioned that the resolution does not mention that the
39 Board received comments from Mr. Ma which were considered by the
40 Planning Board. The Board agreed to add an additional Whereas Clause.

1 Ms. Gannon suggested adding the word *practices* on Page 16, Number 2,
2 of the Resolution to read in accordance with the *practices*...

3
4 On motion by Ms. DeLucia, seconded by Ms. Gannon, (Mr. Keane voting
5 nay) and carried, the Board moved to adopt Resolution 2011-11 as
6 amended, granting of Conditional Site Plan Approval, Steep Slopes
7 Protection, Wetlands Protection, Tree Preservation and Stormwater
8 Management and Erosion and Sediment Control Permits to Umberto and
9 Carol Santaroni and Homeland Towers, LLC and New Cingular Wireless
10 PCS, LLC (“AT&T”) for the Chairman’s signature.

11
12 There being no further business, on motion by Ms. Gannon, seconded by
13 Mr. Goldenberg, and unanimously carried, the meeting adjourned at 8:00
14 P.M. and the Chair noted that the next Planning Board meeting will be held
15 on Wednesday, January 25, 2012 at 7:30 P. M. at the Somers Town
16 House.

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Respectfully submitted,

Marilyn Murphy
Planning Board Secretary