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PLANNING DEPARTMENT

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Town of Somers

WESTCHESTER COUNTY, N.Y.

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

SOMERS PLANNING BOARD MINUTES
MARCH 13, 2013

ROLL:

PLANNING BOARD MEMBERS PRESENT: Chair Currie, Mr. Keane, Ms. Gerbino, Mr. Goldenberg, Mr. Foley and Ms. Gannon

ALSO PRESENT: Town Planner Syrette Dym
Town Consultant Planner Meder
Consultant Engineer Joseph Barbagallo
Town Attorney Eriole
Planning Board Secretary Murphy

ABSENT: Mrs. DeLucia

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

APPROVAL OF DRAFT DECEMBER 12, 2012 AND DECEMBER 19, 2012 MINUTES

Chair Currie noted that Planning Board Secretary Marilyn Murphy prepared and submitted for the Board's consideration approval of the draft minutes of the Planning Board meeting held on December 12, 2012.
The Chair asked the Board if there were any comments or questions on the draft minutes of December 12, 2012.

Ms. Gannon said that a discussion on several possible circulation changes on the proposed The Green at Somers Site Plan is not in the draft minutes. She noted that the minutes are not verbatim but she would like to have Consultant Planner Meder's thoughts in the record as it relates to the traffic flow.

Chair Curie suggested that the Board table the approval of the minutes and speak to Consultant Planner Meder when The Green is discussed this evening.

Chair Currie noted that Planning Board Secretary Marilyn Murphy prepared and submitted for the Board's consideration approval of the draft minutes of the Planning Board meeting held on December 19, 2012.

The Chair asked the Board if there were any comments or questions on the draft minutes of December 19, 2012.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the draft minutes of December 19, 2012, were approved.

DECISION

NEW CINGULAR WIRELESS PCS, LLC (AT&T)
AMENDED SITE PLAN AND AMENDED SPECIAL USE PERMIT
[TM: 16.15-1-1.1] LINCOLN HALL PROPERTY
[TM: 38.17-1-5] AMATO PROPERTY
[TM: 28.10-1-6.1] MAJESTECH PROPERTY

Chair Currie noted that this is the application of New Cingular Wireless PCS, LLC (AT&T) for amended Site Plan Approval and Special Use Permit for modifications to an existing approved facility located at 115 Route 202 on the Lincoln Hall property, the Amato property located at 121 Route 100, and the Majestech Corporation property located at 243 Route 100.

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

Neil Alexander, the applicant's attorney, said that the application is a technology upgrade. He mentioned that there is no scope of activity

outside of the existing equipment compound and no work taking place except at the equipment areas and the monopole. Attorney Alexander noted that there will not be any changes at grade and no new pervious surfaces.

Attorney Alexander commented that it was determined at the last meeting that this application is a Type II Action which is exempt from SEQRA, and the Board then waived the Public Hearing on the Amended Site Plan and Amended Special Permit.

Mr. Foley asked why this application is a Type II Action. He stated that it is a good practice to indicate the reason for this determination and the Section of the Code.

Attorney Alexander explained that this application is exempt from SEQRA as the Planning Board has previously determined relative to wireless facilities co-locations and modifications to existing wireless facilities are Type II Actions. He said that there is less than 4,000 SF of gross floor area and the action does not involve a change in zoning or use variance and is less than 4,000 SF of non-residential disturbance. Attorney Alexander indicated that the section of the code is §617.5 (c)(7) 2.

Consultant Engineer Barbagallo stated that the Planning Board received communication from Town Attorney Baroni confirming this application is a Type II Action.

Ms. Gannon asked if the Amended Special Permit will be renewed in five (5) years. She mentioned that a co-location was done at Lincoln Hall and asked if the clock restarts with each permit. Ms. Gannon said that she wants to know what her obligation is to look at for the renewal of the permit.

Attorney Alexander said as a practical matter the facilities are having work done every few years and the Board is getting information on property maintenance at that time.

Attorney Alexander said the Board should be familiar with the declaratory ruling interpreting “a reasonable period of time” to act on an application as 90 days for co-locations and 150 days for all other towers but the Board is less familiar with the Middle Class Tax Relief and Job Creation Act of 2012. He noted that the 5 year concept allows the Board to know what is

happening at the tower and allows the Building Inspector to make sure everything takes place according to the plans.

Attorney Alexander said that the package he submitted addressed all the safety and structural issues and compliance with the Federal Health Standards. He indicated that photographs have been provided that show there are no changes.

Mr. Foley asked if you receive another 5 years every time you submit a new application or does the time revert back to the initial approval.

Attorney Alexander said that the 5 years should start with the last resolution.

Mr. Foley explained that when the Board reviews an amended application the Board does not study the whole pole, the Board studies the amendment. He stressed that if this is done on an annual basis the Board never gets the opportunity to review the entirety of the pole.

Attorney Alexander mentioned that he provided a Structural Report that gives existing conditions and proposed modifications.

Ms. Gannon said that if the maintenance inspections have to be stepped up is that something the Board can look at. She indicated that if the pole fills up with co-locators there is no trigger to review the maintenance for another five years. She said that the resolution under Permit Term states that the Special Use Permit may be renewed on application for additional five-year terms, provided the applicant shall demonstrate that the wireless telecommunications facility is and has been in compliance with the requirements of the Code of the Town of Somers per §170-129.6.G.
Ms. Gannon asked if the Special Use Permit term should start from five years from the original date of approval or does the 5 year renewal start with the last resolution.

Consultant Engineer Barbagallo asked about the plans for cell towers across Town. He noted that was never provided.

Attorney Alexander stated that he asked for waivers for Site Plan Approval and the Public Hearing. He mentioned that he met with the Planning Board last month and they voted to waive the Public Hearing on the Site Plan and

Special Permit. Attorney Alexander stated that he provided all the information the Board needs to make an informed decision. He noted that the Board has a draft Resolution that is very detailed. Attorney Alexander said that the Board should decide if the Special Permit runs from today or from the date of the original permit.

Mr. Foley said that five years should start from the date of the original permit. He stressed that this is an important issue because this is not the only amended permit that will be before the Board. Mr. Foley noted that the draft resolution states that a new permit term runs with the Resolution and he does not think this is the correct way to go.

Ms. Gannon opined that co-location is a good thing as she does not want to see towers going up all over Town.

Chair Currie asked Town Planner Dym how the Town handles the renewal of the Special Permit.

Town Planner Dym said that it is the responsibility of the applicant to request the renewal of the Special Permit.

Attorney Alexander explained that he originally asked for a Building Permit but was told that according to Code any amendment to a Special Permit has to come to the Planning Board for review. He mentioned that it is the reason he provided a paper trail.

Mr. Keane said that when a new cell tower is proposed the Board reviews and addresses all the issues in the Town Code. He noted that the antennae have to be a certain distance above trees so there is no interference. Mr. Keane commented that the number of co-locators is based on the height of the pole. He said that if nothing changes between the original approval and the re-approval, there will not be a problem. Mr. Keane noted that if the pole needs to be painted the Board should have input on the color that should be more consistent in the environment it is in.

Ms. Gannon asked if the painting of the pole is a maintenance issue.

Attorney Alexander stated that if the pole is not being operated consistent with the Special Permit and Site Plan, the Building Department should contact the owner.

Consultant Engineer Barbagallo suggested adding a condition prior to signing of the Site Plan that states in accordance with §170-129. 6.G, the applicant shall submit a report on any future plans for construction of any new wireless communication facility in Town.

Mr. Keane noted that the applicant is just a co-locator and does not own the pole.

Ms. Gannon said that she understands that the report on future plans for cell towers will only relate to future construction.

Consultant Engineer Barbagallo commented on the Amato Resolution under Certificate of Operations that should read *Prior to the issuance of a Certificate of Occupancy, a Certificate of Operations shall be provided that specifically certifies that the Tower is operating in accordance with the FCC limits for Maximum Permissible Exposure (MPE) as detailed in the Exposure Analysis Report prepared by Bechtel Communications, dated October 11, 2012, and an operating agreement is to be in place to ensure that maintenance activities are completed in the future.*

Mr. Keane asked that the person who certified that the calculations are correct in the NEIR emissions level certify that it is not greater then 5% of the MPE.

Mr. Foley mentioned that in the Lincoln Hall Resolution there is no mention of the prior granting of the application. He noted that the history of the application is critical and should be in the Resolution.

Town Planner Dym indicated that she can review the office files and add a Whereas Clause describing the history of the pole.

Mr. Foley questioned if the Majestech permit was re-permitted by the Zoning Board of Appeals (ZBA). He said that if the Majestech permit has been renewed it should be part of the Resolution.

Town Planner Dym explained that the ZBA use to issue the re-permitting but that was transferred to the Planning Board. She said that she will check with the ZBA to make sure that the cell towers are in compliance with the re-permitting. Town Planner Dym indicated that there was no fee or

application for the renewal of the Special Use Permit. She noted that she asked the Town Board to establish a fee and a permit application.

Mr. Foley noted that the Resolutions should contain information on the Middle Class Tax Relief and Job Creation Act of 2012 and the Telecommunications Act of 1996. He explained that if there is an eligible facilities request in accordance with Section 6409 Middle Class Tax Relief and Job Creation Act of 2012 and does not substantially change the physical dimensions of the subject Tower the Board cannot deny the application. Mr. Foley suggested that a Whereas clause be added to the Resolution describing the legislation. He stressed that the Board is following the law as dictated by Congress.

Attorney Alexander explained that an eligible facilities request is co-locating, removing or replacing a cell tower.

Mr. Foley indicated that a description of what the applicant is doing must be described in the Resolution.

Consultant Engineer Barbagallo suggested adding a Whereas Clause that reads *the Planning Board has determined that the proposed application constitutes as an eligible facilities request in accordance with the Section 6409 Middle Class Tax Relief and Job Creation Act of 2012 and it does not substantially change the physical dimensions of the subject Tower; and*

Mr. Foley said the Board has to make a decision on the initial five year permit term and when that date starts. He noted that the term should have an onset starting at five years from the original date of approval.

Chair Currie said that it was the consensus of the Board that the amended permit term starts at five years from the original date of approval.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the Board moved to approve Conditional Amended Special Permit pursuant to Chapter 170-129 and 170-114 and Amended Site Plan Approval pursuant to Chapter 144 of the Code of the Town of Somers to New Cingular Wireless PCS (AT&T) for modification of existing approved AT&T Wireless Facility Co-Located with Verizon Wireless, Nextel Communications/Sprint PCS and T-Mobile at 115 Route 202, a/k/a 87 Route 202, Lincoln Hall School, Section 15.15, Block 1, Lot 1.1 and

approve Resolution No. 2013-03, as amended, for the Chairman's signature.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the Board moved to approve Conditional Amended Special Permit pursuant to Chapter 170-129 and 170-114 and Amended Site Plan Approval pursuant to Chapter 144 of the Code of the Town of Somers to New Cingular Wireless PCS (AT&T) for modification of existing approved AT&T Wireless Facility located at 121 Route 100, Amato Property, Section 38.17, Block 1, Lot 5 and approve Resolution No. 2013-05, as amended, for the Chairman's signature.

On motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the Board moved to approve Conditional Amended Special Permit pursuant to Chapter 170-129 and 170-114 and Amended Site Plan Approval pursuant to Chapter 144 of the Code of the Town of Somers to New Cingular Wireless PCS (AT&T) for modification of existing approved AT&T Wireless Facility located at 243 Route 100, Majestech Corporation Property, Section 28.10, Block 1, Lot 6.1, and approve Resolution No. 2013-04, as amended, for the Chairman's signature.

INFORMAL APPEARANCE

JOHN CASSABOON

Chairman Currie explained that this is an application for an informal appearance for property located at 26 Chalmers Blvd. and Lakeview Terrace for a possible lot line connection between Section 36.08, Block 1, Lot 49 and Section 36.08, Block 1, Lot 64 to include a 6,482 SF mapped but unbuilt portion of Lakeview Terrace.

The Chair asked the applicant to bring the Board up-to-date on the project.

John Cassaboon, the applicant, said that there are two houses in the front of the property he wants to develop. He noted that those homes have driveways that cross an easement where the homeowner pays a yearly fee.

Mr. Cassaboon showed the Board a plan depicting the two homes and his property. He mentioned that his engineer showed the stormwater absorption system on the plan. Mr. Cassaboon said that he is asking the

Planning Board to follow the waterline because if the easement is left where it is now it may be impossible to place a sanitary system on the property.

Consultant Engineer Barbagallo explained that because this is an informal application he did not provide a formal review of the project. However, the applicant has to demonstrate that a driveway can be constructed according to Town Code. He explained that the grading for the driveway could impact the area identified for a septic system. Consultant Engineer Barbagallo suggested that the applicant check the requirements for separation distances for waterlines and subsurface sewage systems. He explained that there is a Health Department requirement for separation between a waterline and the septic system. Consultant Engineer Barbagallo explained that test holes have to be dug to validate the separation distance exists.

Ms. Gerbino suggested Mr. Cassaboon meet with the Highway Superintendent.

Town Planner Dym explained that the driveways on the other two properties are under revocable driveway permits granted from NYC Department of Protection (DEP) over the property to Route 202 that require renewal and approval from DEP of any lot changes. Town Planner Dym noted that prior to determining whether or not to demap a street, it has to be shown that legal access to other properties would not be adversely affected.

Mr. Goldenberg asked if the proposed access will interfere with the City of NY and problems with the reservoir.

Town Planner Dym said that when a formal application is submitted the NYC DEP will provide their input.

Consultant Engineer Barbagallo said that if the NYC DEP revokes the permits the residents will use the contingency plan to access their property. He noted that standards for a common driveway that have to be accessible by a fire truck have to be met. Consultant Engineer Barbagallo said that first the applicant has to lay out the driveway according to Town Code which will dictate the size of the easement and the area for the septic system.

Consultant Engineer Barbagallo said that the applicant's engineer should contact him to discuss the project.

PROJECT REVIEW

NEW YORK STATE SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS APPLICATION FOR SITE PLAN APPROVAL AND SPECIAL USE PERMIT [TM: 38.17-1-5]

Chairman Currie noted that this is the application of NY SMSA Limited Partnership for Site Plan Approval and Special Use Permit to co-locate a wireless telecommunications facility on the property known as 121 Route 100, owned by Amato. He said that the facility consists of antennas camouflaged within the branches of the existing stealth monopole, together with related equipment.

The Chair asked the applicant's representative to give a presentation on the application.

Michael Sheridan, the applicant's attorney, explained that Verizon Wireless wants to co-locate on the Amato tree pole located at 121 Route 100. He noted that the equipment will be located on the existing tree pole and within the existing communications compound. He mentioned that the Amato tree pole was approved by the Planning Board on October 13, 2010. Attorney Sheridan commented that Verizon Wireless will be the second co-locator on the pole. He said that 5 co-locators are allowed on the tree pole. Attorney Sheridan stated that the facility will not have an adverse affect on the area as the antennas will be camouflaged within the branches and the equipment will be located at the base of the tree pole.

Attorney Sheridan said that because of the Middle Class Tax Relief Act he is asking that this application be expedited.

The Chair asked Town Planner Dym to review her memo for the benefit of the public.
Town Planner Dym reminded the Board that this application is eligible under the Middle Class Tax Relief and Job Creation Act of 2012 and it does not substantially change the physical dimensions of the subject tower.

Town Planner Dym explained that the Board has to determine if this is a Type II Action in that it does not have significant visual impacts. She said because the disturbance is less than 4,000 SF a Type II Action will apply.

Town Planner Dym said that on Page 3 of the RF Compliance Report that provides the results of the FCC RF compliance assessment for this proposal needs to also present the existing condition with the additional future no-build condition that accounts for the current application before the Board for modifications to the AT&T facility at the same location that includes 4G LTE Upgrades to its existing wireless facility.

Town Planner Dym mentioned the RF Affidavit that indicated the Town of Lewisboro Planning Board and has to be amended to Town of Somers Planning Board.

Town Planner Dym asked that a blow up insert of a depiction that identifies the location of the building on the Lopane property that house the day care center be provided.

Town Planner Dym said that it should be verified that the tree removals shown were part of a prior application and not the current application.

Attorney Sheridan stated that no trees are being removed in connection with this application.

Town Planner Dym said that the EAF indicates that approximately 360 square feet will be required within the existing equipment compound for the Verizon Wireless equipment. She asked that the additional disturbance area be identified.

The Chair asked Consultant Engineer Barbagallo to summarize his memo dated March 11, 2013 for the benefit of the public.

Consultant Engineer Barbagallo said that the applicant should note that 4G equipment upgrades to the existing tower are currently proposed by MetroPCS (AT&T) under a separate amended Site Plan application. He indicated that the applicant shall confirm that all provided reports, including the tower structure analysis, RF transmission reports and noise report have been prepared considering the proposed AT&T equipment. He said that the applicant shall confirm that the proposed co-location of Verizon

Wireless equipment will not conflict with improvements proposed to be undertaken by AT&T.

Consultant Engineer Barbagallo said that the applicant's structural engineer should address whether the proposed improvements by Verizon Wireless will impact the structural ability for the tower to provide for future carrier co-location, as planned by the initial tower design and approval by AT&T.

Consultant Engineer Barbagallo said that the proposed equipment shelter by Verizon is shown to have a finished height of 11 feet; the applicant shall compare the height of the proposed shelter to the existing equipment area shelter by AT&T. He stressed that he wants to make sure that what the applicant is showing is what was approved.

Consultant Engineer Barbagallo said the applicant shall provide documentation to demonstrate that additional electrical service loads proposed by new Verizon equipment along with anticipated future co-location electrical loads may be met by the existing electrical service to the cell tower site. He noted that if additional electrical equipment is required to be added to accommodate these existing and future loads, the applicant shall indicate where such equipment will be located and any additional screening measures that will be provided.

Consultant Engineer Barbagallo stated that the applicant shall confirm that the proposed additional equipment will not impact the future addition of co-locators both on the tower and at ground level within the existing equipment pad enclosure.

Consultant Engineer Barbagallo said if the Board feels they are preempted by the Federal Regulations and no review is necessary the Board can say the applicant does not have to address his comments.

Mr. Foley noted that the questions and answers are academic because of the Federal Regulations.

Ms. Gannon said if the worst case happens and the applicant has so much equipment that they fill up the tower the Board knows someone will have to build another tower. She said that what Consultant Engineer Barbagallo is asking for is useful information.

Mr. Keane referred to the applicant's Exhibit 1 Revised RF Compliance Report and questioned if the Chief Technical Officers statements are not necessarily true because they are premised on the calculations that was done. He said that the statements have to be attested to that they are below the threshold and meets the calculation of the FCC MPE limit.

Mr. Foley asked when the tower ownership was taken over by Insite Towers, LLC. He noted that when the tower was approved the owner was Homeland Towers. He indicated that the owner of the towers in the EAF is listed as Insite Towers, LLC and the applicant is Amato.

Attorney Eriole advised that the approval runs with the land but the applicant should provide the proof of ownership transfer.

The Chair asked if the Board was ready to determine that this is a Type II Action under SEQRA.

On motion by Mr. Foley, seconded by Mr. Keane, and unanimously carried, the Board moved to determine that the Action is a Type II Action and is therefore, exempt pursuant to the New York State Environmental Quality Review Act (SEQRA) Section 617.5(c)(7) and therefore no further SEQRA review is necessary.

On motion by Ms. Gerbino. seconded by Ms. Gannon, and unanimously carried, the Board moved to waive Site Plan Approval pursuant to §170-129.9.B. and C.

On motion by Mr. Goldenberg, seconded by Mr. Keane, and unanimously carried, the Board waived the Special Permit Public Hearing in accordance with §170-129.6.F.

The Chair directed that a draft Resolution be provided for the April 10, 2013 Planning Board Meeting.

DISCUSSION

COMPLETE STREETS

Chairman Currie said that the Board will be making a recommendation to the Town Board on the adoption of a Complete Streets Policy.

The Chair asked Town Planner Dym to give the Board a brief overview of the Complete Streets Policy.

Town Planner Dym indicated that the County prepared background information. She said that several municipalities have approved Resolutions that encourage the concept of Complete Streets. Town Planner Dym noted that committees in Town and the Master Plan Committee have talked about inclusion of sidewalks, trail connections to sidewalks and safe routes to schools. She explained that the Planning Board is asked to comment and make recommendations on the Complete Streets Policy.

Mr. Keane said that the sample policy does not take into consideration the potential addition of impervious surfaces resulting from implementing the policy and the impact on surface water and stormwater. He indicated that the policy is not formulated within the context of a master plan that weighs environmental costs and benefits. He said if there was no built environment it would be a good idea but there are concerns about how to retrofit existing streets within the built environment. Mr. Keane said that he cannot recommend the Complete Streets Policy to the Town Board.

Ms. Gerbino said that she is against the recommendation of the Complete Streets Policy and feels that what is needed is the updating of the 1994 Master Plan.

Mr. Foley appreciated seeing the Final Report of the Somers Committee on Trails, but was surprised to see how little has been implemented. He mentioned that it was suggested that the Putnam Railway Easement be prepared for use by the public as a trail.

Ms. Gannon mentioned the Westchester County Sample Policy that tried to make the argument that roads will not get any wider. She said that Policy says *that complete streets are not about building sidewalks and bicycles lanes on every street and are not about massive takings of rights but are site specific planning decisions that help to reconfigure existing roads space in a manner that better accommodates the needs of users. Sometimes it is as simple as moving the white line to create more space on*

the shoulder or making sure the cross light stays on long enough for an older pedestrian to cross the road. She opined that the document contains too many generalities to be effective. Ms. Gannon said that it would be better to concentrate on dealing with these concepts within the context of the Master Plan.

Consultant Engineer Barbagallo said a year ago when he was working on a grant application the goal was to connect walkways from the schools to the Town Centre area. He noted that the Board should get clarification on specifics in order to be eligible for grants.

Mr. Goldenberg suggested that the Town Board hire a grant writer to ask the Federal Government to implement sidewalks in Somers.

Mr. Keane said that the Master Plan Committee talked about implementing these concepts five years ago.

Chair Currie also felt that the Master Plan should deal with these concepts. He said that it was the consensus of the Board that they are against the adoption of a Complete Streets Policy in Somers and concentration should be on dealing with these concepts within the context of the Master Plan.

Town Planner Dym said that she will convey the Planning Board's comments regarding the adoption of the Complete Streets Policy in the Town of Somers to the Town Board.

PROJECT REVIEW

THE GREEN AT SOMERS AMENDED SITE PLAN, WETLAND, STEEP SLOPES AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS [4.20-1-3.1]

Chairman Currie explained that Ms. Gannon had a question on the December 12, 2012 minutes in reference to The Green at Somers.

Ms. Gannon noted that she has a comment on what Consultant Planner Meder said on the possible traffic circulation changes on the proposed Site Plan.

Joanne Meder, representing Frederick P. Clark Associates, said that regarding that subject F. P. Clark recommended the direction of vehicular circulation be reversed because if a passenger was dropped off they would have to cross the street to get to the entrance to the buildings and if the circulation was reversed the passenger would be dropped off on the sidewalk/building side. Consultant Planner Meder said that the applicant's engineer felt there would be complications created by reversing the traffic flow because of topographic changes where the transition would need to be made between the parking lot closest to Building 4 and the inner loop driveway. She explained that the applicant's engineer felt those potential problems could not be easily solved.

Consultant Planner Meder also mentioned that there was one comment that everyone agreed with and that was to eliminate the pedestrian pathway that would force pedestrians to cross a median very close to the busiest portion of the main access driveway near the site entrance. She noted that the recommended change is reflected in the revised Site Plan.

Consultant Planner Meder said that she will draft some additional text to reflect the Board's discussion of those topics so that a paragraph on this discussion can be added to the December 12, 2012 Planning Board minutes.

Ms. Gannon also reconfirmed that the draft minutes of the December 12, 2012 are to include the DVD of the Meeting.

On motion by Ms. Gannon, seconded by Mr. Keane, and unanimously carried, the daft minutes of December 12, 2012, as amended, were approved.

Chairman Currie noted that this is the application of National Golfworx/Rick Van Benschoten, applicant, for a mixed-use development consisting of four buildings with a combination of retail and residential uses. He said that the site is proposed to be serviced by pubic sewer and water.

Mr. Foley asked what is happening with the Town Board in regard to the Zoning Text Amendment.

Linda Whitehead, the applicant's attorney, explained that the Town Board held a Public Hearing on the Zoning Text Amendment and several Planning

Board members attended. She commented that most everyone at the Public Hearing spoke in favor of the Zoning Text Amendment. Attorney Whitehead noted that the Public Hearing will be continued at the March 14, 2013 Town Board meeting.

Attorney Whitehead said that a new Architect is working on the project. She mentioned that the unit count is now 66 with 34 one-bedroom units, 32 two-bedroom units and 2 three bedroom units. She noted that updated elevations have been provided but she would like input from the Board. Attorney Whitehead mentioned that the applicant will meet with the Architectural Review Board (ARB) to review the plans and listen to its comments.

Attorney Whitehead noted that some work will take place within Wetland C of the NYS Department of Environmental Conservation (DEC) Wetland which include taking down the fence, pulling out the pipes and some restoration. She indicated that there was very positive discussion with DEC. Attorney Whitehead said that Paul Jaehnig, the applicant's wetland expert, incorporated the work that will take place in the DEC Wetland into the plans. She said that the Site Plan was tweaked in regard to road locations and the final footprint of the Buildings. Attorney Whitehead mentioned that the applicant is working on the design and details of the pump station. She stated that the petition to expand Somers Sewer District #1 has been submitted to the Town Board. Attorney Whitehead noted that lighting fixtures have been reviewed and discussed with the lighting company and they suggested 16-foot light pole heights because that will create fewer dark areas. She indicated that photometric plans have been provided for 14 and 16 foot light pole heights.
Attorney Whitehead said that she would like the Board's input on the height of the poles so the plans can be finalized.

The Chair asked Consultant Engineer Barbagallo to review his memo dated March 11, 2013 for the benefit of the public.

Consultant Engineer Barbagallo said that because the Stormwater Pollution Prevention Plan (SWPPP) had not been submitted the Planning Board cannot assess the level of completeness with its obligation under §93 of Town Code.

Attorney Whitehead responded that the plan has to be finalized before the SWPPP is submitted.

Consultant Engineer Barbagallo indicated that the applicant is looking for guidance on pole heights. He mentioned that lighting at Reis Park will be 16-foot high poles with a drop down feature.

Dan Holt, the applicant's engineer, said that he provided drawings showing the 16 foot and 14 foot light poles. He noted that with the 14 foot pole the light is closer to the ground but with the 16 foot pole you get a more even dispersion of the lighting.

The Chair asked Consultant Planner Meder to discuss her memo in regard to the lighting plan.

Consultant Planner Meder said that since Building 4 is a multi-use building, it will be important to strike the right balance between providing sufficient lighting for the nonresidential uses and the residential uses on the second floor.

Engineer Holt replied that he has not decided on the lighting for Building 4 but is more interested on the lighting for the entire site.

Consultant Planner Meder suggested that the average maintained illumination calculations for the parking lot be discussed with the manufacturer. She explained that lighting plans typically involve use of different standards for different functional areas on the site and she would like to know what the average lighting level of the parking lot area is.

Consultant Engineer Barbagallo asked that the applicant provide visual rendering of the lighting plan.

Consultant Planner Meder said she would like to focus on several policy issues.
She mentioned the future driveway extension that may provide the connection to the property to the east. She noted that the question is how will that be implemented and who will be responsible. Consultant Planner Meder said that F. P. Clark suggested that the applicant provide a conceptual Easement Agreement for the Town Attorney and Board's review.

Attorney Whitehead noted that it is difficult to provide an easement agreement until it is decided that the Board wants to connect the driveway extension. She said that it is her preference to leave the issue open for now. She can identify an easement but not get too specific in design. Attorney Whitehead explained that the Board will review the access easement when it reviews a Site Plan for the property next door when something is proposed on the adjacent property.

Consultant Planner Meder suggested an inset be included on the current site plan showing how the area within the proposed easement area will look in the future if the potential vehicular connection is implemented.

Consultant Planner Meder indicated that the applicant does not plan to reserve parking spaces but there is a parking allocation table shown on the Site Plan and she asked if that was presented to demonstrate Zoning Compliance or is an indication of how parking spaces might be reserved if that decision is made in the future.

Attorney Whitehead said that the parking allocation table was not for Zoning Compliance or an indication of reserved parking spaces.

Ms. Gannon asked that the location of the handicapped parking spaces be addressed.

Attorney Whitehead noted that there will be at least one handicapped parking space for each building.

Engineer Holt said that the parking allocation table was meant to show the proximity of each unit to the parking spaces.

Consultant Planner Meder said if the Board has concerns about reserving parking spaces that issue should be addressed in the Resolution.

Consultant Planner Meder indicated that the applicant is looking for input from the Board on the façade of Building 4. She noted that elevations for the four sides of the building have to be developed.

A.J. Coppola, the applicant's architect, showed the Board the retail façade for Building 4. He said in concept he created an arcade on the lower level

with a large storefront integrated retail entrances and the residential component. He explained that the other buildings will be a mixture of siding and cultured stone, hip roofs, reverse gables, dormers and the main roof. Architect Coppola indicated that the buildings are in conformance with the maximum 10,000 SF footprint requirement.

Attorney Whitehead mentioned that the design guidelines encourage the use of covered arcades.

Ms. Gannon asked about the garbage dumpster for the restaurant building.

Architect Coppola said that a service door may be developed off the kitchen with the dumpster on the east side of the building.

Consultant Planner Meder asked if more handicapped parking had recently been moved near Building 4 to meet building code requirements.

Engineer Holt said that he wanted to provide more handicapped parking spaces near the retail.

Consultant Planner Meder said that depending on the height of the wall along the lower level of Buildings 2 and 3, potential headlight glare from cars parked in the under-building garages would be blocked from the view of off-site properties.

Architect Coppola indicated that headlight height will be below the wall but it will be dimensioned on the revised plans.

Mr. Keane noted that he is not concerned with those potential lighting impacts because the adjacent homes are far away and there is a significant difference in elevation between where the headlights will be pointing and the houses themselves.

Mr. Keane commented about the dumpster on the northeast end of the restaurant and he questioned why the entrance to the restaurant is not on that end.

Architect Coppola explained that it was important to feature the restaurant as the cornerstone to Building 4, and therefore he wanted it to be seen on three sides.

Ms. Gannon asked about snow removal.

Engineer Holt said that snow will be placed near the bio-retention basin.

Ms. Gerbino asked if the Board could see some of the projects developed by Mr. Regan.

Attorney Whitehead mentioned that the owner has partnered with Larry Regan, a developer of Affordable Housing projects. She indicated that Supervisor Murphy has scheduled a tour to review Regan Development projects. Attorney Whitehead noted that the Board can go on the regandevelopment.com website which lists all the projects Mr. Regan has been involved with.

There being no further business, on motion by Ms. Gannon, seconded by Mr. Goldenberg, and unanimously carried, the meeting adjourned at 11:30 P.M. and the Chair noted that the next Planning Board meetings will be on Wednesday, April 10, 2013 at 7:30 P. M. at the Somers Town House.

Respectfully submitted,

Marilyn Murphy
Planning Board Secretary