

PLANNING BOARD

John Currie, *Chairman*
Paul W. Ciavardini
Vicky Gannon
Jack Mattes
Bruce A. Prince
Anthony Sutton
Christopher Zaberto

Town of Somers

WESTCHESTER COUNTY, N.Y.



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SOMERS PLANNING BOARD MINUTES **SEPTEMBER 10, 2025** **7:30PM**

ROLL

MEMBERS PRESENT: Chairman John Currie, Paul Ciavardini, Vicky Gannon, Jack Mattes, Anthony Sutton, Christopher Zaberto

MEMBERS ABSENT: Bruce Prince

ALSO PRESENT: David Smith- Consulting Town Planner, Steven Robbins- Consulting Town Engineer, Michael Towey- Planning Board Attorney, Nicole Montesano-Planning Board Secretary

MEETING COMMENCEMENT

The meeting commenced at 7:30 p.m.

Chairman John Currie welcomed everyone to the meeting and then requested participants say the Pledge of Allegiance.

Planning Board Secretary, Ms. Nicole Montesano, called the Roll.

MINUTES

Chairman Currie stated that the first item on the agenda were the minutes from the August 13, 2025, Planning Board meeting. He then asked the Board if there were any comments, corrections, or additions. There were none. Chairman Currie made a motion, to accept the minutes as presented. Ms. Vicky Gannon seconded. All in favor. Motion passes.

TIME EXTENSION REQUEST

- 1. MELISSA HARNEY- PRELIMINARY SUBDIVISION APPROVAL AND STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS
10 KEYREL LANE – RESOLUTION NO. 2025-01
TM: 16.07-1-3**

For the record Chairman Currie stated that the Applicant, Melissa Harney of 10 Keyrel Lane is requesting the 2nd 90-day time-extension from October 6, 2025 up to and including January 3, 2026, for Preliminary Subdivision and Stormwater Management and Erosion and Sediment Control Permits, as per Resolution No. 2025-01 in accordance with Town Code Section 150-12.N.

Mr. Timothy S. Allen, P.E., from Bibbo Associates Engineering, P.C. came forward and stated that the Applicant, Melissa Harney was there as well. He indicated that they have an application before the Health Department and are anxiously awaiting any comments, and that they will hopefully have a Plat back to this Board as soon as possible. Chairman Currie then asked the Board if they had any comments and/or questions. There were none. He then made a motion to accept the request for the time extension from October 6, 2025, up to and including January 3, 2026. Ms. Vicky Gannon seconded. All in favor. Motion passes.

- 2. GRANITE POINTE RE-GRANT OF FINAL SUBDIVISION APPROVAL, STEEP SLOPES, TREE PRESERVATION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PERMITS
TM: 27.05-3-2&5**

For the record Chairman Currie stated that the Board had received some correspondence on this matter. The request is for the 33rd 90-day time extension for Granite Pointe Subdivision, Re-Grant of Final Subdivision Approval, Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permits, as per Resolution 2017-10, from October 7, 2025 up to and including January 4, 2026 as per Town Law Section 276 (7) (c) and Town Code Section 150-13M. The property is located on the east side of Route 118/202, adjacent to the Amawalk Reservoir and is located in an R-40 Zoning District for the development of 23 lots in a Cluster Subdivision.

Mr. Timothy S. Allen, P.E., from Bibbo Associates Engineering, P.C. came to the podium and addressed Chairman Currie and stated on behalf of his firm and himself he wished him all the best, and that it has been an honor and pleasure to be before him all these years, and they will miss him. Chairman Currie responded thank you and that he is surrounded by great people here.

Mr. Allen then stated that ironically, one of your first meetings on the Board some years ago was probably Granite Pointe and here we are meeting up with it. He continued and indicated that as documented in his letter they have still been basically silenced by the New York State Department of Environmental Conservation (DEC). In addition, Mr. Allen noted that he also had a letter from

their attorneys which he would submit after he was done speaking. They have called, written letters, sent certified letters and have had no response back from the DEC on what they are going to do with this property. He stated they are just trying to gain access as he discussed at previous meetings to try and get some testing done and wrap up the approvals. Short of - our only recourse is legal action, which we were advised not to take from the DEC, so we are waiting, unfortunately. Mr. Allen added that he did have a letter from their project attorneys, basically outlining what he just said - calls, letters, emails, and no response. He said he thinks they last spoke to them back in March of this year and then silence since then. Mr. Allen stated that is where they are at now, but as soon as they get the go ahead, they will be out there. Mr. Christopher Zaberto asked if they knew why the DEC is not granting access if you are claiming that the site has been cleaned and the cleanup work has been completed. Mr. Allen responded that it is their understanding that during the one-year guarantee that the erosion and grass would take on the property, but that is not confirmed, having said that, the one year would have been up probably in August or maybe back in June. But again, we are anxiously awaiting to get back on there. The property is fenced off, and we cannot get in. Mr. Zaberto asked if it was DEC fencing. Mr. Allen responded yes, it is DEC fencing, and it is locked. Mr. Zaberto then inquired if there is a due process at this point- anything that the Applicant can do or do they just have to wait. Planning Board Attorney, Mr. Michael Towey responded that he spoke with Mr. Allen Wong back when this first started coming back up in March, and he confirmed to him that the warranty period was for a year and was expected to expire in June of 2025. He indicated that he had not spoken to him since, so he could not state why he is not responding. He stated that he could not advise the Applicant on whether they can take legal actions against the DEC. Mr. Towey continued and stated that whether it reasonable for the Planning Board to extend for an additional 90 days – that is up to the Planning Board. You have the discretion to make the extension. His opinion is, they cannot access the property they are waiting on the DEC to give them the final thumbs up that the plantings have taken so they can proceed. Again, the plantings are to ensure that erosion does not occur and then go into the Amawalk Reservoir. So, until the DEC grants them access, as far as he understands it, they cannot proceed. Mr. Anthony Sutton stated that it would seem that they are ready to demonstrate their willingness to get in there as soon as possible- it is not on them; really the fingers pointed to the DEC. Mr. Towey responded that it is his understanding that the DEC installed the fencing for the purposes of the remediation. Again, this was lead remediation. So, they want to prevent access to the site, to prevent that contamination from spreading to people's homes and outside of the site itself. So, if they cannot access it, they cannot access it. He indicated that he had no other information on that as he has not had any contact with the DEC himself. Mr. Zaberto then asked Consulting Town Planner, David Smith if to the best of his knowledge has there been any correspondence from the DEC giving any insight into this. Mr. Smith responded not to his knowledge; there has been nothing from the DEC to the Town. Mr. Zaberto made a motion to grant the 90-day extension. He stated that we do not have all the information from DEC, everything is in place, and they have done what they can do to remediate the issue. Ms. Vicky Gannon seconded. All in favor. Motion passes. Chairman Currie thanked Mr. Allen. Ms. Vicky Gannon asked Mr. Allen for a copy of the letter he mentioned earlier, so the Board could review it.

PROJECT REVIEW**3. 20 LAKEVIEW DRIVE WETLAND AND WATERCOURSE PROTECTION APPLICATION****TM: 16.09-3-46**

For the record Chairman Currie stated that the Applicant is proposing additions to the existing single-family dwelling. Including a one-story 781 square-foot addition at the left side of the dwelling and a one-story 964 square-foot addition at the right side of the dwelling. New York State Department of Environmental Conservation (NYSDEC) and Zoning Board approvals have been obtained. The property is located at 20 Lakeview Drive and is in an R-10 Zoning District.

The Applicants, Mr. and Mrs. Jason and Samantha Long from 20 Lakeview Drive came to the podium. Mrs. Long stated that they proposed everything a couple of weeks ago and sent everything over and have their NYSDEC wetlands approval and they were trying to keep everything moving and see what their next steps need to be and to confirm if it had been reviewed and whether there was anything else that they needed to do. Chairman Currie asked staff if they had any comments. Consulting Town Engineer, Mr. Steve Robbins stated that he reviewed this application and that it was before the Planning Board as a single-family residential application, only because it is a Wetlands Permit. Almost the entirety, if not the entirety of this parcel, is within the wetland buffer, and so these modifications to the structure increase the disturbance in the wetland buffer. The Town Code allows for that disturbance if there is mitigation. The Applicant has proposed installation of a rain garden for mitigation to that disturbance in the wetland buffer. This is similar to some past applications that this Board has seen. We have requested some additional information and backup on that rain garden sizing from the Applicant. Mr. Robbins indicated that he had a phone call Tuesday with the Applicant and their engineer to review the information that we are looking for. He indicated that he had a good degree of confidence, based on that conversation, that the engineer understands the additional backup calculations that we are looking for. This is not a large project, and it is not a large amount of disturbance. Mr. Robbins added that they did talk through some options for them around the rain garden and how they might split that up to make sure that they continue to have some beneficial use of their yard as a result of that. But we do need those calculations and that backup information to make sure that it is sized appropriately. He shared that the rain garden slows the flow of water coming off the roof and other impervious areas before it gets into the wetland itself, helping to promote infiltration of that runoff into the ground before getting into those wetlands and mitigating the impacts of that additional impervious area in the wetlands. So that would be mitigation for the new structure, as well as for the roof leaders from the existing structure, which is something that the Board has considered on past projects. So, with that, barring any input or discussion from the Board, Mr. Robbins thought that the two things for the Board to consider were whether they would like to have a Site Walk, and whether it is appropriate to schedule a Public Hearing for the October meeting. He stated that the Applicant's engineer has committed to providing the additional information that we have requested in a timely manner, and he was advised that the Board and the public should have that two weeks prior to the Public Hearing, so everyone has a chance to review that. If this was a more complex application, then it would be helpful to have that information in advance. He concluded and stated that based

on his discussion with the Applicant's engineer, he had a good degree of confidence that what they are proposing on the plan is the way it is going to look. They just need to provide him with the numbers to back that up.

Chairman Currie then asked Mr. Robbins if he thought this requires a Site Walk and how the Board felt. Mr. Robbins responded that he would say that in the Applicant's submitted information, there is a report in there that has some photos of the property- including the wetlands and the structure, and that he thought that those were pretty illustrative of the site conditions and he did not think that there were any site conditions or environmental constraints that necessarily warrant a Site Walk unless the Board wishes to do so. Chairman Currie then asked the Board if they had any questions and/or comments. Ms. Vicky Gannon asked about a square on the plan which was marked garden and if it was a vegetable garden. Mr. Long responded yes, it used to be but is no longer there. It is just rail road ties that are still on the ground that they will be removing upon construction. Mr. Anthony Sutton then asked if the driveway is going to be the same size. Mr. Long responded yes. Mr. Sutton then asked if the driveway is going to be on the front side of that addition. Mr. Long responded yes and that the front view that you are seeing on the plans is exactly how it is going to look. That is how it looks right now with the existing dwelling, and then we are just adding on to that driveway. Ms. Gannon then suggested that the plan be put up on the bulletin board so people at home could see it. Mr. Robbins added that it would also be helpful to the Board if Mr. Long could point out different features on the plan. Mr. Long pointed out the stream and indicated it pretty much runs during rainy season or when there are heavy rains. He explained that the stream catches most of the runoff from Route 118 down to the back of the property. He then pointed out the existing dwelling and the driveway which he stated is going to stay the same – they are not changing, widening, or expanding, any of that. They are just building the house towards the driveway. Mr. Long then showed where the proposed side addition is going to be and noted it is actually on what is now a stone paver patio but is going to be coming out. He added that most of it is going to be getting filled in with grass or backfill and a small addition on top of it due to the constraints with the septic system. He then pointed out the proposed rain garden. Chairman Currie stated that obviously the rain garden is going to be calculated to take the additional and existing roof surface. Mr. Robbins responded yes, that is correct. Mr. Robbins indicated that there are a few details that the engineer just has to provide for review.

Chairman Currie then asked the Board if they had any other questions and/or comments. Mr. Sutton stated the question is do we need to do a Site Walk. Mr. Long stated that as Mr. Robbins was saying there are pictures of the entire property in the packet that he submitted. It has everything that you should need to see on the property without actually walking it. Various Board Members stated they were fine with waiving the Site Walk. Chairman Currie then made a motion to waive the Site Walk based on the data that the Applicant provided. Mr. Christopher Zaberto seconded. All in favor. Motion passes. Chairman Currie then made a motion to schedule a Public Hearing for the next meeting based on receiving the additional engineering comments from the Applicant's engineer and Woodard and Curran's review. Mr. Jack Mattes seconded. All in favor. Motion passes.

**4. T-MOBILE NORTHEAST LLC (“T-MOBILE”)– APPLICATION FOR AMENDED SPECIAL USE PERMIT WIRELESS TELECOMMUNICATIONS FACILITY
87 ROUTE 202 – LINCOLN HALL
TM: 16.15-1-1.1**

For the record Chairman Currie stated that the Applicant is applying for an Amended Special Use Permit. The project consists of replacing and collocating antennas, together with the installation of ancillary equipment at the existing facility without creating a substantial change. The project site is located at 87 Route 202 (Lincoln Hall) and is in an R-120 Zoning District.

Mr. David Kenny, Attorney with Snyder & Snyder, LLP came forward and introduced himself and indicated he is a new resident of Somers. He stated that the application is just a replacement of antennas and there are nine antennas currently on the tower. T-Mobile is the middle carrier. There are two carriers above them and two carriers below. The nine antennas will be replaced with nine new antennas. All of the equipment is being removed and reinstalled because they are lowering the center line height of the mounts by five feet. They are a little bit too close to the tenants that were just above them. So, for Radio Frequency (RF) interference purposes, T-Mobile is lowering the height of the antennas just by five feet to clear up any interference issues with the carrier that is directly above. Mr. Kenny added that all of the equipment is being replaced with new equipment for the new network design, but it's still going to have the same footprint, five feet lower, but still, the mounts are going to be the same extension, same distance from the face of the monopole, same number of antennas, same amount of equipment. There will not be any substantial change. He stated that they were here tonight to hear from the Board if there were any questions about the application. He also added that he heard from Staff and there was one minor comment regarding the structural analysis report that they would get a response together for the next submission. Chairman Currie asked staff if they had any comments. Consulting Town Planner, Mr. David Smith had none. Consulting Town Engineer, Mr. Steve Robbins indicated Mr. Kenny summarized their one comment. There was a discussion in the structural report saying that an inspection was to be performed on August 28, 2025, or thereabouts. Mr. Kenny responded that he thought Mr. Robbins was referring to the Crown Castle submission and not this one. He said, he thought the only comment on this one was that the structural report did not explicitly say whether there was an in-person inspection or a visual inspection for this one and indicated that they would see if they can have the structural report updated and clarify that there was a visual inspection performed in accordance with the structural analysis report. Mr. Christopher Zaberto stated that sounded reasonable to him. Mr. Anthony Sutton stated that the site is listed as 87 Route 202, but the site name is New York White Hall Corners and asked if it was being confused with the tower at the Amato Farm. Mr. Kenny responded that he was not sure exactly why Crown Castle gave it that site name and he is representing T-Mobile on this Application and all their site names are based on numbers, but this is absolutely the facility at Lincoln Hall- this is not the Amato Farm. Mr. Sutton then said the other question he had was regarding the structural analysis and whether it was done in anticipation of these changes being made as he noticed that Mr. Kenny was talking about widening the supports for the antennas and moving them further away from the center point of the

tower. Mr. Kenny responded no we are absolutely not doing that. He clarified that what he was saying earlier was that they are lowering the mounts for the antennas. There are going five feet down vertically, so there is no change to the horizontal distance. The mounts are going to be replaced with new mounts, but they should essentially be the same distance from the face of the monopole as the existing mounts. The actual way of working through it is, since Crown Castle owns the tower, T-Mobile will submit an application saying that it has a request for upgrading its equipment and then what Crown Castle does as part of reviewing that is prepare the structural analysis report in anticipation of this equipment. That is the first step before we even get to submit an Application to this Board. Crown Castle who is the tower owner does do a structural analysis to confirm that the tower structure can support the new equipment. So yes, the structural analysis report was prepared specifically for T-Mobile's application. Mr. Sutton asked if that was back in December and inquired about some language which almost looked like boiler plate - kind of maximums, like no more than four more cabinets, no more than 12 feet. Mr. Robbins responded that he thought in some of that language, the Applicant is citing is the Federal Regulations for substantial changes and are not specific to the changes that are being proposed. Mr. Kenny stated correct and added that in the cover letter with this Application, they did explain for the Board, as they do with all their eligible facilities applications the Federal Law. So, as soon as it is determined that it is an eligible facilities request and will not create a substantial change, then the Town is required by Federal Law to approve the application. He added that what he thought Mr. Sutton was referring to is there are six objective criteria that determines what is a substantial change. The first one is related to height. So, we cannot increase the height of the tower by more than 20 feet. Here we are the middle carrier, so we are not increasing the height of the tower at all. The second is, you cannot protrude from the end of the face of the tower by more than 20 feet. So here we are not increasing the protrusion or adding an appurtenance that would extend more than 20 feet from the face of the tower. Third, is where he thought Mr. Sutton was talking about equipment cabinets. He continued and stated that any one application for an eligible facilities request can only propose up to four equipment cabinets. So, that is not a total number of cabinets at the site. This means if there are five existing and three proposed, that is eight total. That is still fine because this current application would only propose three. This particular application is just replacing two. Mr. Sutton then asked Mr. Kenny if the antennas that he spoke of earlier would be panels or sticks. Mr. Kenny responded panel antennas. Mr. Sutton responded, so basically same surface area on the replacement panels as the ones you are pulling off. Mr. Kenny responded essentially the same. Mr. Sutton responded okay.

Chairman Currie asked the Board if we should waive the Site Walk and Public Hearing with two separate motions. They agreed. Chairman Currie then motioned to waive the Site Walk. Mr. Zaberto seconded. All in favor. Motion passes.

Chairman Currie then made a motion to waive the Public Hearing. Mr. Zaberto seconded. All in favor. Motion passes.

Chairman Currie then made a motion to direct staff to prepare a resolution for Chairman's signature, with Mr. Robbins' one comment. Ms. Vicky Gannon seconded. All in favor. Motion passes.

**5. CROWN CASTLE MAJESTECH TOWER LLC (AT&T)– APPLICATION FOR SPECIAL USE PERMIT RENEWAL FOR EXISTING WIRELESS TELECOMMUNICATIONS FACILITY
243-247 ROUTE 100
TM: 28.10-1-6.10**

For the record Chairman Currie stated that the Applicant is applying for a Special Use Permit Renewal. The project site is 243-247 Route 100 and is an OLI (Office and Light Industry) Zoning District.

For the record, Mr. David Kenny Attorney with Snyder & Snyder, LLP came to the podium and stated that this is an application just to continue what is in existence. These facilities are approved by Special Permit and they come with them a five-year term. So, this application is just to renew that five-year term. Mr. Kenny advised that they did receive some comments from Consulting Town Engineer, Mr. Steve Robbins and that they are going to work to get a response on those and added that he was there tonight to answer any questions the Board may have. Mr. Jack Mattes asked if this one is the Amato Farm. Mr. Kenny responded no, this is 243 Route 100; which he believes is a flagpole that just has AT&T on it. The Board discussed where it was located and that it was close to where they were the previous night. Ms. Vicky Gannon stated Majestech. Chairman Currie confirmed, the old Majestech. Ms. Gannon then stated that the interesting thing about that tower, it was put up before she joined the Board, and she remembers seeing in some minutes a description of its color - being Enviro Green. Then on a Site Walk for another tower, she saw the Sherwin Williams paint selection that showed what Enviro Green was and it was very “olivey” while the pole was sort of Kelly Green - like St. Patrick's Day green. She stated it worked just fine and she had no complaints about it and then inquired if there is ever a point where the towers are repainted and if that is part of the maintenance that goes on with them. Mr. Robbins responded that he would expect, as with any steel structure that it periodically does need to be recoated. That has not been proposed by this Applicant, but he thinks it is a valid question to ask of the Applicant. Mr. Robbins continued and stated that he did not think that the engineer who performed that evaluation saw any corrosion that indicated any structural issues. But he thinks it is within the Board's purview to consider the esthetic issues of the tower and if it is being maintained appropriately. Ms. Gannon inquired if there ever comes a point in time where it needs to be repainted, would they go back to that original approval for the paint swatch, and then what if that color does not exist anymore on the palette – what would happen. Mr. Kenny responded that the towers are approved with the stealth design and part of that stealth design is the color, so they would be required to maintain that color. Mr. Kenny asked if there were any complaints with the existing color or is just a curiosity about ongoing. Ms. Gannon stated she had no complaint with it and it was just a thing that she noticed years ago while at another site. They had the paint swatches out and she saw that what was there did not in any way match what she had seen on the pole. Mr. Kenny responded that he is not sure how the color got chosen and that sometimes the colors are chosen at a Planning Board level and then left up to the discretion of a Building Inspector or someone else when it is actually painted. Mr. Kenny added that they probably would not go back to the original approval. Now, the contractor would go up with a color matcher, and they

would try to take a sample of the paint, or they would try to come up with a few different swatches and closely match to the existing color. Ms. Gannon replied thank you. Chairman Currie stated that it sounded like Ms. Gannon's concern was answered. Mr. Kenny stated they will try to match what is existing and what the community has gotten accustomed to. Chairman Currie asked Mr. Robbins if there was anything else. Mr. Robbins stated that he thinks there is a question for the Board to provide some feedback to the Applicant on one of our comments. This comes up for a couple of the applications, one of the Town Code requirements for a Special Permit Renewal – which comes up every five years, is a statement of equipment at the site or summarizing the equipment at the site. Mr. Robbins indicated that he and Mr. Kenny had a quick conversation about this and Mr. Kenny pointed out that the major radio equipment and the antennas are listed in the RF report- which is true. Mr. Robbins question to the Board was, in implementing that provision of the Town Code, would it be helpful to the Board to have a stated summary of the equipment at the site. There's been a lot of changes to these collocations, not for this particular site, but in general, or changes to the number of cabinets that are on the ground and elsewhere. Is a kind of text summary statement as opposed to something in a report, something that would be valuable to the Board, or is the fact that it is part of the application and embedded in one of the submitted materials in that report sufficient for your review. Mr. Robbins stated their second comment was that collocation requests are summarized in the attestation later that's in there- that has been provided and probably does not need any further discussion. They did have a question on the structural report around the findings of the upcoming inspection. In addition, with each of these applications, there is a performance bond for abandonment of the site. This particular one dates back to 2019 and we have a question about whether that is, in fact, still in place. The Applicant represents that it is. But the question that we have for the Applicant is whether the amount of the bond is sufficient to provide for the removal, and we have asked for them to justify that amount. Mr. Robbins concluded and stated that those were a summary of their comments. Mr. Kenny responded regarding the statement of equipment for future applications, he does not mind for T-Mobile Applications, getting a complete list of what T-Mobile has at the site. It is a little bit harder trying to put together a list of another carriers' equipment at the site. Mr. Kenny noted the antennas- those are easy, they can spot those. He noted that equipment that is located inside a locked equipment cabinet, or something that is located at ground level that is not properly labeled might be a little bit harder for a one carrier to confirm what another carrier has at a site, but if it's limited to the current Applicant's equipment at site, he could absolutely do that. Mr. Kenny stated that regarding the radio frequency emissions reports, we do make sure we include the antennas for the other carriers in those as part of the cumulative emissions. So, he can try to transcribe from those and provide the antennas for the other carriers. He indicated that he just does not want to get as specific for every single piece of equipment for another carrier, because they may miss something. They may confuse something as a Verizon piece of equipment that actually belongs to AT&T. It would be great if everything was properly labeled up there. But sometimes when you get on site, certain things at ground level are not properly labeled. Mr. Kenny concluded that would be his only hesitation with that one request. The other requests are fine, the structural analysis report that was done on August 28, 2025, that should have been done so we can try to get that to the Town. In terms of the performance bond issue, Mr. Kenny did think a reasonable period of time has passed and that they could provide a cost letter from an engineer that confirms what the cost would be to remove the equipment. Mr. Sutton asked if there's backup generation on the

site and if so, what the fuel is. He also inquired about the storage amounts on site as well as site security and fencing. He indicated that he has been to a lot of sites in the Town lately, and they run the gamut in terms of access restrictions. Mr. Robbins stated in terms of the summary of equipment for other carriers and the intent of the Town Code, it seemed to him that the information that the Planning Board might want to consider would be the number of cabinets, the number of structures, not necessarily the detailed contents. Chairman Currie stated that should be easy to supply. Mr. Sutton added there should be some relation to the number of sticks or panels up on top and how many cabinets there are. Mr. Robbins replied the Planning Board should be considering whether there has been adequate removal of old equipment and the like; and it is a fair point about backup generation, whether there are existing permanent facilities or connections for portable. Mr. Kenny responded that he does not mind providing that information and his only hesitation before was not the equipment, but whether he assigned it to Verizon or AT&T. He then stated that his only request, based on that last comment, would be if for instance an application for a T-Mobile Special Permit Renewal came in, and you find out that there's an abandoned piece of AT&T equipment at a facility, he would just request that just because it was learned through a T-Mobile Application, not hold up a T-Mobile Application, since it's not T-Mobile's fault - that would be his only comment. Mr. Sutton then asked, how do you address the decommissioning fund. Mr. Robbins responded that each of those carriers has a Special Use Permit on a renewal period and he thinks it is appropriate, as long as that's the case, for the Board to consider the details of the equipment before them, and the rest of it is really to understand the context of the site. Mr. Christopher Zaberto asked if this would be for all Special Use Renewal Permits, or site plan adjustments or anytime a cell application comes in front of us. Mr. Robbins replied, the discussion we're having here is specific to Town Code requirements for Special Use Permit Renewals, which are the five years. The Planning Board has reviewed, just like the prior application, modifications to the Special Use Permit to account for changes in equipment. Mr. Zaberto asked if at times, those Applicants are the individual carriers, not necessarily Crown Castle, who owns the tower itself, but not necessarily the equipment that the carriers are using-correct. Mr. Robbins responded that the thought in all cases, they are by the carrier- right. Mr. Kenny responded except this particular application right now is Crown Castle renewing the Special Permit for the tower, AT&T is the carrier at this tower. He indicated that it depends on when they were approved. Some of the approvals were from the Zoning Board of Appeals before this Board had Special Use Permit approval. And then sometimes they were giving specific Special Permits for the structure itself, even if they weren't a wireless carrier. Mr. Kenny added that with modifications, it's a lot easier, because those have plans, and with the plans, it will detail exactly the other carrier. It is with these renewals, where we do not have plans.

Chairman Currie asked the Board if they feel comfortable waiving the Site Walk and the Public Hearing. Planning Board Attorney, Mr. Michael Towey stated he had just one comment. He indicated that he and Mr. Kenny had an email exchange earlier regarding the removal bonds and having to bring them up to date. So, if that's a certificate, if that's a rider, then they attach it to something that's reasonably dated to show that will be in place for the remainder of the 5-year period. Mr. Kenny responded, absolutely and that his expectation, because of the time between 2019 and now, you are likely going to get a cost letter that probably increases the bond amount. It may not, but if you do then we will probably be getting you new bonds, and then everything goes

that way. Mr. Towey responded that is fine. It needs to be within a certain period, because when we go into the next applications, they are a little bit more backdated and we just want to make sure that bond still exists. Mr. Kenny responded absolutely we can confirm that. Mr. Towey responded thank you.

Chairman Currie made a motion and to waive the Site Walk. Mr. Christopher Zaberto seconded. All in favor. Motion passes. Chairman Currie then made a motion to waive the Public Hearing. Mr. Zaberto seconded. All in favor. Motion passes. Chairman Currie then made a motion to direct staff to prepare for Chairman signature a draft resolution with the conditions that were laid out by Mr. Robbins and Mr. Towey – the bond issue needs to be straightened out. Mr. Towey stated as Mr. Kenny said, if the bond amount increases, they will issue a certificate for it, so that will cover it. If it remains the same, they could just either issue a certificate or a rider. Ms. Gannon seconded. All in favor. Motion passes.

6. T-MOBILE NORTHEAST LLC (“T-MOBILE”)– APPLICATION FOR SPECIAL USE PERMIT RENEWAL FOR EXISTING WIRELESS TELECOMMUNICATIONS FACILITY
325 ROUTE 100 – SOMERS TOWNE CENTRE
TM: 17.15-1-13

For the record Chairman Currie stated that the Applicant is applying for a Special Use Permit Renewal. The project site is 325 Route 100 and is in a NS (Neighborhood Shopping) Zoning District.

Mr. David Kenny Attorney for Snyder & Snyder, LLC came to the podium and stated that this application is very much like the application that was just before you for Crown Castle – it is just a Special Permit Renewal. There are no changes being proposed to the facility. We are just looking to continue what is in existence. Chairman Currie asked staff for comments. Consulting Town Engineer, Mr. Steve Robbins responded that their one different comment on this was just confirmation that the engineer performing the structural analysis has their certificate of authorization to do work in New York. Chairman Currie then asked if the Board members had any questions and/or comments.

Mr. Christopher Zaberto asked in this case, unlike the previous, if T-Mobile Northeast, LLC is the owner of the tower as opposed to Crown Castle. Mr. Kenny noted that T-Mobile is the only one that is on this tower and confirmed that T-Mobile owns the tower.

Chairman Currie made a motion to waive the Site Walk. Mr. Anthony Sutton seconded. All in favor. Motion passes. Chairman Currie then made a motion to waive the Public Hearing. Mr. Sutton seconded. All in favor. Motion passes. Chairman Currie then made a motion to direct staff to prepare a draft resolution for Chairman's signature with clarification regarding the engineer performing the structural analysis. Planning Board Attorney, Mr. Michael Towey advised the Chairman that he had the same comment as agenda item 5 – updated bond information needs to be provided as well. Mr. Zaberto seconded. All in favor. Motion passes.

**7. T-MOBILE NORTHEAST LLC (“T-MOBILE”)– APPLICATION FOR SPECIAL USE PERMIT RENEWAL FOR EXISTING WIRELESS TELECOMMUNICATIONS FACILITY
80 ROUTE 6 – SOMERS COMMONS
TM: 4.20-1-11**

For the record Chairman Currie stated that the Applicant is applying for a Special Use Permit Renewal. The project site is 80 Route 6 and is in a CS (Community Shopping) Zoning District.

Mr. David Kenny Attorney for Snyder & Snyder, LLC came to the podium and stated just for clarification, this is one where Crown Castle does own the tower. T-Mobile is an Applicant on the tower, but AT&T and Verizon are also collocated at this tower. This particular application is only for T-Mobile who is looking at renewing a T-Mobile Special Use Permit. Mr. Christopher Zaberto asked if that was for the equipment on the tower and not the tower itself. Mr. Kenny responded, correct, the equipment on the tower and the equipment at the base. Chairman Currie stated that he did not want to put words in Staff's mouth, but he thought that we are working on making this more of an administrative process. Consulting Town Planner, Mr. David Smith responded and stated we are working on making more of an administrative process for when an Applicant comes in and they are just swapping out equipment. In these cases, an Applicant would just go to the Building Department. There would be oversight through engineering to review the Radio Frequency (RF) and the structural integrity of the tower and the equipment – but that is in process. Mr. Smith stated that he thinks we recognize that with these types of applications the technology has been around for a number of years now and that there is a comfort level with an Applicant coming in and wanting to just to swap out equipment. He continued and stated that he does not think it is necessary at this point for the Planning Board to continually review these types of applications, particularly when we are reviewing them, we have no comments, we do not schedule a Site Walk and we do not need to have a Public Hearing. So, it really points to where, the Town should think about making it an administrative effort and we are working on that – it is on the list. Mr. Kenny responded that they are in support of those efforts and knows a lot of communities in Westchester and the surrounding areas also chose to do that. Chairman Currie asked Consulting Town Engineer, Mr. Steve Robbins is he had any comments on this one. Mr. Robbins responded that his comments on this application are the same as the last - to provide the summary statement of users in a way that's more accessible to the Board, Certificate of Authorization for the structural engineer and an update on the abandonment bond to either renew, as council suggested, or to update if additional costs are needed. Chairman Currie then asked if there were any other Board comments and/or questions. Mr. Anthony Sutton said he wondered that if we are going to turn it into a routine process, if it would it be a good idea to mandate certain visual inspection periods; whether it is at every renewal there has to be a visual going along with the structural and also that whenever anybody's installing new equipment it is not a heavy lift to put an identifying sticker on the front of the cabinet for the purpose of being able to identify whose equipment is in what cabinet on the property. Mr. Sutton added that he would think if you are going to produce a punch list that

is to be reviewed upon renewal for applications that stuff like this would be in our best interest. Mr. Kenny responded, to be clear, what he heard earlier was that it was modification applications where antennas will be swapped out – that would be an administrative review and believed items such as this Special Permit Renewal as well as the last 3 that were presented would still come to this Board, because this Board still has to approve the Renewed Special Permit. That being said, Mr. Kenny indicated that the Board would still have to review applications like the last three that were just presented. Mr. Sutton stated even so, a punch list like that and a bit more control over the site itself in terms of whose cabinets are whose would be helpful. Planning Board Attorney, Mr. Michael Towey stated that there is already a mandatory on the first of February every odd year that the Applicant or the owner is supposed to deliver a visual inspection certificate to the Building Department. So, a lot of stuff is already incorporated into the present provision for the Special Exception Use Permits, either renewals or the initial application. Mr. Kenny said just to clarify your point earlier about the stickers on the cabinets- they are supposed to be there. Mr. Kenny stated that most often you can see a fading sticker or sticker that is scraped off – this happens sometimes in the course of operations and/or weather. Mr. Sutton responded that he was at three different sites on Tuesday morning, and that there were no stickers on any of the cabinets that he saw. Mr. Kenny told Mr. Sutton to let him know the sites. Mr. Sutton responded that the ones that had shelters, the shelters were clearly marked because he thought they were very much concerned that someone would tear the door down if they did not know who to call to get access.

Chairman Currie made a motion to waive the Site Walk. Mr. Sutton seconded. All in favor. Motion passes. Chairman Currie then made a motion to waive the Public Hearing. Mr. Sutton seconded. All in favor. Motion passes. Chairman Currie then made a motion to direct staff to prepare a draft resolution for Chairman's signature with the two provisions previously discussed. Mr. Sutton seconded. All in favor. Motion passes.

PROJECT REVIEW

8. REFERRAL BY THE SOMERS TOWN BOARD FOR INTENT TO BE LEAD AGENCY FOR A ZONING TEXT AMENDMENT REGARDING SOLAR ENERGY LEGISLATION

The Town Board has initiated the Zoning Text Amendment process to make the installation of Tier 1 Solar Energy systems through the issuance of a building permit and the installation of a Tier 3 Solar Energy System by first applying for a floating zone designation then applying for a Special Permit and Site Plan approval. Tier 3 systems would be limited to the Town's R-120 zoning district, must be associated with a school or other institute of higher learning and be no more than 12 acres in size.

The Town Board declared their intent to establish itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of the State Environmental Quality Review Act (SEQRA) and Chapter 92 of the Somers Town Code. Chairman Currie stated that he would ask that Consulting Town Planner, Mr. David Smith present this to the Board. By way of

background, Mr. Smith indicated that the Town currently does not have any provisions for the regulating of solar arrays. These are the tier three type configurations. There is currently a process by the Building Department to review and approve the tier one, which are the smaller arrays that go on the roof of a residential home. But this ordinance, the language here, would allow for the larger tier three as well as the tier one, which as previously noted would be handled by applying to the Building Department for a permit. The tier three is the larger solar arrays. The proposal here is that those types of facilities would be permitted after an Applicant meets specific criteria for locating. One is that the property must be in the R-120 Zoning District, and the second is that the property must be associated with a school or institute of higher learning. Part of the genesis of this, he thinks was the Putnam Westchester BOCES has a facility and part of it is in Yorktown and part it is in the Town of Somers. For the portion located in the Town of Somers, they are proposing to install a tier three solar energy system – the kind with ground mounted panels. Because this is a school, he thinks the Town, through their discussions with BOCES, recognizes that there is a benefit to BOCES and to the education systems that benefits the residents of the Town of Somers, as well as the other residents that BOCES serves. This is why they are specifically limiting it to these particular criteria. In addition, the land area associated with the proposed solar array is limited to no more than 12 acres, so it limits the overall size of the proposed solar array. Procedurally, once the legislation is in place, an Applicant would come before the Town Board, and ask to have a portion of their school property designated with an Overlay Zone that lands on the specific area. That is a discretionary action by the Town Board. If the Town Board so chooses and applies the Overlay Zone, then the Applicant would come before your Board for a Special Permit and a Site Plan review. There is specific criteria in here for the solar energy systems, that includes, all the utility lines need to be underground, vehicular paths need to be provided to allow for emergency access, requirements for signage, glare, lighting, tree cutting and decommissioning. So, there are specific regulations and requirements and standards for these types of facilities. He added, the legislation was based on the New York State Model Ordinance, along with a few tweaks based on what other surrounding communities have adopted as part of their solar energy programs. The sites are limited to the Westchester Putnam BOCES site, the Primrose School, Somers Senior High School, JFK and Lincoln Hall. So those are the properties that this could be applied to - and that is limited to just those properties. In addition, the Town Board was very clear in their direction and they asked this office to prepare that Battery Energy Storage Systems (BESS) are not permitted as part of these types of applications. So even though a solar energy system may be proposed, the BESS, which sometimes is included as part of these facilities, is not permitted as part of this proposed legislation. So right now, all the Town Board is looking for is, they circulated the Notice of Intent to act as Lead Agency under the State Environmental Quality Review Act (SEQRA), that notice was circulated to a number of different interested and involved agencies, the Planning Board was one of them. Mr. Smith stated that he did not think that this Board would object to the Town Board acting as Lead Agency and this is what they are looking for, for their meeting tomorrow night. If you choose to move in that direction, Mr. Smith indicated that he would draft a memo on the Planning Board's behalf and provide that to the Town Board for their consideration. And, then if you have any questions tonight about the proposed legislation you can certainly raise those issues, and he can provide those to the Town Board as well. Once the Town Board declare themselves as Lead Agency, which is most likely tomorrow night, they can schedule a Public Hearing for their October meeting, so you still have time as a Board, and individually, if you want

to raise any additional questions that could be forwarded to the Town Board for their consideration with respect to this application. Ms. Vicky Gannon stated that she liked the permit time frame – it was Section I under tier three-time frame and abandonment. She liked that there's a clock ticking for an application – so we do not have endless renewals. But had a question, under point two which read as follows: “upon cessation of electricity generation of the solar energy system on a continuous basis for 12 months, the Town may notify and instruct the property owner and operator of the solar energy system to implement the decommissioning plan” and inquired as to how we would become on notice that it has not been operational for 12 months. Mr. Christopher Zaberto said that is a good question and inquired as to how the Town would know it is not operating. Planning Board Attorney Mr. Michael Towey responded, one is by observations. If they stop maintaining it, because it is a solar array, the panels are on an angle, so if vegetation starts to grow to the point where it starts to block the sun, you may notice that they're no longer preventing that. So that's an indicator that they may not be. The cellular tower Special Exception Use Permits have a similar provision that the Town can notify that they believe it's been abandoned and recall the Applicant in upon 10 days' notice to establish that it's not abandoned. He did not recall exactly if that's how this is structured, but that may be a work around. Ms. Gannon responded, presumably there's a window of time, so you could make an observation, but the cessation of activity may have happened before the observation was made. So, we could be eight months into it then. Mr. Towey responded could be. Ms. Gannon questioned how you could establish the time frame. Mr. Zaberto asked if we would require a removal bond as we do for the cell towers. Both Mr. Towey and Mr. Smith responded yes. Mr. Anthony Sutton asked if this is just for the Zoning Text Amendment and not for an application from a party specifically for the BOCES property. Mr. Smith responded no, this is generated on behalf of the Town, not on behalf of any particular Applicant. It does recognize that BOCES would like to have this type of facility on their property, and so the Town is trying to be cooperative and allow for these types of facilities in very limited instances, particularly where there's some benefit to the overall community. And if BOCES is saving money, then conceivably, they're saving money on behalf of their constituents. Mr. Sutton then asked if it would be a private firm doing the investment and the construction. Mr. Smith responded yes, these are typically private investments on behalf of BOCES, but there's a relationship there. Mr. Zaberto then inquired as to what would happen if they're incapable and unable to store the energy - would that mean that they would either only be using it for the facility itself, the school, i.e., or would they be generating and dropping some of that back on the grid? Consulting Town Engineer, Mr. Steve Robbins responded these are typically grid connected solar at this scale and so it is not necessarily exclusive to the school itself. It's typically just a separate grid connection from the school's off-take from the grid. Mr. Zaberto responded okay – so really it would be the Applicant who would generally benefit from the energy production, right. In other words, there are community aggregation solar systems that pop around the county and the state. This would not fall under that correct. This would solely be for the proprietary use of the higher learning institution that builds it. Mr. Robbins responded, that he would ask to be corrected if he misspeaks, but the benefit that the property owner, in this case these eligible properties would be receiving would be the income stream for the use of their property for renewable energy generation. Mr. Zaberto responded, okay. Mr. Smith added that there would also be a tie in so that some of the energy generated would also be used by BOCES itself, because it's rights there, and they're also doing a number of other improvements to help lower energy use- such as using new lighting. Mr. Zaberto

responded so they are going to become more efficient. Mr. Smith responded yes. Mr. Zaberto stated they will have self-production of solar energy as well to help assist with that. Mr. Smith responded yes. Mr. Zaberto continued and stated if there's anything left over that goes back to the grid, they'll receive revenue from, presumably, if it goes over their consumption bill, which is similar to how residential solar systems work. Mr. Smith responded right. Mr. Paul Ciavardini asked what the benefit to Somers would be. Mr. Smith responded that in this particular case, BOCES serves not only Somers, but it serves a number of other residents, but to the extent that BOCES can help reduce its costs through this type of system, it reduces the costs to those constituents in the Town of Somers who rely on or use the BOCES system. The same would apply if the Town of Somers School District, let's say the High School wanted to do the same thing. Then again, there's probably more direct benefits to the Town of Somers and its' residents, because the cost for operation for the school district conceivably would go down because now, they've got this energy supply that they would apply to their facilities. Mr. Zaberto stated that all of these institutions would receive some sort of state funding. Mr. Smith responded presumably, yes. Mr. Zaberto continued and stated they are higher educational facilities, BOCES he believes does get State aid. So, in essence, we are helping the burden of the taxpayer, because now their energy bills would be lowered. Mr. Smith replied right and Mr. Zaberto stated that the monies that they may use for that would offset that by self-generation. He can see where it's an indirect benefit, as opposed to a direct one. Mr. Towey stated that there is also a section of the Energy Law in New York State that's called an energy performance contract, where the Department of Education can enter an agreement with a private individual in which that company will pay for improvements to school district property, which Mr. Smith went into earlier with the lighting improvements. There are also things like windows, they'll come in and they'll make improvements to the facility in exchange for receiving the lease to utilize the property. He has read it before and can't tell them the ins and outs of it. It is a very long comprehensive section, but it is granted by the State, and it's endorsed by the State, and it kind of goes in line to where there's New York State has this 2030 program where they have very high goals for solar energy production. He could not remember exactly what it is – if it was 30 or 100 gigawatts of solar energy production by 2030 so there's a lot of state programs that are served by this. In addition to that, there are benefits directly to schools. It doesn't need to be BOCES. It could be any school. It could be the High School. It could be Kennedy Catholic. Mr. Towey then stated that he was not actually sure if it applied to Catholic Schools – it might be restricted to Public Schools, which, though too those improvements reduce the necessity of the school district as a taxing entity to tax the residents to pay for those improvements. Mr. Paul Ciavardini then said he was trying to visualize this particular one. You are going down Pines Bridge Road, you have BOCES on your right and then you have a wooded area with lots of deer. He asked what would you see as you drive through there - would there just be solar panels - 12-acres of solar panels. He asked if there are any requirements such as putting up trees or anything like that; or is it just like, you're now driving down the street, which seemed otherwise wooded, and now you're going to be driving down and see a field of solar panels. Mr. Smith responded, that is a very good question and that in the Special Use Permit standards, there are setback requirements for the tier three, height limitations, screening, visibility and habitat requirements. In addition, a visual impact assessment needs to be conducted as well as the submission of a screening and landscaping plan. Mr. Smith indicated that all of that is included as part of the Special Permit criteria that the Planning Board would be reviewing as part of this. Mr.

Zaberto said so it will still come in front of our Board. Mr. Smith responded yes. Mr. Zaberto added that this is just laying the groundwork for these projects to happen in a limited capacity. The limitation being, who this applies to - this Overlay Zone, which is the five higher learning institutions within the Town of Somers. He then asked if this would cover solar carport covers – he has seen some municipal buildings are using them now and train stations. Mr. Smith stated that the Town of Mount Pleasant has one of those as well and that he would have to check to see if those types of facilities fall under a tier three classification, or whether they're closer to a tier two classification. Mr. Towey said that depends on the acreage, the construction. The Montrose VA also has it where all their parking lots now have solar overhangs for people to park under. Mr. Zaberto indicated, that he wouldn't want to necessarily create a loophole for the schools now to say we can build one in the field, and we can put one over our parking area. He added that he is personally pro solar, but does think that needs to be outlined in a proper way. He added that he did not want there to be a misinterpretation of the legislation that says, oh, well, we are a school and we're going to put a 6,000 square foot solar panel array over our parking lot. Now, while granted, that would still come in front of us for a Site Plan, he thought we should just be clear that it either can or cannot. He personally did not care, but wanted it clear and that the Town Board recognizes that it could happen and become a solar array over parking, that would be the first in the Town, and that may generate some inquiries. Mr. Towey stated there is one issue with Public Schools in which certain improvements or construction to Public Schools are approved by the Department of Education and the Building Permits issued by the Commission of Education. Mr. Zaberto asked even for a parking lot. Mr. Towey interjected and stated other things- you get into the minutia here, and he had to get well versed on this over the last year. Other things, other portions of school district property to include BOCES or a public High School, are subject to local zoning. So, when you get the facts before you is how you determine whether or not the school can apply to the Commissioner of Education for the Building Permits and bypass local zoning, or it must abide by local zoning and apply to the Town for the permits. So, what is the parking lot? It's an open question whether or not that falls as part of the structure of facilities itself, and is, "a school use". If it is that would go to the Commissioner of Education. If it is not a school use or does not strictly apply to the school facilities themselves, then it will come to the Town. Mr. Zaberto responded okay. Ms. Gannon then said, she had a theoretical question and thought she heard it said initially that the property is partially in Yorktown and partially in Somers. So, for her, the greater question is, how administratively does approval take place when there are two municipalities and is this proposed code the same as the code that exists in Yorktown? She did not think we should drive the code necessarily we have for everything. And asked how would that work- does general municipal law or state law tell us how we manage this? Mr. Towey responded, this site is wholly located in Somers. The main campus on Pines Bridge Road is split between the two municipalities. Ms. Gannon stated but, the site we're talking about now is strictly in Somers. Mr. Sutton then stated that this is the property that's closer to the intersection of Moseman Avenue and Pines Bridge Road. Mr. Smith responded yes. Mr. Sutton said it used to be a huge estate up in there. Chairman Currie stated that he thought the Board was all in agreement and made a motion to have Mr. Smith prepare a letter to the Town Board that the Planning Board has no issue with them being the Lead Agency of this Zoning Text Amendment. Ms. Vicky Gannon Seconded. All in favor. Motion passes.

Mr. Smith then suggested that he would work with the Planning Board Secretary, Ms. Nicole Montesano, and take the minutes from this discussion and provide that as an overview to the Town Board, so that they understand the discussion that you have had here. Chairman Currie responded that some valuable points were made tonight. Mr. Smith responded absolutely.

MEETING ADJOURNMENT

Chairman Currie then said that before he makes motion to adjourn that he would like to personally thank all his fellow Board Members and that it has been a pleasure working with them and that they made his life very easy. He then thanked Staff for helping him throughout the years. He ended with how he appreciated working with the Board and Staff Members and will miss everyone.

There being no further business, on motion by Chairman Currie, seconded by Ms. Vicky Gannon, and unanimously carried, the meeting adjourned at 8:41 p.m.

Chairman Currie announced that the next Planning Board meeting will be held on Wednesday, October 8, 2025, at 7:30 p.m. at the Somers Town House.

Respectfully submitted,



Nicole Montesano
Planning Board Secretary