

PLANNING BOARD

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

Town of Somers
WESTCHESTER COUNTY, N.Y.



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SOMERS PLANNING BOARD MINUTES NOVEMBER 12, 2025 7:30PM

ROLL

MEMBERS PRESENT: Chair Vicky Gannon, Paul Ciavardini, Jack Mattes, Bruce Prince, Anthony Sutton, Christopher Zaberto

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

MEETING COMMENCEMENT

The meeting commenced at 7:30 p.m.

Chair Vicky Gannon welcomed everyone to the meeting and then requested participants please stand for the Pledge of Allegiance.

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

MINUTES

Chair Vicky Gannon stated that the first item on the agenda were the draft minutes for consideration from the October 8, 2025, Planning Board meeting. She noted that there was one correction that Planning Board Attorney, Mr. Michael Towey suggested on page 10, line 2: which was changing "open meetings and law" to "open meetings law". There being no other comments on the draft minutes, Chair Gannon moved to approve the minutes as amended. Mr. Christopher Zaberto seconded the motion. All in favor. Motion passes.

PROJECT REVIEW**1. HERITAGE HILLS 202 CENTER – PATIO
SITE PLAN APPLICATION
TM: 17.11-10-20**

For the record Chair Vicky Gannon stated that the Applicant is seeking approval to modify the existing patio area at the Heritage Hills 202 Shopping Center. The property is located at 249 Route 202 and is in a Neighborhood Shopping (NS) Zoning District.

Chair Gannon asked Consulting Town Planner, Mr. David Smith if he wanted to start with planning notes. Mr. Smith responded that perhaps we should have the Applicant start and then we can follow. He added that just by way of background, the Applicant has coordinated with the Building Department and with the Planning Office on their application and so this is a suggested approach, given the fairly de minimis improvements that they are requesting. Ms. Nicole Ahrens, Project Manager with Studio Architecture, DPC came to the podium and introduced herself and indicated they were there on behalf of the property owners Regency Centers. She indicated that what they would like to present to the Board is a beautification of the existing patio area that is in front of the Heritage Hills Shopping Center. She noted that they have a pretty wide and deep patio area that currently is just unkept landscape and really wide sidewalks for no real reason. There are a fair number of tenants in the shopping center that do serve food, and Bobo's currently already has outside seating. Ms. Ahrens stated the plan is to expand on that and make some nicer paved patio areas, rather than just concrete sidewalk all over the place to encourage the patrons of the shopping center to hang out for a little while, sit, enjoy their food, enjoy the Town of Somers, and to help the tenants at the shopping center with the seating issues that they currently have. Mr. Smith thanked Ms. Ahrens and stated that procedurally, what the Applicant has requested is relief from the typical Site Plan requirements, other than providing Consulting Town Engineer, Mr. Steve Robbins with the issue with respect to stormwater and stormwater management. He added that this application is comparable to the issue that Baldwin Place had with the speed humps on the ring road that services that facility. They came in and there was an issue there, and the Bureau of Fire Prevention (BFP) reviewed it. They did not have an issue with the design and the amendments to that Site Plan were essentially very de minimis, but it was important to get those improvements on paper and to have them recorded for the Town and also for the Building Department. Mr. Smith concluded by stating that he thought that their main request is that the Site Plan requirements for a much more robust improvement program or development be waived along with the Public Hearing. This falls under the Type II Action Classification for State Environmental Quality Review (SEQR), so there is no Environmental Assessment Form that's required. Essentially, there's no adverse impact as a result of the proposed action and he asked Mr. Robbins if he could just review for the Board, his comments and how the Applicant is responding to any stormwater management issues. Mr. Robbins responded sure and asked if Ms. Ahrens could describe for the Board of the two areas where the improvements are being made what is on the ground now. Ms. Ahrens stated that she had an existing plan that she could flip over to, just to give the Board a better idea of what exactly is going on currently. She stated that most of the existing patio area is entirely covered with concrete and that they do have two small landscaped

areas that are really just grass covered by curb. She added that one of the existing landscaped areas is supposed to remain and that the one that is to the upper left-hand side of the plan will be replaced with pavers. She indicated it is a little under 600-square feet of what is currently just grass - no plants or foliage or anything like that. Mr. Robbins reiterated that the plan is to take out the grass and put pavers in its location and then asked if the same pavers will be put in the existing patio areas. Ms. Ahrens responded yes. Mr. Robbins then asked if those pavers are an open joint paver and if they are grouted. Ms. Ahrens responded that she was not entirely sure that the property owner has fully decided on what type of material they want to use. There was some discussion about using pavers, and then there was some discussion about using stamped concrete as well and she thought it would be up to the Board to determine which they would prefer to see there. The property owners really do not have a preference at this time. Mr. Robbins responded that from an engineering perspective as it relates to managing stormwater; and while this is a relatively small area in the overall site - which has a lot of impervious areas, this is kind of a very minor piece to it, one thing he thought that the Board should consider is, while this small area is currently proposed to go from grass to something which might be a pervious paver or it might not be - if you kind of do that 10 more times, then all of a sudden, you've got a big change in the stormwater on the site. So the questions that we just sent to you in an email were really just trying to clarify, from a stormwater perspective, what's going on in that small area, if it's pervious or not. He noted that he believed that there's run on from at least two roof leaders onto that grass area and so that needs to be considered - that needs to go somewhere and not just kind of create a sheet of ice in the winter. Mr. Robbins stated that there was a detail in what was submitted that did look like a pervious paver application. There was a stone or an item 4 sub-base. It looked like it was an open joint paver. If that is to be used, we just had a question as to whether it would be feasible or if there was a reason not to use if it's a pervious paver, the New York State Department of Environmental Conservation (DEC) pervious paver section with the appropriate gravel choker course. There may be a reason not to use it, but we just had a question as to why that wasn't being proposed or not so. Ms. Ahrens responded sure. Mr. Robbins stated that he thought from a stormwater perspective, if you are using a pervious system, that would make things much easier and we would probably just suggest to the Planning Board that a condition of the approval for that be to conduct a perk test during construction to be witnessed by the Town's Engineering Technician, just to confirm that water does go into the ground as you intend it to, and it's suitably sized. So a little bit more information on those pavers in that area would be useful so that we can confirm that from a safety and a stormwater perspective, that it's appropriate. Chair Gannon then asked Ms. Ahrens if she could point out on the diagram just for clarity which grassy area would be replaced. While pointing to the diagram Ms. Ahrens identified both areas - the one that is proposed to be replaced as well as the area that will be remaining. Chair Gannon responded okay, the pre-existing one and asked for confirmation that nothing would be done where the planters are, or in front of the bank, or the larger area that was shown in the extreme upper left of the plan they're staying as is. Mrs. Ahrens responded that is correct. She also noted that nothing that they are proposing will go outside of the existing curb line. Everything will remain within the existing curb line. They are not touching any blacktop. Mr. Christopher Zaberto then asked if the tenants in the building are aware or involved in any of the plans or if this is the result of their suggestions. Ms. Ahrens responded that is something that the property owner would really be better to speak to as she is not privy to what the tenants do or do not know about what proposed construction is going

on. She indicated that she would assume that they probably have not been made aware yet, and that it is something that they would look to see if it is a feasible option here, and then alert the tenants to what the plan would be. Mr. Zaberto then asked if they would anticipate the building or businesses having to close during this time. Ms. Ahrens responded no nothing is interior and nothing is going to affect the driveway or the parking lot. All of it would be on the existing paved sidewalk area and she doubts that they would have the tenants close. What would likely happen is it would be done kind of in pieces, so that everybody is allowed access. Whatever construction safety and egress plans for the tenants would be required before construction starts would be provided to all. Chair Gannon asked if there were any other comments and/or questions. Mr. Anthony Sutton stated that his concern is the curved area, which is a fire lane. He indicated that it is constantly being used as a stop in the morning spot and that he has been there many times where there's two or three cars parked there while people run into Bobo's to pick up their orders. That being said he was wondering if this represents an opportunity for us to rethink maybe a pickup area or something to address the issue so that there is not that constant parking - sometimes double parking. Chair Gannon stated so you mean change some spots into, like, a short term in and out. Mr. Sutton replied yes or maybe take that curved area and dedicate a couple of spots in that curved area as a pickup area. Ms. Ahrens responded that it is not something that had been considered in this application, because they were trying to keep the scope of work outside of the parking lot and modifying any parking spaces or getting into those approvals. She stated that she could certainly speak with the property owner and the property manager and see if they have any suggestions as to how to remediate the issue of people double parking. Obviously, people should not be parking in the fire lane and she did not believe that this application will do anything that would worsen that issue. It certainly does not address it, but she did not think that they are doing anything to the parking lot or to the paved area that would further encourage people to start parking there. Ms. Ahrens stated that if this is something that the Board is interested in, she can speak with the property owner about it. Mr. Sutton responded that he was just wondering if there are some planning best practices for solving the problem - he knows you will never eliminate the issue. Mr. Zaberto asked Mr. Smith if they wanted to improve the markings in the parking lot would they need additional permits. For example, if during this cosmetic lift could they yellow stripe in that area or would that require Town involvement. Mr. Zaberto stated that he gets what they're trying to do, because now, if we start modifying parking spaces there needs to be compliance and a review. He indicated that he has been to the shopping center and has seen the parking issue and we obviously don't think it is fair to blame the landlord or even the tenants. It is people being selfish, choosing not to park where they should and going for convenience or whatever the case may be. He then suggested that maybe just a reminder somehow, whether signage or stripes, to indicate it is a fire lane or something like that to help emphasize. Ms. Ahrens responded that she couldn't help but think that even if we do dedicate one or a few spots to a pickup that if those are full, people are still going to go park in the fire lane, because that's what people do. She did state that she thought that the idea of a sign or some kind of reminder to encourage people and say hey, don't park here might be helpful but, she also believed that adding any signs to the property would require an additional Site Plan approval. Mr. Smith wanted to clarify and asked Mr. Sutton to confirm if there was a marked fire lane. Mr. Sutton responded he believed so, but there are some zebra stripes. Ms. Ahrens pointed out the fire lane on the plan. Mr. Smith responded that this issue came up with 247 Route 100 and with the Yoga Studio and any restriping of a parking lot

requires a permit from the Building Department, so there would be some coordination with the Town on any restriping. He continued and stated that there may be some solutions, and we could ask the Applicant to continue to look at that, with respect to how you can modify the Site Plan to accommodate pickup. He indicated that there are lots of different vendors that have Apps where you phone in and you are allowed to do curbside pickup. He then named a few as examples such as Stew Leonard's and Chick-fil-A who have Apps that help their customers pre-order, park and pick up. Mr. Zaberto stated that he noticed there are third party ride shares you can use to pick up the food that often abuse the parking – but noted they were getting off topic. For the record Mr. Zaberto noted Mr. Sutton mentioned Bobo's, but stated that there are other businesses there like a deli and others businesses that people would have the need to run in and run out. Mr. Sutton stated that the present markings are just zebra stripes – there is no fire lane markings - so maybe, the paint could be refreshed, and you could put something in that says, No Parking Fire Lane. Mr. Smith responded that is an issue that he could follow up with Building Department on because there is supposed to be a list in the Town Code, of every fire lane in every commercial district or facility. He indicated that we could follow up with that. Chair Gannon asked if that was something that can be accomplished outside of this application. Mr. Smith responded yes. Mr. Bruce Prince then stated that he was a little confused on the process Ms. Ahrens was doing. He added that because of the economic situation he assumed that Regency Centers would want to keep all the tenants that are currently in the shopping center. Ms. Ahrens responded that she really can't speak to what their plans are for current or future tenants as she is not at all involved in that process – they are just the architects that work for the landlord. Mr. Prince responded that he understood that but he was a little confused that she came to the Planning Board with this project without first talking to the tenants and just assuming that they would approve of everything that is being presented. If we are looking at approving something that is going to cause a problem with any of the tenants, then you might end up having to change what you're doing, and thus come back to us with a revised plan – that is the process. Mr. Prince stated that he did not know why the tenants were not talked to first to see if there are any problems, before coming to us to get an approval. He reiterated that if the Planning Board approves it and the tenants do not want it for whatever reason that Ms. Ahrens could be back here with a new Site Plan. Ms. Ahrens responded that as she said, she cannot speak to Regency Centers' relationship with their tenants and the importance that they place on their tenants' opinions of changes to their properties. She indicated that she highly doubted that a tenant not liking their design would cause them to redo it. At the end of the day, Regency is the property owner, so it's between them and the Town as to what is going to go on their properties. She also stated that she would have a hard time believing that any of the tenants would find issue with this as she thinks that this is really improving the look of their shopping center, as well as helping with their traffic and with their customers. She added that she did not really see why any tenants would have an issue with it, but guessed that would be something they would have to look into. Chair Gannon stated that she thought it is slowing people down in a good way, giving them places to sit – as opposed to they come, they run and go, maybe they'll spend more time. She added that she thought that additional seating is, overall, in her mind, good. Mr. Sutton responded, he has been there in the springtime and you can see that all those tables in front are full and that on a nice day it will increase the foot traffic. Mr. Zaberto stated that he thought from Bruce's standpoint as well as his own, which is why he asked the question - no offense, but some of the larger developers and building owners tend to assume that their tenants will like things

and maybe they won't. Mr. Zaberto said that Ms. Ahrens made a comment about how it's between Regency and the Town, and that is true – we are the Town and so we are here to ensure that not only the residents, but also our business owners are able to function in the Town. We are not going to build commercial areas in residential areas or vice versa and that is to protect everyone. He indicated that he thought from Mr. Prince's standpoint and his own previous question was just whether or not the concept was socialized amongst the tenants- not that they have to approve it, but just to let them know that this is our idea – we would like to make improvements. Mr. Zaberto recognized that it may have already happened, and that Ms. Ahrens just wasn't made aware of it. Ms. Ahrens responded, absolutely, she has no relationship with any of Regency's tenants. We are the Applicant's architects – we do surveys and drawings for them and do not speak to their tenants. She added that she does not know what they have or have not told them or how they are going to carry their opinions on this. Mr. Zaberto responded that he understood and that generally, that feedback may go back to Regency. Ms. Ahrens responded absolutely. Mr. Zaberto stated that we also need to represent the businesses that are there. Ms. Ahrens stated that she thinks that Regency's goal is to help the businesses by trying to give them more seating, a better facelift and more foot traffic. Mr. Zaberto responded yes, he reviewed the plan and that he is often a customer of multiple businesses in there, and he does see this as an improvement. But his initial question was, does anyone know what's happening – and he recognized that Ms. Ahrens could not answer that. Chair Gannon stated that if they are watching tonight, they will find out. Mr. Sutton then spoke to Mr. Robbins' comment about the downspouts – he counted 6 downspouts and noted that the one that is closest must go into some kind of a drainage pipe, but if there's any that dump onto the area that is going to be eliminated as grass – that is definitely an issue that's got to be addressed. Ms. Ahrens responded that they will absolutely address that. At this point in the project they are kind of still a little preliminary and have not gotten into all of the details of how they are going to address draining and that kind of thing. She added that the purpose in them coming here was to see how the Town of Somers would react to the project and what the approval process for starting a project like this would be. Ms. Ahrens noted that once they get back into the Building Department, and Mr. Tooma is reviewing the drawings and all of that, all of the drainage issues, and those things will be addressed. Mr. Smith advised that she would have to address those issues with Mr. Robbins before going to the Building Department. Mr. Zaberto stated that he thought it is an improvement and as previously noted is a Type II. Chair Gannon asked Mr. Smith given that the Applicant needs to further clarify the materials to be used for the drainage, what did he see as the next steps. Mr. Smith responded that he would defer to Mr. Robbins to see if he had a comfort level that he could work with the Applicant to address those issues and that it could be a condition of a Site Plan Amendment approval. Mr. Robbins responded that he took no objection to that and he would be happy to work with the Applicant and make sure that it's addressed to an appropriate engineering standard should the Board so decide.

Chair Gannon stated that given Mr. Smith's introduction and that she agrees it is a de minimis change - for the better, that she suggests that pursuant to Section 170-114.F(1)(a) of the Somers Town Code that we waive the Site Plan Requirements for this application with the understanding that the conditions will be met to Mr. Robbins' requirement on the materials that will be used and to accommodate the drainage from those downspouts. Mr. Zaberto seconded the motion. All in

favor. Motion passes. Mr. Zaberto made a motion to waive the Public Hearing. Mr. Jack Mattes seconded. All in favor. Motion passes.

**2. TRAILSIDE ESTATES AT SOMERS
SITE PLAN APPLICATION & PRELIMINARY SUBDIVISION APPLICATION
REYNOLDS DRIVE
TM: 4.20-1-12 & 15.08-1-4**

For the record Chair Vicky Gannon stated that the Applicant is proposing construction of an 81-unit townhouse community with associated appurtenances. Five of the 81 units will be sponsor provided, and target households at or below the 120% Area Median Income (AMI). The project also proposes the construction of a community center and dog park to be located on a separate parcel which will be dedicated to the Town of Somers. The property is accessed through Somers Realty Planned Hamlet via Reynolds Drive and is located in the Multifamily Residence Baldwin Place (MFR-BP) Zoning District.

Chair Gannon stated that she was operating at a bit of a disadvantage because she did not receive the memo until this morning and was at work all day. She advised that as they had discussed, she is going to have to reconcile the memo from this morning with what she was looking at with the plans. Mr. Richard Williams, P.E. from Insight Engineering, Surveying & Landscape Architecture, P.C. came to the podium and introduced himself. He indicated that Mr. Ken Kearney from Kearney Realty & Development Group Inc. and Mr. Charles Martabano, their land use attorney were also present. Mr. Williams stated that this project has been before the Town for several years and that they have not seen this Board in a few months because they have been working on resolving the technical comments from Woodard and Curran and they have prepared what he believes to be a pretty comprehensive resubmission, a set of drawings and supplemental reports. He noted that as the Board goes through the Woodard and Curran memo, he believes that they will see that the majority of the comments are now addressed. He noted that they do have a few additional technical comments in that memo, which he is sure Consulting Town Engineer, Mr. Steve Robbins will go through in a few minutes. Mr. Williams indicated that their next step in the process with the Planning Board is to move towards a Public Hearing, if the Board is comfortable. He thought with the remaining technical comments, they are at a point where we should discuss if we are ready to go, and we do know that we have to address the outstanding comments for the next resubmission. Chair Gannon responded that we certainly did get a lot of information and then asked staff for comments. Consulting Town Planner, Mr. David Smith responded that his comments were brief and that they had discussed that the Town is still waiting for responses on the Watershed Inspector General's memo. Mr. Williams responded correct and noted that the Watershed Inspector General's office did issue a comment letter on this and that it was one of the more unique comment letters from them that he has ever received, in that almost all of the comments were erosion control based and phasing based. He indicated that a lot of times they will look at Site Plan related stuff and layouts and they would get much more comprehensive comments - this was a pretty focused memo and they are working through the phasing numbers now. He stated that basically they asked them to get into more depth within their phasing and more detailed in the erosion controls during construction. Mr. Williams stated that he would expect

to have a response back to the memo within the next week or two. Mr. Smith stated that he had one other comment that they discussed at some point with Mr. Kearney regarding the timing of when the community recreation facility would come online or be available, and how that is reflected as part of The Community Benefit Agreement as part of this project. Mr. Smith indicated that he knew Mr. Kearney said work was going to be continued on that. Mr. Martabano stated that he was working with Town Attorney, Mr. Roland Baroni on that. Mr. Smith then advised Chair Gannon that he would defer to Mr. Steve Robbins and Planning Board Attorney, Mr. Michael Towey, but he felt comfortable that there is enough information for the Town to at least open the Public Hearing to get the process started, and then the other information as it becomes available should be provided before the Board considers closing the Public Hearing. He stated that he thought at least from his review of the information and the plans submitted, that there's more than enough information to at least open the Public Hearing. Chair Gannon responded thank you that is good to know. Mr. Jack Mattes stated that in going through the report from our engineer, there was a question about looking at the composition of the soil in the areas that were used as an orchard in prior years and then inquired as to why that mattered. Mr. Robbins responded that he thinks the Applicant can respond to this as well, but they have started their review of this. Mr. Robbins noted that perhaps the last time this was before the Planning Board, there was a question asked about whether there is any residual concerns with the prior use as an orchard. The Applicant, after some discussion, willingly agreed to go out and sample some soils there as part of the moving of the soils on their site. It is something they would have to do anyway, in terms of understanding whether there is anything in that soil that is of concern to the workforce who will be on the site doing the construction. They went out and performed some sampling and they provided a report, at least to himself. Mr. Robbins did not know if it had been provided broadly to the Board yet. The report had some initial results and an initial soil management plan for the site, and we are asking for some clarification on what areas that applies to and in what areas they're proposing different kinds of controls to make sure that there is good worker safety on the site and no concerns for the ongoing use as a residential property. Mr. Robbins shared that some of the underlying soil levels are elevated relative to unrestricted residential use and indicated that there are absolutely a number of ways that can be dealt with and we are asking the Applicant to clarify in what areas of the site they're proposing which methods, so that we know that it's all by the book. Chair Gannon asked if this concern is about pesticide use because there was an orchard area. Mr. Robbins responded yes and that he would leave it to the Applicant to present their results and discuss that now, or when it is appropriate. Mr. Robbins continued and indicated that the Applicant addressed the vast majority of their comments and that they reviewed some additional information provided as part of this and came up with a couple of areas where they noted either discrepancies or need for some clarification or some additional information relative to the overall plan – they are relatively minor. He noted they are either areas where we think there might be a conflict between elevations of utilities, or just in the weeds of some of the stormwater modeling to make sure that if anyone else were to question this or to review it, that it's clear and it's complete and it was done correctly and appropriately, and he thinks that they are relatively easy to address. He concluded and stated that he knows the Applicant probably hasn't had time to review our memo yet, but the remaining comments are relatively minor and he agrees with Mr. Smith and that if the Board so chooses, it's probably a good time for the Board to consider whether to schedule a Public Hearing. Our comments are not anything that we think needs to be addressed prior to that. Mr. Mattes said

he had another question in reflecting on where we are and where we started this from. He noted there was an issue with an adjacent property, which is Greentree, and he heard rumblings that it is about to come back to this Board. He did not know if they have or have not presented anything, but in the community itself, there are rumblings that this is coming back at us and prior to that happening, he wanted to keep in mind that one of the things that were generously offered by the owner of the property is that he would develop an access to the Greentree development through this property. So before it's finalized and they are off and running in construction, Mr. Mattes asked if there was any way to stir the waters and get some kind of an answer as to whether or not that is going to come back and bite us. Mr. Smith responded and said he would let Mr. Kearney or Mr. Martabano respond, and then he could fill in if needed. Mr. Kearney came to the podium and greeted everyone. He stated that they came in front of this Board for a referral in September 2023, when they just got the green light from the Town Board. The question was asked, would you grant access to the proposed property and he stated at the time, nothing is attractive to us about it however we will. We have never turned any Board down in this Town. We have had tremendous success in this Town, and one of the reasons for it is because of our working relationship with this Town. He noted that when he came back in front of the Board, probably last spring, he reiterated that offer. Mr. Kearney stated that he thought during the summer, there were questions and so forth – did he or did he not say it. So he clarified it and put it in a letter and it still holds true. He stated that his handshake is everything in this Town. He stated this is a certain development with a certain feel. It doesn't benefit us, but we will do that, and we will work to make it as seamless as possible. We would make a connection right up to that property line with the Board's approval. Further to that, Mr. Martabano had a phone call from the owners over there, discussing how it would work and the nuances and stuff and there was a letter that their attorney sent to the Town, and Mr. Martabano sent a response letter clarifying what our understanding was - and the clarification was that, yes, we will do this - there are things to be worked out, but we will do it. One of the concerns was that this isn't real yet. Mr. Kearney said he did not know, but he thought it was pretty real because they have the rezone, they have the State Environmental Quality Review (SEQR). He indicated that he did not want to be presumptuous in front of this Board - but it is real. He reiterated that they did state it and if something happens to him, his son knows. We can put that in we are comfortable with that. He noted they have not shown on the plan an exact connection point, but they can. There are a couple nuances. We have a Home Owners Association (HOA)- how is that going to work. He said he did not know- but there is always a way to figure it out. So the answer is yes. Mr. Kearney said he had a couple more things to share on the community center. Mr. Martabano and Mr. Baroni are having a detailed discussion about after how many units of Certificate of Occupancy (CO) and he was smiling, because when we did the Crossroads project, if you remember, he was not in favor about doing that commercial building. But it got approved and then somebody asked how do we know he's going to do what he said he is going to do. Then the Board came up with the idea to hold the CO on the last residential building until he hit a certain mark or progress on the front building. He thought it had to be framed, roof on, windows in and so forth. He then thanked the Board, because they probably would not have moved as fast as they did with that building and had the success that they have had in that building. Commercial is not their bread and butter but he thinks both he and his son learned a lot and it worked out pretty well. Mr. Martabano and Mr. Baroni are not leaving it to him this time, they are getting more detailed. It will come down to certain steps having to be done before a number of

units. Mr. Kearney added that they are looking forward to building the community center and that Councilman Clinchy is still trying to get him to extend it. But they have set it up in a way that it can be added on to at a later date and they are very proud of that. He thought that it will really be a benefit to the community. Mr. Martabano stated that he wanted to point out that the letter that Mr. Kearney referred to was sent to the Zoning Board of Appeals (ZBA) along with a copy to Mr. Baroni and indicated that he would be happy to send a copy to the Planning Board. He noted that it was sent out less than a month and a half ago. Chairman Gannon replied thank you. She then asked Planning Board Attorney, Mr. Michael Towey if there was anything that he wanted to add. Mr. Towey responded that he would defer to Mr. Robbins and Mr. Smith regarding whether or not to schedule a Public Hearing. He did note to the Board, given that if they have not had a chance to review the soil testing reports, that they may want to wait. Mr. Towey added that he had one question for the Applicant. He and Mr. Baroni were discussing access to the County Sewer District and Mr. Baroni asked for an update. He stated if they wanted to send that via email that would be fine, but otherwise they were just curious. Mr. Kearney responded that the process has not been as fluid as his other ones. He noted he had done this three or four times, but there's a disconnect with some paperwork, but that seems to be on track. They have the will serve letter from the County, and they are hoping to be on the Board of Legislators' meeting soon. He did not know if that meant as soon as Monday or if it goes into December, but the last he heard, there were questions and they answered them. There were more questions in the beginning of September and they answered those as well. And, then there was a question probably two or three weeks ago on what the estimated final assessment was going to be after buildout and he worked with the Assessor on that and is hoping that is the last piece and then they should be in good shape. Mr. Williams said he had one more thing to clarify. The soil management plan was included in their submission, so everyone should have received a copy. Mr. Towey responded that he was operating off the comment earlier – they hadn't seen it and he discussed it with Mr. Baroni earlier. So his comment to the Board was that until they have an opportunity to review it and generate questions, that they may want to delay opening the Public Hearing. It is in their discretion whether or not they want to schedule. However, the alternative would be to schedule to open it, open it, and then adjourn it until they have that opportunity – it is in the Board's discretion. Mr. Kearney wanted to touch on the soil. He noted that this is not a situation that is uncommon to them. They just built a complex in the Town of Lloyd in Highland – a former orchard. They worked with the soil management plan. There was testing done before they moved some of the soil and then they did post testing and checked the endpoints to assure that after we moved it, everything is below certain levels, and that soil stayed on site. As far as soil management, both he and his son have done eight brownfields. This is not a brownfield. It is not elevated. The results here were nothing very alarming. He indicated that they were mixed. There were a lot of no detects, but there were some that exceeded. He stated that it is totally manageable - mixed results, but very manageable and they are hoping that they do what they did in Lloyd - come up with a soil management plan. If not, as they are going through this, because it is an approximation, when we are dealing with this, we take our end results, and if it's more than what we thought, then we have to export because they have to hit a certain level. Mr. Kearney spoke of several brownfields that they have done that involved soil management plans and that they are familiar with this process, and they manage it themselves through their subcontractors. They work with their environmental consultants- but they are hands on. They have their own construction company, and when it comes to the soil management plan,

he and his son are in charge. It is another step in the process and he encouraged everyone to read the soil management plan. Mr. Kearney advised Mr. Robbins that he saw his comments and he sent them over to his environmental consultant and asked him to help him come up with some more approximates. But there's nothing in there that is alarming to him. Chair Gannon indicated she had a question for Mr. Williams related to his response to number 39. The comment read as follows "The Applicant proposing creation of a 2:1 steep slope, downgradient of lots 46 and 49. The Applicant shall explain how creation of these steep slopes will not cause adverse impacts downstream, especially noting that this abuts right against the wetland buffer." Chair Gannon noted that there was something in his response that she was trying to understand. It read "Stormwater runoff from the buildings and the road immediately uphill of the referenced area is being captured and conveyed by the proposed stormwater collection and conveyance system." Then it was the next sentence that lost her. "The reference slope will be vegetated with erosion control matting and will mainly experience sheet flow across it." Chair Gannon then asked what mainly experience means. Mr. Williams responded that is because he is an engineer and it takes a whole lot for him to actually express a qualified term. He continued and stated that the way that slope is designed is we are going to be picking the runoff. He noted that there is not a large uphill tributary area at that slope and generally, when we think about sheet flow versus the next step in flow, shallow concentrated flow, that typically occurs beyond 150 feet. Without that large uphill tributary area, there's going to be sheet flow over that slope, 2:1 slopes are not atypical in construction, and what you really have to worry about when you build them is making sure that the vegetation gets established on them properly. And the real trick is how you put the erosion control matting on them. Mr. Williams noted that he and Mr. Robbins probably see more often than they like that if you don't anchor the matting properly and not only at the top of the slope, but throughout the whole slope it doesn't bond well enough with the soil to get the vegetation started. Then at that point you get railing underneath the matting, that does not become evident until later on. Where these slopes are designed, the minimal uphill tributary area, which is what he was talking about in that response, is why these slopes are going to be okay. He stated that if he had a large tributary area with a large running slope where he would actually start to see concentrated water before he hit the top of the slope, we would pick the water off differently. Chair Gannon responded okay and asked if we could discuss sidewalks – which was number 45 in Mr. Robbins memo. Mr. Williams responded that the way the community is designed is that they are going to have a sidewalk on the lower side of the road. The comment was made, should you put sidewalks down both sides. Mr. Williams stated that he is in an ever-competing battle with everyone in the stormwater community telling him to create less impervious surfaces. The buzzwords on the street are, you should go back to Planning and Zoning and talk about narrowing roads, but at the same time he runs into New York State Fire Code, which actually tells us we should widen roads. So he ends up in this tussle. When we look at a townhouse community like this, and how it's going to be experienced and how it's going to be used, he does not believe we need that much impervious surface or that sidewalk on both sides of the street. So as of right now, we just have the one side. It's typical for how we do townhouse communities. And then in the latest comment, there was some additional questions about crosswalks. Mr. Williams stated that he honestly needed to talk them over with Mr. Robbins, but it's something they are happy to look at once he understands the comment a little better. Chair Gannon responded okay, so crosswalks will be discussed. Mr. Williams responded and stated in certain areas where we are crossing a roadway, crosswalks makes

sense. Mr. Jack Mattes stated that he believed there was a response to one of Mr. Robbins' questions earlier that he saw when he came in tonight regarding the fact that no other development of this type even has sidewalks - that was an answer - why only on one side. Mr. Mattes said if that's true, it's great. We appreciate the fact that there is a sidewalk - one side or both. Mr. Robbins indicated that they asked the Applicant to provide to the Board, via their comment, to have exactly this discussion so that the Board may understand the process that the Applicant has undergone and how they make decisions around this and the evaluations that they have done around circulation, access and these kinds of amenities. Mr. Robbins stated that he would agree that there are a lot of communities in Somers with similar density that don't have sidewalks, and in some cases, it might be appropriate. In other cases, it presents a challenge to the residents of that community. He thought that it's reasonable in this case, in his opinion, for the Applicant to say they are putting a sidewalk on the side of the road that has the most units. This isn't a through-fare. People who are coming into this community are presumably part of this community. This isn't connecting a main road on the other side where you have a lot of through traffic. It's a dead-end, it's a circulation and with the limited number of units that are there it is not a multilane highway that they will be crossing to get to the sidewalk on the other side. He then noted that it is not his decision though - it is the Board's decision. We wanted the Applicant to justify what they had presented, and that was the reason for their comment and why it was ordered that way. We were not trying to lead them astray, we were trying to make sure that the Board got the information it needed to say yes - we're okay with that, or no, we think it should be something different. Mr. Zaberto asked to refresh his recollection on the parking plan and whether or not the unit owner will park on the unit property or on the street. Mr. Williams responded and stated that they have garages and also have driveways. He indicated that they have more parking than they need. As of now they have 162 spaces in driveways, 81 garage spaces and 70 visitor spaces - which is more visitor parking than they have in some of their previous communities. He also added that he thought it was important and they spread that visitor parking throughout the development to try and pick locations that are convenient to sectors of the development. While referencing the plan Mr. Williams pointed to an area and stated that they didn't stack all the visitor parking there where there are no density of units. They scattered and spread those 70 spaces throughout. So on holidays when people come to visit there is a little bit more parking. Mr. Zaberto responded that he understands that and the reason why he asked that is, as they may know he has done some spearheading of sidewalks for the Town of Somers and kind of got that initiative started about 15 years ago. Mr. Zaberto stated that he is apt to believe that one sidewalk is sufficient, in the sense that if we're not relying on street parking, an individual can cross the street and walk on the sidewalk to go to the neighbor's house, or they can choose to walk in the street - to your point it is not a through-fare. We don't anticipate a ton of traffic, other than residents coming in and out, maybe some service vehicles here and there. So from a safety perspective, he thought the fact that there is even a single sidewalk through the project, in his eyes, is sufficient. You over concrete things, and we start looking like an urban development, and we all know that is not what Somers is about. We try to keep this as rustic and as bucolic as possible, and yet maintain density for 82 families. So in his opinion, he thought it was a good trade off. Mr. Anthony Sutton asked if there was some kind of planning standard that predicts foot traffic for a development like this. It seems like people probably wouldn't even walk out to the recreation center and that they would probably drive towards it from the other end of the development. He added that he would find it hard to believe that two sidewalks

would be necessary for the amount of people living in this development. Mr. Williams responded that as far as a guidebook, or a building code to go to, there is not. There are sidewalk design standards. But, as far as should your community have one or two – he thinks it is kind of based on how you see the community experience, the type of environment and community you're in at large. We're certainly being more respectful of multimodal transportation and site design than we probably ever have been. Mr. Williams stated that he thought having a sidewalk in this community is an important feature. It is an area where sometimes you do want to ride your bike in the street. He added that he happens to live in a neighborhood where that still happens, but at the same time you also want to give your residents an option to walk with a stroller or maybe walk their dog in an area where they don't feel the pressure of dodging cars. We also want to create that pedestrian feel, because we're next to a nice shopping center, and we are going to have sidewalks to continue to that shopping center through the road network and tie into the Planned Hamlet sidewalk network. Mr. Williams indicated that he thought carrying the sidewalk and encouraging walkability is an important thing and would not want to see this development with no sidewalks, but thinks that one is appropriate and not over sidewalking it and he thought Mr. Zaberto's comment was right on point. It's a little out of character in our community. Mr. Zaberto responded, he agreed, considering that we've gone years without sidewalk development, and we're still in its overall infancy stages. He added that he thought it is a small bite and thinks it is appropriate and the option for the walkable community is there. He stated that studies have shown that it's good for resale, it's good for home values and it is good for attracting young families with kids to strollers - like you said, and all of that sounds like Somers to him. He thought one sidewalk would be appropriate, and in his opinion, did not see the need for two. Chair Gannon stated she tends to agree and noted that everything we're hearing on a public health basis is that walking is very healthy. She then stated that anything we do to encourage that with connectivity is going to be a good thing. She noted that where she lives there are no sidewalks and a constant stream of people walking by - so you don't need sidewalks to have people want to walk. But she thinks it's best to provide something so that people can walk safely and not be in the flow of traffic. In addition, you don't want drivers to have to be skirting walkers if you don't have to. Mr. Bruce Prince asked how many visitor parking spaces there were. Mr. Williams responded 70. Mr. Prince asked about the garage and driveway spaces. Mr. Williams responded they have garages here as well as two spaces per unit in the driveway. He noted that the driveways are wider than the driveways in Hidden Meadows, so that makes 162 spaces there. There's also a space in the garage if a tenant wants to use it, and then we also have 70 visitor spaces. Mr. Prince stated, so there are three spaces per unit. Mr. Williams responded almost, we're right there because we have 81 units and 70 visitor spaces. Mr. Prince indicated that the reason for his concern and why he brought this up is because Heritage Hills is running into problems. There is not enough visitor parking, because there are residents with three and four cars, and it becomes a difficult situation. Mr. Williams responded that was actually one of the conversations we had in this forum a couple of years ago. As part of the original plan, they were in the 50s for visitor parking, and in working with your Board, we increased that amount. He added that they share Mr. Prince's thought on that and want to make sure they have enough spaces. Chair Gannon stated, somewhat on a related topic of paths and walking, items number 47 and 48 coming off your memo were about the wood chip trail that goes between the community center and the dog park. On 48, the question from Mr. Robbins was, "The applicant shall clarify if there's any proposed grading for the proposed dog park area along the connection

pathway to the community center.” And the response was “No grading is proposed within the dog park and connecting pathway, as existing grades fall within ADA accessible route standards.” Chair Gannon then asked if a wood chip path considered an ADA accessible pathway. Mr. Williams responded it is not and that is one of the things they are talking about internally and whether or not that trail needs to be a more stabilized surface. Chair Gannon responded good, so that is to be further discussed. She then asked if there was a discussion about irrigation. She thought she recalled seeing a question about the amount of water and the response was there won't be irrigation so it becomes a non-issue. Mr. Sutton responded that he took that to mean there are no sprinkler systems. Mr. Williams responded yes, we are not proposing an irrigation system in the community. Chair Gannon asked if you're not proposing an irrigation system within the community could you nevertheless have individuals who purchase the home and then want to put irrigation in front of their home - she has seen that happen by her neighborhood and wanted to know if that would need to be accounted for. Mr. Williams responded that he did not believe the HOA agreement would let somebody do that. Chair Gannon replied okay. She then indicated that she had another question relating to the seven phases and asked during what phase would the five units that are going to be at the 120% of the AMI be built in. She indicated she was just curious and it is kind of related to the “it gets built” sort of issue. Mr. Kearney stated it will get built, but that is a great question and then deferred to Mr. Martabano who indicated that he and Mr. Baroni have not discussed that but he does not know that it belongs in the Community Benefit Agreement. Chair Gannon responded no. Mr. Kearney noted that these five units are interesting and that he has done a lot of affordable workforce and so forth. But, these five don't have any type of government involvement at all. It was something that they discussed with the County and 120% is pretty unique. And it goes up to a family, which he thinks \$170,000/\$180,000 but yet purchase price will still be, he thinks below \$600,000 is pretty good. He noted that was like the starting purchase price for the market rate units at Hidden Meadow. He stated that timing wise they would have to do something similar to what was done at Crossroads where they can't get the final CO's until they are up and framed - something like that, whatever you think is agreeable.

Chair Gannon stated that she also had a question about the lighting plan. In thinking back to Public Hearings on previous developments that happened up in Baldwin Place she recalled people from the public who came and were concerned about the amount of lighting, and that they wouldn't want extra lighting flowing on to where they were. She indicated that when she looked at the lighting plan, it had an image of a light that was sort of more rectangular, and it did not necessarily look like light was being cast down. She then asked Mr. Williams to walk her through the lighting plan, and describe the fixtures, and indicate whether the lighting is different in the residential area versus in the parking for the community center. She would just like the overall sense, because she is not a lighting expert, but she did see that fixture, and was a little concerned, because it didn't look like it was pointing down. It looked decorative, but not necessarily like it would give someone a sense that light wouldn't be shining in all directions. Mr. Williams responded a good pick up from the picture. He stated that it is actually a light fixture, that many on the Board are familiar with. It is the one used at Hidden Meadows as well as the Mews I & Mews II. It's a globe style, so it's a little bit more historic looking, but it does come with a top cap, and the light sits up into the top cap, and it has house side shields on it. So the light - the glass will glow like a historical light would, but you don't actually see the light because of where it sits in the fixture. Chair Gannon responded

okay, because those pieces were not included in the image. Mr. Williams responded that he agreed, it is tough to see in the image because the picture looks like it is still a translucent top, but it's the light that you guys have actually seen in Hidden Meadows and elsewhere. Chair Gannon then asked if Mr. Williams could speak to the intensity of the light and if it was different in the residential versus the community center and dog park. Mr. Williams responded that they are actually proposing just a single 14-foot pole throughout the community and the community center. They did not switch to a more commercial lighting – they kept it similar. While referencing the plan, he noted that they are kind of lucky in that they are in their own little island - kind of nestled down with where the conservation easement area is, and how that creates a high point that then comes back down and they sit on the other side. Even from our neighbors to the west, we're kind of nestled down in a hill, and we're in our own little valley. Chair Gannon asked if the people who are over there on the left-hand side, next to where it says North County Trailway. Mr. Williams responded there's going to be up and down on the gradient. And if you remember, this is actually the part of the Trailway that sits in the valley. As you come, you're at the same elevation as the homes and the ponds behind Meadow Park and then the grade goes up and then comes back down, and then we're on the far hill. He noted that the light spillage was kept tight to the area development.

Chair Gannon stated that was the last of her questions and asked the Board if they had any other questions and/or comments. There were none. She then asked what they thought about scheduling to open the Public Hearing in December. Chair Gannon advised the Applicant that the next Planning Board meeting was not on the usual date in December. Due to a scheduling conflict, the December meeting is going to be December 17, 2025 which is the third Wednesday, at 7:30. She added that based on everything that she heard, she would be comfortable with scheduling to open the Public Hearing on that Wednesday, and get the discussion started, and hear what the community has to say. In the meantime, you can keep working on information exchange and the gathering of more information. We can all think about what we heard tonight as well. Mr. Zaberto stated that he would be willing to second that motion and that he appreciated Counsel's advice about the soil reports, but the Applicant has been at this for 30 years and he trusts that he knows how to mitigate this. We will get it, and we will review it, but he thinks the public will have an opportunity to give an opinion, probably even before December 17, 2025 - they can access the soil report when it gets published to the Town of Somers website. He then seconded the motion to open the Public Hearing as soon as possible. Chair Gannon asked if there were any other feedback or concerns. There was none. She then stated that we have a motion and a second. All in favor. Motion passes. The Public Hearing was scheduled to open December 17, 2025.

3. REFERRAL BY THE SOMERS TOWN BOARD FOR A PUBLIC HEARING ON AN APPLICATION FOR FLOATING ZONE DESIGNATION TO ACCOMMODATE A SOLAR ENERGY SYSTEM ON THE PUTNAM/NORTHERN WESTCHESTER BOCES CAMPUS

Chair Gannon stated this should be familiar to us as we just discussed this two meetings ago. For the record Chair Gannon stated that the Town Board has received a request to apply a Solar Energy

System Floating Zone from the Putnam/Northern Westchester Board of Cooperative Education Services (BOCES) to be applied to approximately 11.8-acres of the BOCES campus located in the Town of Somers. The proposed action is a zoning map amendment to designate an approximately 11.8-acre portion of the BOCES campus as a Tier 3 Energy System.

Chair Gannon asked Consulting Town Planner, Mr. David Smith to provide some context. Mr. Smith noted that as Chair Gannon had alluded to, the Board had discussed proposed Zoning Text Amendments and this was a response to BOCES wanting to install a Tier 3 system on their property. At that time, that type of use was not a permitted use in the Town Somers. So, the Somers Town Board went through the process of crafting zoning language that would allow for that type of use. In addition, we had talked about the Tier 1, which is a much smaller system, and is really meant for applications on individual residences or commercial establishments. Those Tier 1 systems would just go to the Building Department for a Building Permit. He indicated that Tier 3 given that they are larger, limited to either a public school or a school of higher education, the property has to be 12 acres or less, and it has to be in the R-120 Zoning District – so, really that only applies to the BOCES facility in addition to two of the Somers School District properties, Lincoln Hall and JFK. So, that type of use is extremely limited within the Town of Somers. Mr. Smith asked Planning Board Attorney, Mr. Michael Towey to comment if he misses anything - but the intent was that these facilities serve the public. They serve the Town of Somers and the BOCES actually serves a larger constituency. The intention was that this is a benefit to those institutions, which in turn lowers their operating costs and that savings gets passed on to the constituents, the Town of Somers constituents, or for the people who use the BOCES facilities. And so that was really the thought process behind the Town wanting to limit that type of use to just those types of areas. The text amendments were adopted, they were approved, and now BOCES has submitted a formal letter that was part of the Public Hearing notice asking to have the district apply to that portion of their Somers campus, and that the location and the Site Plan have been provided as part of the Public Hearing Notice which you have. So procedurally, the Town Board referred this, and they refer Zoning Text and Zoning Map Amendments to the Planning Board as a requirement under the Town Code. As you recall, there's an issue with timing, and because the Town Board needed to meet on December 10, 2025, which was your normal meeting, that is why the process was expedited a bit so that you could have a chance to review this referral and get back to them before their meeting on December 10, 2025. Mr. Smith added that was really the intention here. He indicated that BOCES was having a community meeting with the neighbors tonight about their application. So, the neighbors in that immediate vicinity would have an opportunity to discuss this directly with BOCES and their proposed action. Mr. Smith concluded and stated that for now, the action that you are considering is just the application of the Floating Zone to that specific portion of the BOCES campus and with that he asked Mr. Towey if he had anything to add or clarify. Mr. Towey replied that he could not have said it better himself and that Mr. Smith also nailed this entire procedure, which he should get credit for. Mr. Towey stated that he gave the Town Board an update on the status of the project, and that BOCES has commenced site preparation. They have a deadline of December 31, 2025, where they have to construct or complete 5% of the proposed array, which includes clearing, establishing the driveway and commencing the infrastructure necessary to install the panels. He indicated that they have not reviewed any of those agreements- they were not privy to them, so he could not speak particularly

to it, although he, Mr. Smith and Consulting Town Engineer, Mr. Steve Robbins were involved in a lot of negotiations and discussions amongst BOCES. He stated that Mr. Robbins was involved with the review for the Stormwater Prevention Plan and other stormwater concerns with the New York City Department of Environmental Protection (DEP), and we were involved with discussions with the Highway Department and Superintendent DeVito and Mr. Tooma from the Building Department regarding Bureau of Fire Prevention concerns and Highway Department's concerns regarding the driveway. BOCES has agreed to all their requests, so they are in the process of drafting an Intermunicipal Agreement which will cover those requests and ensure that BOCES or Johnson Controls, the actual contractor will comply with them. Mr. Towey said that tomorrow he intended to drive by the campus to determine to what extent they have commenced work. He requested it from their attorney, David Shaw. There was a lot of discussion last week in advance of the Town Board meeting, but he has yet to receive the actual timeline and extent of work that will be conducted from now through December 31, 2025. Otherwise, he did send the placard for the Building Permits approved by the Department of Education, which, according to the local law, at least the last draft he saw before, exempts the project from Site Plan review and Special Exception Use Permit, so long as the Commissioner has endorsed the Site Plan specifications and those are filed with the Building Department. Chair Gannon inquired if he had the evidence that has happened. Mr. Towey responded he is working on that and he received what is posted in the window when someone gets granted a Building Permit, and he has requested the others. He was told that they received 20 Building Permits issued by the Department of Education (DOE) signed by the Commissioner and he is waiting on receipt of those. He indicated they are holding their feet to the fire. This has been an ongoing thing for 11 months now and he will have a better update for the Board once he performs the site visit and gets a response. Chair Gannon responded okay and asked if on their part they need to send a memo to the Town Board saying we have no objection. Mr. Smith responded if that is a consensus of the Board, we can certainly relay that back to the Town Board. Chair Gannon responded that her feeling was that the purpose of why we were considering doing this was to make it available for BOCES to be able to do the solar work on the site – so she is in favor of sending a memo stating we have no objection to the application of the floating zone. Mr. Christopher Zaberto responded that if that is a motion, he would second that.

Mr. Paul Ciavardini stated he had a quick question on this and asked if it was correct to assume that the land with the yellow outline is the BOCES campus. Mr. Towey responded that is the site of the array. So, if you are on Pines Bridge Road, where it intersects with Moseman Avenue, there is a large open field, approximately 12-acres to the west that will be the site of the solar array. Mr. Ciavardini then said so it is the red field. Mr. Smith asked Mr. Ciavardini if he was referring to the tax map. Mr. Ciavardini responded yes. Mr. Smith replied that the area that is outlined proposed solar energy Floating Zone designation is approximately 12-acres and that is where the Floating Zone would be applied, and that the following page is the array itself. Mr. Ciavardini stated that the BOCES campus itself is much larger. Mr. Smith responded, yes, it is 247-acres. Mr. Ciavardini responded okay and that he was just curious why it was decided to put that array right along Pines Bridge Road as there seems to be a lot of land there. He indicated that he travels that road pretty frequently, and it's a nice wooded road and he is wondering if it is part of this Board's jurisdiction to understand why it was decided to put that right there, because it feels like that is a ton of road frontage. Mr. Smith responded that is a good question and stated that there is

vegetation currently along the road and it is his understanding that is going to remain. Whether they enhance that with additional landscaping- that is a fair question to ask, and you may want to add that as a comment back to the Town Board. Mr. Smith added that looking at the plan itself, just to the west, there's some fairly steep grades, and so he thinks where they are proposing the solar arrays probably makes sense for them, because it is in the correct location to capture as much sunlight as possible, and the terrain is not as difficult to work with as it may be if you move further to the west which is why he suspects that was probably why they picked that specific area as the optimal location. Chair Gannon stated as you move over to the left the slope is increased. Mr. Smith responded yes, the topography gets much steeper. Mr. Anthony Sutton stated that he thinks there is a roadway or driveway there from the previous entrance that was there many years ago. Mr. Smith responded, yes it may be an informal or it needs to be improved to a standard. He stated he thought the Town Highway Department has suggested to include this as a design feature for that and that he thought that is what Mr. Towey alluded to with respect to the coordination between both the Town and BOCES and their contractor. Mr. Christopher Zaberto stated with the DOE exemptions, they won't be in front of us with the Site Plan - correct. Mr. Smith responded correct. Mr. Zaberto replied, that is unfortunate – he doesn't think they have to answer those questions – right. Mr. Smith responded he thought the Planning Board could certainly have it as a comment in the response back to the Town Board and the Town Board could pass that along. In addition, Mr. Towey is in constant contact with the BOCES representative, and he could certainly let them know the concerns that came up at the Planning Board meeting. Mr. Towey indicated that BOCES did do an informal meeting with neighbors along Pines Bridge Road back in February of this year and one of the concerns was appearance and the neighbors requested screening. Mr. Towey indicated that he has not seen any design plan for screening, but the BOCES reps have told us repeatedly that they intend to screen along Pines Bridge Road to prevent people from having to look at the array from their front doors. Mr. Ciavardini asked if we know how close the array is to the actual road. Mr. Towey stated it is not a big area and he has driven by it a number of times. He is assuming, given the degree of screening he thought the panels which are 8-feet tall would be angled but did not remember the degree of the angling. So, depending on the extent of the site work and grading they do, if they were to remove a lot of soil to make it as level as possible, they may reduce the view shed for the panels themselves. Mr. Towey added that they are going to install a 6 or 8-foot fence at the request of the neighbors, or some other form of screening- but he can confirm that. He also stated that he would think that given the sheer magnitude of the array that it will probably get fairly close to Pines Bridge Road, but he could not speak for certain. Mr. Smith responded that you can look at the plan that was submitted, and it's hard to tell at the scale, but looking at it on a computer, you can blow it up and see that there is probably at least 15 to 20-feet of separation between the proposed array and Pines Bridge Road - in fact, it may be more. Mr. Towey asked if the road has to be built to accommodate a fire apparatus entering it. Mr. Smith responded yes. Mr. Towey responded to be fair distance maybe 30 to 50 feet - it could be longer so a further distance from the road. However, when you drive along Pines Bridge Road, as you said, you look into that field, and it's right there - a shallow ditch and then you're at that field and the tree line. How proximate, he cannot say exactly. Mr. Anthony Sutton stated as far as he understood, based on presentations to the Fire Board the array was going to be surrounded with a perimeter fence with a gate for access and maybe we can request to consider putting some slats in the fence along the roadway so that it further shields it. Mr. Towey responded that in his opinion,

you should put whatever comments you like to the Town Board. Mr. Ciavardini said he would comment to keep it as natural looking as possible otherwise it is going to look like a scene from Mad Max. He added that he knows there is some tree covering over there and to try and disguise it as best they can. He indicated that it is unfortunate that it has to run right down Pines Bridge Road considering the amount of land they have there, but he does recognize the angles, topography and sun. He added that he was not sure what kind of fences would be used for screening but he would not want to be living across the street from that. Chair Gannon made a motion to have Staff prepare a memo to the Town Board stating that that the Planning Board does not have objection to the application of the floating zone as described in the notice, but does note that there is some vegetation there and we would like the Applicant to make an effort to maintain the existing vegetation and perhaps put in supplementary vegetation and/or fencing as needed to preserve the view shed. Mr. Christopher Zaberto seconded the motion. All in favor. Motion passes.

MEETING ADJOURNMENT

Chair Vicky Gannon wished everyone a Happy Thanksgiving and indicated the Planning Board's next meeting is on Wednesday, December 17, 2025, at 7:30 p.m. at the Somers Town House.

There being no further business, on motion by Chair Vicky Gannon, seconded by Mr. Jack Mattes, and unanimously carried, the meeting adjourned at 8:59 p.m.

Respectfully submitted,



Nicole Montesano
Planning Board Secretary