

Vicky Gannon, Chair
Rick Bohlander
Paul W. Ciavardini
Damien DeSantis
Jack Mattes
Anthony Sutton
Christopher Zaberto

Town of Somers

WESTCHESTER COUNTY, N.Y.



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SOMERS PLANNING BOARD AGENDA SEPTEMBER 9, 2026 7:30 PM

MINUTES

Draft Minutes for consideration of approval: August 12, 2026.

TIME EXTENSION REQUEST

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

Request for the 37th 90-day time extension for Granite Pointe Subdivision, Re-Grant of Final Subdivision Approval, Wetland and Watercourse Protection, Steep Slope Protection, Tree Preservation, Stormwater Management and Erosion and Sediment Control Permits, as per Resolution 2017-10, from October 3, 2026 up to and including December 31, 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.

CONTINUATION OF PUBLIC HEARING – ADJOURNED AT THE APPLICANT’S REQUEST

- 2. VEOLIA WATER NEW YORK, INC. – HERITAGE HILLS WATER TREATMENT PLANT SITE PLAN, WETLAND AND WATERCOURSE PROTECTION, STEEP SLOPE PROTECTION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL AND TREE REMOVAL APPLICATIONS
TM: 6.20-10-13**

The project will consist of the installation of a new PFAS (Polyfluoroalkyl Substances) treatment building to house granular activated carbon (GAC) filtration vessels, which are to be used to reduce PFAS to regulatory compliance levels. The existing sodium hydroxide chemicals that feed the system will be relocated to dedicated rooms within the new building. An aboveground chlorine contact tank will be installed to replace the existing chamber. The project will also include a paved driveway, an underground

stormwater tank detection system, and an above ground spill containment pad. The property is located in a Designated Residential Development Overlay District (DRD).

PROJECT REVIEW

- 3. 3 ARTHUR COURT-PRELIMINARY SUBDIVISION APPROVAL AND STEEP SLOPE PROTECTION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL AND TREE REMOVAL APPLICATIONS – ADJOURNED AT THE APPLICANT’S REQUEST**
TM: 17.09-2-8

The Applicant is proposing subdividing the property into two (2) lots and the construction of a common driveway and retaining walls to provide access to both properties, as well as the necessary stormwater mitigation measures to treat the runoff from the development. The existing residence and associated existing site improvements are to remain on Lot 1 with a new residence, pool and patio to be proposed on Lot 2. The property is located at 3 Arthur Court and is in an R-40 Zoning District.

- 4. 9 SUN HILL ROAD -WETLAND AND WATERCOURSE PROTECTION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL APPLICATIONS**
TM: 47.12-1-14

The Applicant is proposing construction of a single-family home on an existing vacant lot; including septic, well and stormwater improvements. It will also include the realignment of a Town drainage pipe and a drainage easement modification. The property is located at 9 Sun Hill Road and is in an R-80 Zoning District.

MEETING ADJOURNMENT

**The next Planning Board Meeting is scheduled for
Wednesday, October 14, 2026 at 7:30pm.**

Agenda Subject to Change

Vicky Gannon, Chair 1
Rick Bohlander 2
Paul W. Ciavardini 3
Damien DeSantis 4
Jack Mattes 5
Anthony Sutton 6
Christopher Zaberto 7
8
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SOMERS PLANNING BOARD MINUTES AUGUST 12, 2026 7:30 PM

ROLL

MEMBERS PRESENT Chair Vicky Gannon, Rick Bohlander, Damien DeSantis, Paul Ciavardini,
Jack Mattes, 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 that participants please stand for the Pledge of Allegiance.

Chair Gannon then stated that it is long-standing policy of the Town of Somers Planning Board that it does not allow public comments on matters that are not before the Board for a Public Hearing. Members of the public are welcome to submit written comments to the Board, which are reviewed by the Board in advance of the meeting. For matters that require a Public Hearing, we ask that those choosing to comment come up to the podium and clearly state your name and address for the record as this Public Hearing is being transcribed. Please try to keep your comments to three minutes so as to provide an opportunity for all members of the public wishing to comment an opportunity to do so. Please do not repeat comments or issues as they are being duly noted for the record. Chair Gannon then added she is reading that though Veolia has asked to adjourn for tonight, but she just wanted to get that on the record.

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

MINUTES

Chair Vicky Gannon stated the first items for consideration are the draft minutes from the June 10, 2026, and July 8, 2026, meetings. She indicated the minutes are extremely helpful. She then asked if there were any comments and/or questions on the June 10, 2026, minutes. As there were no comments, Chair Gannon made a motion to approve the minutes as submitted. Mr. Jack Mattes seconded. All in favor. Motion passes. Chair Gannon then asked if anyone had any comments and/or questions on the July 8, 2026, minutes. There were none. She then stated her only question was to Consulting Town Planner, Mr. David Smith. She indicated the minutes note that she left the room because she had to recuse, and that Mr. Mattes turned off his camera, but the minutes do not explicitly state that she re-entered the room, but she is noted as speaking later in the minutes, so it is clear she returned. She then asked if the minutes should include, for the record, that both people returned to the meeting. Mr. Smith indicated that he thought it was enough as it is, but asked Planning Board Attorney, Mr. Michael Towey to opine. Mr. Towey responded that he did not think it is necessary, but if Planning Board Secretary, Ms. Nicole Montesano wants to add an annotation in brackets noting that Chair Gannon re-entered the meeting and Member Mattes turned his camera came back on to establish it for the record that would be fine. He then stated there are full videos of all these meetings on YouTube. They are available to the public, which is accepted as minutes too, as long as it is not edited. He indicated that to make the record whole the revisions can be made. Chair Gannon responded, okay, very good and then made a motion to approve the minutes with those two minor additions. Mr. Christopher Zaberto seconded. All in favor. Motion passes.

RESOLUTION DISCUSSION

1. ROCKLEDGE CENTER SITE PLAN APPLICATION 247 ROUTE 100 TM: 28.10-1-6.1

Chair Vicky Gannon stated that we are going to start with what was originally listed as the last item on the agenda, and that is a resolution discussion for Rockledge Center Site Plan Application. This is 247 Route 100 Tax Map 28.10-1-6.1.

The Applicant is proposing construction of an approximately 18,500-square foot addition to Building C at the Rockledge Center to be utilized as an athletic facility. The property is located at 247 Route 100 and is located in the Office and Light Industry (OLI) Zoning District.

Chair Gannon stated that we have a resolution ready for discussion and thanked the Applicant, Mr. Harrison Cook for coming. She then stated that the resolution looked fine to her and that the "Whereas" starting at line 147 includes all the notes about the Bureau of Fire Prevention, so that really captures that. The information about should there occur a significant change in the intensity of use, the Applicant understands and agrees to return for an amendment to the Site Plan approval, which she thought was important. In addition, the expiration date is now tied into the date of today's meeting. She stated the intensity was already there, the Fire Department information was added, and the date was corrected and as far as she was concerned, everything was good to go in the resolution. She then asked if anyone had any comments, questions, and/or concerns. There were none. Chair Gannon then made a motion to approve Resolution Number 2026-12, granting of Conditional Site Plan Approval, Groundwater

Protection Overlay District Special Permit and Stormwater Management and Erosion and Sediment Control Permit to 247 Route 100 LLC, Rockledge Center, formerly Pinewood Business Center, 247 Route 100 for construction of an 18,500-square foot two-story addition to the existing building complex within a courtyard area of the campus. Town Tax Number Section 28.10, Block 1, Lot 6.1. Mr. Jack Mattes seconded. All in favor. Motion passes.

Chair Gannon thanked the Applicant and then advised him that once the resolution is ready for signature, she will make arrangements with staff to come in and sign it. Mr. Cook responded perfect, thank you all very much.

CONTINUATION OF PUBLIC HEARING – ADJOURNED AT THE APPLICANT’S REQUEST

2. VEOLIA WATER NEW YORK, INC. – HERITAGE HILLS WATER TREATMENT PLANT SITE PLAN, WETLAND AND WATERCOURSE PROTECTION, STEEP SLOPE PROTECTION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL AND TREE REMOVAL APPLICATIONS TM: 6.20-10-13

Chair Vicky Gannon indicated that the meeting is back to the regular order of things. There is a continuation of the Public Hearing. Now the Public Hearing is being adjourned at the Applicant's request. So, in order to facilitate that, she will introduce the project, open the Public Hearing, and then adjourn it. But if somebody does want to speak, they can speak.

She stated this is Veolia Water, New York Incorporated - Heritage Hills Water Treatment Plant, Site Plan, Wetland and Watercourse Protection, Steep Slope Protection, Stormwater Management and Erosion and Sediment Control and Tree Removal Applications, Tax map 6.20-10-13. The project will consist of the installation of a new PFAS (Polyfluoroalkyl Substances) treatment building to house granular activated carbon (GAC) filtration vessels, which are to be used to reduce PFAS to regulatory compliance levels. The existing sodium hydroxide chemicals that feed the system will be relocated to dedicated rooms within the new building, an above-ground chlorine contact tank will be installed to replace the existing chamber. The project will also include a paved driveway, an underground stormwater tank detection system. In addition, an above-ground spill containment pad is being proposed. The property is located in a Designated Residential Overlay District (DRD). She then made a motion to open the Public Hearing. Mr. Christopher Zaberto seconded. All in favor. Motion passes. Chair Gannon then asked if there was anyone present who wanted to speak. There was no one present wanting to speak. She then made a motion to adjourn the Public Hearing, to our next meeting, which is going to be on Wednesday, September 9, 2026. Mr. Jack Mattes seconded. All in favor. Motion passes.

PROJECT REVIEW

3. 366 ROUTE 202 – SITE PLAN APPLICATION TM: 17.11-2-11

For the record Chair Gannon stated the Applicant is proposing site improvements related to the pavement of an existing gravel parking lot, paving of a gravel area adjacent to the access drive to the property and improvements to on-site drainage (the Proposed Project). The Project Site is also located in the

1 Groundwater Protection Overlay District which requires additional levels of detail and design. The
2 property is located at 366 Route 202 and is in the Business Historic Preservation (BHP) District.
3

4 Mr. Andy Cheung, P.E., from AC Engineering introduced himself via Zoom and stated that he is the
5 Engineer for the owners of the property, Ms. Karen Merritt and Mr. John Newell. He indicated that he had
6 the Site Plan on the screen and asked if he could share it. Chair Gannon let Mr. Cheung know that the
7 Applicants were also in the room. Ms. Merritt and Mr. Newell came to the podium and introduced
8 themselves. Mr. Cheung started by thanking the Board for allowing him to present the project via Zoom
9 as he could not get away from a previous obligation. He then stated 366 Route 202 is an existing office
0 building and spa that is located in the BHP District. For those of you who are familiar with the property,
1 there is a paved driveway that travels from Route 202 all the way up to the back of the building. It is the
2 intent of the owners to want to pave a section that is on the east side, which is bound by an existing two-
3 foot-high stone wall, and there is also an existing gravel area just in front. Using his cursor, Mr. Cheung
4 illustrated where the existing gravel area was. He stated it was mentioned that it is in the Groundwater
5 Protection Overlay District. So, they did contract Credere Associates to do a site investigation and prepare
6 a report. That report was circulated amongst the Board and also to Consulting Town Engineer, Mr. Steve
7 Robbins and Consulting Town Planner, Mr. David Smith. Credere Associates did not find any adverse
8 effects of additional paving to the groundwater. There was a design memo that Mr. Robbins had circulated
9 that talked about a couple of items that they will address. One of the items being stormwater. He indicated
0 as far as the stormwater plan, they had proposed to have a trench drain along the front of the entrance and
1 added that the front of the entrance trench drain would connect to two existing catch basins that are
2 maintained by New York State Department of Transportation (NYS-DOT). They had a meeting and
3 worked with Ms. Anne Darelus, P.E., from the NYS-DOT, and received verbal approval from them
4 saying that they can connect to the NYS-DOT catch basins. Mr. Cheung indicated that he was sure they
5 will be getting something in writing fairly soon, and stated that is basically the scope of the project - just
6 the additional paving on the east side along the stone wall and the gravel parking area in front. He added
7 that he thought part of the reason they want to pave this is for maintenance. Every spring, additional Item
8 4 needs to be brought in and compacted, just because over the winter there was plowing and as the snow
9 melts a lot of that sediment ends up going into those catch basins, which the NYS-DOT has to clean out.
0 So paving the additional gravel areas would kind of make everything a little bit cleaner as there would be
1 less sediment going onto Route 202. He concluded and stated that is primarily the main reason why the
2 owners want to pave those areas. He then asked the owners to feel free to pipe in with anything that he
3 may have missed. Mr. Newell stated he thought Mr. Cheung covered everything and stated it is not a big
4 area that they are looking to pave and the main part is already paved, so they are just looking at the left
5 side of the driveway and along the bottom. Chair Gannon responded okay and then asked Mr. Smith if he
6 had any comments. Mr. Smith responded yes, as part of the Technical Committee meeting that we had,
7 there was a discussion about some alternatives for stormwater management on potentially using the
8 adjacent property that is under the same ownership for the Applicant. He then asked if Mr. Cheung could
9 walk the Board through the pluses and minuses and why that was not considered. Mr. Cheung responded,
0 there were a couple of things to take into account. First, eventually when the owners decide to develop
1 that property there is going to be a future driveway that is going to enter from Route 202- just to the right
2 of the stone wall. In addition to that, they do not want to introduce stormwater from 366 Route 202 to the
3 adjacent property, just for fear of in the future, if the properties end up changing hands or is sold it could
4 be a little messy dealing with whose stormwater gets treated where. That was why they wanted to have
5 that conversation with NYS-DOT into connecting directly into their catch basins. Mr. Smith responded
6 thank you. Chair Gannon then asked Mr. Robbins if he had any comments. Mr. Robbins responded that
7 he appreciated that Mr. Cheung had a conversation with NYS-DOT and that they appear amenable to the

connection to the catch basins. He added that the Board would like a little bit more detail and more formal acknowledgement of that. He then asked if in that conversation, there was any discussion about an increase in flow or any concern about capacity of that infrastructure to handle increased runoff. Mr. Cheung responded yes, he had that conversation with Ms. Darelus and she did mention that they were increasing that flow. Ms. Darelus had her staff investigate the site to take a look at flooding in the area, and they determined based on our additional impervious area that, that area would not flood with their increased area draining into their two catch basins. Ms. Merritt stated when they came out to do an actual inspection, it was the day we had those torrential downpours. So they felt quite confident that on that day, if it was not going to create an overflow, it certainly would not have on a normal day. Mr. Robbins responded yes, as Mr. Cheung is aware, we typically want each site to manage its runoff at least to existing conditions, and any additional impervious surface be managed to existing conditions. So we will just need to discuss that with NYS-DOT and see how those two requirements can overlap. He then asked if either Mr. Cheung or the owners could speak to the silt fence and gravel that is on the site. Mr. Robbins then asked if that was part of maintenance activities or if any of that work relates to this project or is it distinct. Mr. Newell responded right now that is septic repair. Mr. Robbins responded okay septic repair. Mr. Cheung replied yes, there is an existing septic that is getting repaired. Mr. Robbins asked where that septic is on the lot and if it was in that lower area that is proposed to be paved. Mr. Cheung responded yes and illustrated with the cursor where one seepage pit that is proposed will be as well as where another seepage pit was. Mr. Robbins responded got it, you really do not have any room to do anything. Chair Gannon asked how that would work if you have septic and then you are going to pave over it. Mr. Robbins responded commercial septic systems are allowed to be covered with impervious surface - residential or not. Chair Gannon then asked about the functionality of it. Mr. Robbins responded that it is approved by the state and the county. Mr. Anthony Sutton then asked if it has to be pumped out on a regular basis. Mr. Robbins responded no, the underlying infrastructure is no different. Mr. Cheung stated there is still a septic tank that gets serviced every two or three years. In addition, the seepage pits act like a traditional leach field, like in your residence. Mr. Robbins then stated that we just want better confirmation from NYS-DOT around those flows, and that he thought it would be helpful in the updated survey to show the approximate area of septic if it was not already shown on the Site Plan. Chair Gannon then asked given that the gravel area that is running along the wall is all downhill - the flow will be going down faster. Mr. Robbins responded it is and so we would want some detail on that trench drain to make sure that it is sized appropriately to capture that flow before it gets onto the highway and he expects NYS-DOT would as well. He added that some of the things he was thinking about with this project and increasing the impervious area was is there an opportunity to use pavers or any kind of pervious area to get some infiltration to better control the volume and the rate of runoff that would be headed towards the road. It is less of an option - you really cannot have infiltration practices over septic, and so that would be prohibitive. A distributed gravel lot, as it is now, would be fine. So there may be other options there that can be explored, but we do not want to concentrate infiltration in the area of a septic. Mr. Cheung responded right - which made the site kind of challenging. Ms. Merritt responded currently, the driveway on the right, that is a hill going down, and is incredibly high maintenance. They are out there almost every day sweeping, and she is sure that has been being doing for 30 plus years - sweeping, getting the Item 4 back over, and then it is worse after you pave, because then you have to bring the gravel back up. She expressed that it is a large project, and she would imagine it would be better to have water going down a little bit faster than it would be for them trying to stop the gravel from going where it does because that is exactly what happens. Ms. Merritt then stated that she was amazed at the large size of the NYS-DOT pits and if she stood in it, it would be over her head. She previously thought they were small, but never looked at one when it was open. Mr. Robbins stated they have gotten a few of those details, but is sure they will find a resolution on that. Mr. Cheung responded yes. Chair Gannon then asked for Board discussion and

1 comments and/or questions. Mr. Jack Mattes stated he had a question. He indicated that based on the
2 picture the proposed drain looks like it is across the driveway, parallel to the road. He then asked what
3 happens when it gets past that column, roughly at center and heads off to the left. He then asked if there
4 was a wall or a fence. Mr. Cheung responded there is a stone wall on the front of the property on either
5 side of the existing paved driveway. Mr. Mattes responded okay, and asked if that stone wall was enough
6 to hopefully retain flowing water and redirect it. Mr. Cheung responded yes. Ms. Merritt then approached
7 the podium and pointed out on the plan a short stone wall that goes all the way down and stated where it
8 was the size of a Belgian block and is not very high. So it currently does not really stop anything from
9 going down because it is only the size of a Belgian block. It is like a poured curb. There is actual Belgian
0 block in certain areas, but pointed out where the poured curbs were. Mr. Mattes asked if they would raise
1 that Belgian block level or two. Ms. Merritt responded she did not know, they never have a problem with
2 the stone going that way. While referencing the plan, Ms. Merritt pointed out and stated the way the stone
3 feeds and added that was because that is where the water feeds. Mr. Mattes then asked if pitch is left and
4 right of that center point- it is uphill, left and right. Ms. Merritt pointed to the plan to show where it was
5 uphill and where it was level. Mr. Robbins stated so, there is enough pitch there that it drains towards the
6 paved portion of the driveway- it does not run to the left and off of your property. Ms. Merritt responded
7 no, and while pointing to the plan stated it does not go this way, and this is fairly flat. She added this is
8 really the issue with the Item 4 that they have to reinstall every year, and then break back up from snow
9 plowing. While pointing to the plan she stated this goes down and pitches there. Chair Gannon stated so
0 it is not like a regular road. You have the crown of the road where it is higher in the middle, and everything
1 flows off. So the driveway itself is part of the problem. Mr. Robbins responded it is kind of the low point.
2 Chair Gannon responded yes, exactly. Mr. Anthony Sutton stated that he thought what Mr. Mattes is
3 saying is he is worried about the water congregating in that corner, on the left on the screen that we are
4 looking at. Mr. Mattes responded exactly. Mr. Newell stated that corner is higher. Ms. Merritt asked
5 which corner. Mr. Sutton directed her to the specific corner on the map. Ms. Merritt stated this is not an
6 issue and pointed out where there was a drain and stated to her, to the human eye, it is flat. But when it is
7 pouring rain, it goes to that drain. Mr. Sutton responded so when you pave the area, it will swirl that way.
8 Ms. Merritt responded yes and reiterated that to the human eye, it looks very flat, but it technically pitches
9 a little bit. Mr. Robbins advised Mr. Cheung that he thought that was a detail that could just be added to
0 the paving plan to show the direction of pitch for that spot. Mr. Cheung responded that he would put some
1 spot elevations on them. Mr. Mattes stated and that existing drain is adequate to take that water. Ms.
2 Merritt responded yes, because this is primarily flat. But like she said, when the NYS-DOT came out and
3 did the inspection, it was pouring and these were not overly affected at all. It was not like you saw a river
4 going down the driveway. It was just pouring. Mr. Mattes stated when it is pouring, it is not just water; he
5 assumes there is soil. Ms. Merritt responded when it is pouring, the next day they are out there shoveling
6 the gravel back to the gravel side and raking it out flat again – so yes. Mr. Sutton asked if there would
7 there be any benefit to extending the trench train further over so that when it gets paved, it swirled more
8 towards that right and went to the trench drain and exited the catch basins. Mr. Robbins stated he thought
9 that was a good point and asked that the engineer review that and do the calculations and make sure that
0 the spot elevations work. Mr. Sutton stated there is more capacity to catch it that way. Mr. Robbins noted
1 that he thought, just offhand, the trench drain looks adequately sized to capture that as long as the water
2 gets to the trench drain. Chair Gannon then asked if there were any other Board member comments and/or
3 questions. There were none. She then stated that it seems right now, we are in a situation of it being a
4 very technical moment in time where the engineer is in dialog with the NYS-DOT and is getting some
5 information that he has to confirm with Mr. Robbins. She was thinking it would be okay to waive the Site
6 Walk because she did not think there was anything that we will learn or can do that is going to change
7 the situation. She added given that it is a dialog that the engineer has to have with Mr. Robbins and get it

resolved, so that we could ask staff to prepare a confirmatory resolution, and that, Mr. Robbins will have approved everything by the time the draft resolution gets to her. She then asked the Board if they were in agreement. They were in agreement.

Chair Gannon then asked if the Board had to declare this a Type II under the SEQRA (State Environment Quality Review Act). Planning Board Attorney, Mr. Michael Towey responded they should. Mr. Smith added that he thought as part of the review memos from the BHP Technical Committee, we noted that this is a Type II Action under SEQRA and that there is no significant adverse impact. Chair Gannon then made a motion that we find this to be a Type II Action under SEQRA. Mr. Jack Mattes seconded. All in favor. Motion passes. Chair Gannon then asked what was meant by waiving the Site Plan requirements. Mr. Smith explained that this is typical for these types of applications where you are waiving the typical 37 sheet Site Plan applications. Here you have enough information. You have Mr. Robbins who has prepared a detailed memo, which the Applicant will have to respond to in detail. So that is typically why we suggest that you waive the Site Plan requirements. Chair Gannon responded okay and then made a motion to waive the Site Plan requirements. Mr. Christopher Zaberto seconded. All in favor. Motion passes. Chair Gannon then made a motion to waive the Public Hearing. Mr. Paul Ciavardini seconded. All in favor. Motion passes. Chair Gannon then made a motion to waive the Site Walk. Mr. Anthony Sutton seconded. All in favor. Motion passes. Chair Gannon then asked how she would make a motion to approve a Site Plan that does not exist. Mr. Smith responded the Site Plan that has been presented is the Site Plan that you would be approving. Chair Gannon then asked if she needed to make a separate motion about drafting the resolution. Mr. Smith responded she could do one and the same if she wanted to. Chair Gannon then made a motion to approve the Site Plan and direct staff to prepare a confirmatory resolution for Chair's signature. Mr. Rick Bohlander seconded. All in favor. Motion passes. Chair Gannon then stated that would be Resolution Number 2026-13. Mr. Smith responded correct and added that in the review memo that was provided to the Board, one of the conditions that will be included with the resolution is that the Applicant will need to work with the Building Department before a Certificate of Occupancy is issued. So, the Applicant has to have the parking lot restriped, and that is a Building Permit issue so they will need to talk to the Building Department, and they will take you through that process. The owners thanked the Board. Chair Gannon then asked if the Applicant had any more questions for the Board. They did not. Chair Gannon thanked the Applicant.

Subsequent to the meeting, Mr. Smith notified the Board that it was revealed that this specific property falls under a NYC DEP Designated Main Street Area (DMSA) within the Croton Watershed. The NYC DEP representative was made aware of this application. They responded by confirming that the application was within a DMSA and that the introduction of new impervious surface required the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and approval from NYC DEP.

The Applicant and their engineer have been made aware of this particular situation and they need to reevaluate their options.

4. 339 ROUTE 202 – SITE PLAN APPLICATION **TM: 17.11-1- 18**

For the record Chair Gannon stated the Applicant is proposing a Change in Use to operate Senior Moments Care as a small concierge-style geriatric care practice focused on supporting older adults and caregivers through low-volume, appointment-based services. No major structural changes are anticipated. The property is located at 339 Route 202 and is in the Business Historic Preservation (BHP) District.

1 Mr. William Besharat from RAYEX Design Group came to the podium and introduced himself and
2 indicated that he was representing the owner. He stated this is a Change of Use only. Basically, the same
3 type of operation, but with an appointment-based business model. Therefore, creating no impact on the
4 originally approved Site Plan, whether via parking or any other issues. The occupation of the office space
5 remains the same without any changes to the building except painting and cleaning up. There is no
6 construction taking place to the interior or exterior or the parking lot. But because they are in the BHP
7 District, they have to be here for the Change of Use. Mr. Besharat shared the plan to show a picture of
8 the property. He noted it has been functional and is in great shape and is very well kept. Chair Gannon
9 asked Mr. Besharat if that was all he wanted to share so far. He responded yes. Chair Gannon then asked
0 Consulting Town Planner, Mr. David Smith if he had any comments. Mr. Smith responded and asked if
1 he could have the business owner explain what this proposed use is because it is a little bit different than
2 you would normally find and he thought what they are proposing is pretty compelling and it is a good fit
3 for the building and a use for the BHP District. He added that he thought it would help inform not only
4 the Board but also the public as to the kind of operation that they are proposing. Chair Gannon responded
5 thank you and she knows when they were talking earlier, she was asking him whether people were going
6 to come there, or if it was going to be the launching point for people who visit the homes. She added that
7 she really did want to understand how the business is going to function. Ms. Diane Pagan came to the
8 podium and introduced herself. She indicated she was the owner of Senior Moments Care, which is a
9 geriatric house call practice. She stated that right now, it is strictly a house call practice for seniors who
0 are homebound. The goal of having this building and renting this space is to be able to offer programs for
1 caregivers as well as patients who have dementia or mild cognitive impairment. They are going to offer
2 structured programs in the center a few times a week, a couple hours each session, and they are also going
3 to have a social wellness program where seniors can come in and they can socialize with other seniors.
4 And again, they may or may not have cognitive impairment, but it will be sort of a gathering space for
5 them. The second floor has a library for caregivers. They want to offer all types of support, including
6 caregiver support groups, education on how to take care of somebody who may be bed bound. Everything
7 is going to be basically consultative. So all the appointments, all of the meetings that they are going to be
8 having, and the programs for the dementia patients will be structured on a calendar, even including the
9 social wellness part, everything is calendar based. They are going to be bringing in people who can teach
0 them about chair exercises and things like that. It is something that they are really excited to do, and they
1 are still going to continue to have this house call part of the practice, and that is something that she is
2 hoping will offer a lot of people some place to come. It is a safe space, and the inside of the office space
3 is basically decorated like a Victorian home. So when people come in, there is nothing medical about it.
4 This is just a safe place for people to come in and get help, or just talk or get services. Chair Gannon
5 responded that is interesting. She added when she first saw this, one of her initial concerns was about the
6 parking and whether there was enough handicap parking existing there. She shared that she looked at it
7 as a daughter who if she was looking at the service, if it was something that she would be able to use.
8 Wondering if she would be able to get her family member in and out of the car and things like that. Chair
9 Gannon stated that she can see that there are two spaces located sort of at the end of the walkway, and her
0 question was, if that is sufficient for the existing usage for the people using that lot, would it make sense
1 to add some additional spaces if the business that she is doing is going to be beyond going out. Going out
2 is great, but if you want to bring people in, would it be wise to think about doing that. Ms. Pagan
3 responded, so the two spaces Chair Gannon mentioned are pick up and drop off. There is a handicap
4 accessible walkway that goes right into the back of the building. So the goal is - we have a wheelchair
5 inside, so we know when everybody is coming in. We can actually come out, get the person, bring them
6 in, and the person dropping off can park the car in a regular space. Chair Gannon asked if Ms. Pagan could
7

1 indicate where that would be. Ms. Pagan stated actually there are four handicap spots. Chair Gannon then
2 asked to show her because she saw two at the end of the walkway and wanted to make sure that she
3 understands everything. Ms. Pagan pointed out their building and its' walkway, and added that there were
4 two handicap spaces there. She then identified two other handicap spaces located in the parking lot. Chair
5 Gannon stated they are across the street on the other side of Scott Drive. Mr. Rick DiNardo, the landlord
6 came to the podium and introduced himself and stated that he thought it was a great program that Ms.
7 Pagan is initiating for the Town, and he really thought it was something that is definitely needed. He
8 added that they are going to try and support it as best they can. Chair Gannon responded that she totally
9 agrees and that is why she wants to make sure it can be successful. Mr. DiNardo then pointed out on the
0 plan the building that faces Route 202 and then pointed out the building that Senior Moments Care
1 occupies. He pointed out a walkway and stated that if you walk down here, there are actually four handicap
2 spots here. It only two, but because there is a physical therapist there, they added more handicap spots
3 there. Chair Gannon responded okay, so the plan doesn't reflect that. Mr. DiNardo responded no, it does
4 not reflect that there are four spots there that are handicap. It has always worked out well because the
5 physical therapist does need access. They have their own separate egress. Ms. Pagan is going to have her
6 own separate ramp, which was there already. It is a graded ramp that goes into the back of her building
7 and gives her separate access. Mr. Smith then advised Chair Gannon that there is kind of a separate but
8 related issue. In going through the prior approvals, there was a gravel parking area that eventually got
9 paved over right where Mr. DiNardo was pointing. It is not reflected on the updated Site Plan. In
0 discussions with the Building Inspector, Mr. Tom Tooma, given that, that area is now kind of more or less
1 formalized, he suggested that the Applicant, if the Board so chooses to move forward with an approval,
2 that a condition be placed on the approval that before a Certificate of Occupancy is issued, that the
3 Applicant come in and review the parking layouts because part of the charge for the Building Inspector is
4 to make sure that the Site Plan meets the ADA compliance with respect to location of handicap parking
5 spaces. So, that parking area would be formalized, and if the Building Inspector determines that spaces in
6 that area need to be handicap accessible, then that would be provided as a condition of the Certificate of
7 Occupancy. In addition, because this is a curb cut onto Scott Drive, it also needs to be formalized with the
8 Highway Department. Mr. Smith shared that he also provided Highway Superintendent, Mr. Nick Devito,
9 with the plans with respect to this issue, so that he can formalize that as part of his charge. Mr. Christopher
0 Zaberto noted that Mr. Smith sent that on August 5, 2026 and asked if there has there been any
1 correspondence back from him. Mr. Smith responded he did not hear back, but will continue to reach out
2 to him, and again, it could be a condition of a Certificate of Occupancy to allow all the parties an
3 opportunity to review the matter. Mr. Zaberto asked if there are any quantitative requirements in terms of
4 the ratio of handicap to non-handicap spots as they have seen on other Site Plans where we were required
5 to have X amount per parking. Mr. Smith responded there is more than enough parking on the site. The
6 issue is the location of the handicap parking spaces with respect to all the different uses on the site. As
7 you know, they indicated that there were handicap spaces across the other side of Scott Drive. He did not
8 think that the Building Inspector would consider those part of that just because of the distance
9 requirements. Here because you have a parking area immediately adjacent to the building in question –
0 it may make sense to have a space or two there. His suggestion would be to let the Building Inspector
1 determine that based on his requirements. Mr. Zaberto responded so, the onus would be on him to
2 determine the correct ratio of handicap spaces, not us. Mr. Smith responded, correct. Mr. Anthony Sutton
3 stated he is a little unclear on what was paved and asked if it was a 20-foot buffer from Scott Drive over
4 towards the building. Mr. Smith responded and asked if Mr. Sutton had a copy of his review memo that
5 he prepared dated August 5, 2026. The memo says the gravel area immediately adjacent to the building,
6 that's more or less the same location of the area that's now paved. Mr. Sutton asked so that would allow
7 parking spots there too. Mr. Smith responded correct. There's parking spaces there right now, but as part

1 of any approval, he would suggest that it be formalized and that the Applicant would go to the Building
2 Inspector and review the striping and the layout, and whether handicap parking would be most appropriate
3 at that location. Mr. Sutton stated so there is a note here that the existing walkway would be removed on
4 this plan - but a ramp into the back of the building seems ideal for a handicap person. Mr. Smith responded
5 yes, he agrees and thought it would be helpful if the Applicant, or at least Mr. DiNardo, could update the
6 Site Plan to reflect these existing conditions that the Board is currently talking about now, so that that it
7 is properly reflected on the Site Plan. Chair Gannon responded that she agrees. Mr. Sutton asked if there
8 was a curb cut there. Mr. Smith responded there is a curb cut that allows access to four parking spaces in
9 that small lot. Mr. Sutton responded that makes sense. Mr. Smith stated he did not disagree, given this
0 particular type of use, and given the comments that the Chair has raised, it makes it much more convenient
1 for someone who is in need of handicap parking to have that parking available right there next to the
2 building. Mr. Sutton stated he has been to the physical therapist there, and he agrees. There is adequate
3 parking -there's no question, but it's pretty far away for an elderly person. He added to get into that back
4 of that building there, it would be discreet and it would be quick, and it would be very convenient. Chair
5 Gannon stated honestly, once you have a wheelchair, you cannot just go at warp speed. If someone needs
6 a wheelchair and they have cognitive problems, you need to go at a slow pace. Otherwise, it's stressful
7 and upsetting for them. So distance does become an issue. She has seen it. Mr. Sutton then stated if he
8 heard correctly, this is not a heavy lift. Mr. Smith responded no. Mr. Sutton stated it is just a matter of
9 connecting the right people. Mr. Smith responded that is correct. Mr. Tooma is aware of the Applicant.
0 He participated as part of the Technical Committee meeting, and he met with him separately on this
1 particular issue as well. Mr. Zaberto stated he had a question regarding the business itself, and asked what
2 level of professional licensing is required under New York State to run a geriatric care office. Ms. Pagan
3 responded that is a great question. She indicated that Nurse Practitioners, by New York State law, after
4 3,600 hours of working are allowed to be completely independent in the state of New York and open their
5 own practice. She stated she is licensed and that Senior Moments Care is a licensed practice – it is a
6 corporation and it is all under her name – all legal. All of her licenses are all valid for my Nurse
7 Practitioner. Those are the main ones that the business is licensed, and then she has a license to run it as a
8 Nurse Practitioner. Mr. Zaberto responded got it. Ms. Pagan added, both are up to date and she never lets
9 them lapse. Mr. Zaberto responded that is great, so you are an NP. Mr. Sutton then stated so there is no
0 therapy going on or medication stored there or anything like that. Ms. Pagan responded no, this is basically
1 consultation and programs. Mr. Besharat stated he just wanted to add one small thing. The parking area,
2 the four parking spaces that we spoke about, we will also add an additional handicap parking space. He
3 indicated that he would work that out with Mr. Tooma as well as the striping of the parking lot. He stated
4 so there will be an additional spot much closer and there will be different options. This building is
5 completely handicap accessible. Chair Gannon responded yes and sometimes with the handicap space, it
6 is not even the distance you have to walk; it is the amount of time it takes, and how far the door has to be
7 open, and how long for someone to stand up. Mr. Besharat responded they will comply with the ADA
8 requirements. Chair Gannon responded yes, it can be so helpful. Mr. Besharat added they will add another
9 handicap spot and that he thought the Board made a valid point. Mr. Sutton stated that he thought more
0 than one should be added. Mr. Besharat responded they can possibly add two spots. Mr. Damien DeSantis
1 stated that once the Board gets the Site Plan with the parking a review can be done. Mr. Sutton stated that
2 he thought it is important for the Applicant to give us an idea of what kind of traffic there will be. The
3 amount of appointments they are booking for people that are going to be wheelchair bound, might dictate
4 that all of those spots there should be handicap. That is to be determined. Mr. Besharat stated they will
5 study to see how many spaces are needed to comply with ADA requirements, and they will make them all
6 handicap – he thinks that is a great idea.

Chair Gannon then asked Consulting Town Engineer, Mr. Robbins if he had any comments. Mr. Robbins responded that his only comment on this was just to make sure that the Site Plan that is filed represents the current version of the approved. There was some other parking spots added on the back of the site back in 2018, and those just need to be reflected. Mr. Besharat responded they will have the survey updated. Chair Gannon stated that we had a lot of Board discussion already and we are looking to get the Applicant to update the Site Plan. Mr. Smith responded yes that would be one of the conditions - to reflect existing conditions, almost like an as-built plan. So, subject to coordination with the Building Department on the restriping of the new parking area that is just off of the building that we just discussed. Chair Gannon stated the Board could waive the Site Plan requirements, but the Applicant is going to be revising the Site Plan anyway to get it up to speed with everything that Mr. Robbins has noted - like the change that was made in 2018. Also to be documented should be any changes we made with parking as a result of this discussion, including the changes to the parking spaces that are not reflected in what we are looking at now such as the total of four not two handicap spots on the other side of the building. Chair Gannon then asked about waiving those Site Plan requirements. Mr. Smith responded that would be his suggestion.

Chair Gannon responded okay and then made a motion to waive the Site Plan requirements. Mr. Christopher Zaberto seconded. All in favor. Motion passes. Chair Gannon made a motion that we declare this to be a Type II Action under SEQRA. Mr. Rick Bohlander seconded. All in favor. Motion passes. Chair Gannon then made a motion to waive the Public Hearing. Mr. Paul Ciavardini seconded. All in favor. Motion passes. Chair Gannon then made a motion to waive the Site Walk. Mr. Damien DeSantis seconded. All in favor. Motion passes. Chair Gannon started to make a motion to approve the Site Plan as amended then Planning Board Attorney, Mr. Michael Towey apologized for interrupting and stated that he did not see it earlier when he was reviewing all the emails and asked if this was referred to the Town Board and if so, was a response provided. Mr. Smith responded yes, all three of the BHP applications were referred to the Town Board. They reviewed it last week, and they had no objections to any of the applications. Mr. Towey responded thank you. Chair Gannon then made a motion to approve the Site Plan and direct staff to prepare a confirmatory resolution for Chair's signature subject to the conditions that have been discussed this evening. Mr. Zaberto seconded. All in favor. Motion passes. Mr. Besharat thanked the Board. Chair Gannon asked if they had any other questions. Chair Gannon later noted that would be Resolution Number 2026-14.

5. 253 ROUTE 202 – SITE PLAN APPLICATION

TM: 17.11-1-27

For the record Chair Gannon stated the Applicant is proposing a Change of Use to operate a physical and rehab therapy clinic. The use would occupy what is known as Unit 4 and would include a waiting area, open rehab area, four treatment rooms and an employee break room. The property is located at 253 Route 202 and is in the Business Historic Preservation (BHP) District.

Mr. Patrick Doherty, one of the owners of 253 Route 202 came to the podium and introduced himself. He stated that the business that was in there before was the Somers Frame Shop and before that it was deli and approved for a restaurant. We changed it over to health and medical. So, it is a Change of Use for internal of the building only. There are no changes to the Site Plan. One question came up about parking. Previously, for that spot – that unit, there were 27 spots approved for the restaurant, deli, and retail. For the medical, the requirement is about 10 spaces less than that requirement for close to 4,000- square feet. So, if we reduce parking, then that is approved for and again no changes to the outside of the building or to the Site Plan. It is just the interior. He continued and stated they have worked with the Westchester

County Health Department, and they have approved them for the change in water uses. It actually decreased for the water and for the septic. He added they will work with Building Inspector, Mr. Tom Tooma on the striping as well as the engineer-approved ADA requirements for handicap parking and striping. He noted they are ready to submit plans to Mr. Tooma for the striping, and he is aware of that. Chair Gannon asked if Consulting Town Planner, Mr. David Smith had any comments. Mr. Smith responded yes, it is a similar comment to kind of the last couple of applications. In speaking with the Building Inspector, because this is an older Site Plan they want to have it more formalized. So, as a condition of the Certificate of Occupancy, the Applicant will need to work with the Building Department on getting the parking lot striped, and that will include formal striping for regular spaces and also to address the handicap parking and ADA compliance. Mr. Doherty responded that they have the Engineer stamped approved plan and that he received it today and will drop it off to Mr. Tooma's office this week. Chair Gannon then stated she had trouble reading some of the submission. There was a page, Vincent Kinlan. Mr. Doherty stated yes that was one of the old engineers. Chair Gannon continued and stated she could not make it out; it was like a copy of a copy of a copy and was not sure what to make of it. Mr. Doherty responded that was the original approved Site Plan into the business in 1988 when an addition was done to the building. Chair Gannon responded this one is actually from 1982 and that was about the only thing she could see on the bottom. Mr. Doherty responded that might have been the original for the septic. The building was originally built in 1978. The Certificate of Occupancy was 1982, and then a preliminary plan was approved for the addition in 1988, and it was finished in 1993 - but since then there has been no additions or changes to the building or Site Plan. Chair Gannon then asked Consulting Town Engineer, Mr. Steve Robbins is he had any comments. He had none. Chair Gannon then asked the Board if they had any questions and/or comments. Mr. Anthony Sutton asked if originally there was parking proposed behind the building. Mr. Smith responded yes, there is parking behind the building, and he thought it had not been formally striped, along with the parking in the front. He continued and stated that is part of starting to bring the Site Plan into more contemporary compliance. It was noted in the review memo that in the future, if the Owner is going to do any additional site work on the site itself, then they are going to have to bring that up to standard compliance. Right now, it is a pre-existing condition. Chair Gannon asked if there were any other questions and stated that her concern, as this is a healthcare business, is that we have an adequate number of handicap spots and that Mr. Tooma's input on that will lead to that. She then asked if there were any handicap parking spaces now. Mr. Smith responded right now there is no striping, so this is really going to help formalize that portion of the Site Plan.

Chair Gannon made a motion that we declare this to be a Type II Action under SEQRA. Mr. Jack Mattes seconded. All in favor. Motion passes. Chair Gannon then made a motion to waive the Site Plan requirements. Mr. Paul Ciavardini seconded. All in favor. Motion passes. Chair Gannon then made a motion to waive the Public Hearing. Mr. Anthony Sutton seconded. All in favor. Motion passes. Chair Gannon then made a motion to waive the Site Walk. Mr. Paul Ciavardini seconded. All in favor. Motion passes. Chair Gannon then made a motion to approve the Site Plan as it has been discussed with future modifications based on input from the Building Inspector, and that we direct staff to prepare a confirmatory resolution for Chair's signature. Mr. Zaberto seconded. All in favor. Motion passes. Chair Gannon stated this would be Resolution Number 2026-15. She then thanked the Applicant.

6. 3 ARTHUR COURT-PRELIMINARY SUBDIVISION APPROVAL AND STEEP SLOPE PROTECTION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL AND TREE REMOVAL APPLICATIONS
TM: 17.09-2-8

1 For the record Chair Gannon stated the Applicant is proposing subdividing the property into 2 lots and the
2 construction of a common driveway and retaining walls to provide access to both properties, as well as
3 the necessary stormwater mitigation measures to treat the runoff from the development. The existing
4 residence and associated existing site improvements are to remain on Lot 1 with a new residence, pool,
5 and patio to be proposed on Lot 2. The property is located at 3 Arthur Court and is in an R-40 Zoning
6 District.

7
8 Mr. Michael Stein, President of Hudson Engineering came to the podium and introduced himself. He
9 stated they are the Engineers of record for the project. He noted at 3 Arthur Court they have an approximate
10 10-acre site within the R-40 Zoning District and they are looking at subdividing it - leaving the existing
11 house intact and in place, and adding one additional lot. He added they have the existing driveway and
12 will be reusing it. However, the existing driveway does not meet the slope requirements. As such, they
13 are doing modifications to the existing driveway to meet the 14% maximum slope. They had conversations
14 with the Fire Department and the driveway is actually 14-feet wide. However, there is a gravel strip on
15 each side of the driveway that is approximately 2-feet wide to facilitate access. He indicated that they
16 have gone through all the testing for the Westchester County Department of Health (WCDH). The existing
17 house is currently served by septic and a well. A new septic and well will be provided on the new lot. The
18 WCDH has already come out and witnessed all the testing. He stated and showed that they have included
19 this overall map, which shows the locations of the existing wells and existing septic systems on the
20 adjoining properties basically demonstrating that the location of the proposed septic on the plan is not
21 interfering with any wells within the Zone of Influence; as required by the WCHD for any of the wells on
22 the adjoining properties. He continued and stated they are also adding a new well in to serve the new
23 house- also meeting all the requirements of WCHD. He noted they are basically using a generic house
24 footprint for the site just demonstrating how the development of the site would be taking place. He stated
25 that full stormwater management is provided for. While pointing to the plan he noted they have an
26 infiltration system at the rear of the property and noted it has been designed to take in and fully infiltrate
27 a 100-year storm event. He stated and pointed out where they have an infiltration basin, where additional
28 runoff coming from both the existing and proposed impervious surfaces is being directed into the existing
29 driveway. Currently, there is no curbing along that side, so any water that may be running off the hillside
30 would come down and would continue past the edge of the curbing. But, with the new driveway being
31 configured, they will have curbing all along that side, so there will no longer be trespass of any water
32 coming down the hillside and going onto the neighboring property. Mr. Stein then stated that was a brief
33 summary and asked if there were any questions he is happy to address any of the Board's concerns. Chair
34 Gannon then asked Consulting Town Planner, Mr. David Smith if he had any comments. Mr. Smith
35 responded that the only comment that he would add is there have been a number of comments from
36 neighbors and from the various committees that support this Board like the Open Space Committee, and
37 others. He suggested that the Applicant provide kind of a point-by-point response to each of those before
38 you consider having a Public Hearing, so that you are more fully provided with all the information and
39 the responses. It also provides the public with a better understanding of how the Applicant is addressing
40 these issues. Chair Gannon stated she agreed. She then stated that she had a letter from David A. &
41 Margaret E. George from 1 Arthur Court – an extensive letter of questions. She also had one from Richard
42 and Kathleen Kaufman of 46 Wilner Road. Chair Gannon asked Mr. Stein if he had copies of those. Mr.
43 Stein responded yes. He had 46 Wilner Road with him and also the memo issued August 5, 2026, from
44 Woodard & Curran which they started going through. Chair Gannon asked if he had the letter from
45 Margaret and David George. Mr. Stein responded yes. Chair Gannon responded, okay, you will need to
46 respond to those. Mr. Stein responded that is not a problem, they have already started with that. He then
47 noted, one other thing that he did forget to mention is that they received the basically all clearance letter

1 from the New York State Historic Preservation Office (SHPO) stating that they are not having any impacts
2 to any parkland. Mr. Smith asked Mr. Stein to provide that to the Town for part of the record. Chair
3 Gannon then asked Consulting Town Engineer, Mr. Steve Robbins if he had any comments. Mr. Robbins
4 responded that they issued a memo that Mr. Stein referenced, dated August 5, 2026. It has a number of
5 technical questions and clarifications around the base survey, around some of the details of stormwater
6 management - including some of the site testing results, just to make sure that their understanding of the
7 information submitted is correct. In addition, they asked for some clarification on a few points. They also
8 asked for some additional design detail around the driveway, confirmation of the grade of the driveway,
9 and fire access. We also asked for some additional calculations around the grass swale and some of the
0 other sediment. Mr. Robbins advised Mr. Stein that it is certainly his policy that if he has any questions
1 to please feel free to set a meeting with his office, and they would be happy to go through them. Mr. Stein
2 responded that in their preliminary review everything is addressable and that they are confident they can
3 get on the same page with Mr. Robbins' office. Chair Gannon then noted this is just a housekeeping thing,
4 but the plans submitted show your seal, and below it states that seal that expired May 31, 2026. Mr. Stein
5 responded yes, that is a nuisance that we have to continually update, but not a problem. Chair Gannon
6 then asked the Board if they had any comments and/or questions. Mr. Rick Bohlander asked if the
7 proposed pond that would be accepting runoff is on the new lot and if it would accept runoff from the
8 existing lot. Mr. Stein responded correct. Mr. Bohlander then asked if they would we need to set up an
9 easement or anything like that. Mr. Robbins responded yes, they asked for some documentation and a
0 stormwater maintenance agreement. Mr. Stein responded they are going to have easements regardless
1 because of the driveway. So yes, that would not be a problem at all. Planning Board Attorney, Mr. Michael
2 Towey asked if he could ask about the proposed right of way and the dedication to the Town. He inquired
3 as to whether or not that has that been discussed at all with the Town Board, or if they have spoken with
4 the Highway Department. Mr. Stein responded that he would need to double check that as he is not sure
5 offhand. He indicated that he knows there has been some discussions with the Principal Engineering
6 Technician, Mr. Steven Woelfle, but that was through Mr. Daniel Collins, from his office and he does not
7 want to comment on something where he is not sure of the answer. Chair Gannon then asked about the
8 runoff on the driveway and when it comes down, what is to stop it coming across and entering another
9 property. Mr. Stein responded there is curbing along the edge of the driveway that is being proposed, so
0 that will contain it within the limits of the driveway. Chair Gannon then asked when it gets to the end of
1 the driveway then what happens to it. Mr. Stein responded it runs into the right of way, the same way as
2 it does currently. But what we have gone through is reducing it to below existing conditions, and that was
3 what their intent was. He added that a pre and post stormwater analysis was prepared to make sure that is
4 the scenario. And there's basically a gutter along the edge of the pavement along that roadway. Mr.
5 Anthony Sutton asked where does it terminate. Mr. Stein responded there is a basin, but he did not know
6 the intersection. Mr. Stein stated from his recollection, there is a basin down at the at the intersection that
7 it is led into. Mr. Bohlander asked if there are currently any mitigation practices for the existing house that
8 we know of. Mr. Stein responded he did not believe there are. Mr. Bohlander then asked if any of that
9 proposed is going to be collected in that pond. Mr. Stein responded yes that is why the existing driveway
0 was being brought in. As part of the analysis, water coming from the driveway along that line is being
1 directed to it. Mr. Bohlander responded got it. Mr. Robbins then advised Mr. Bohlander that they have
2 asked for some additional analysis around the one-year storm and that design point. Mr. Bohlander
3 responded good. Chair Gannon then asked Mr. Robbins if he thought there was enough information to
4 schedule a Site Walk. Mr. Robbins responded that he thought that the Applicant has responses to our
5 questions, and unless he advises otherwise, he did not think that they are likely to change the Site Plan
6 to a degree that this Board would not be able to understand. This is a tight site, despite the 10-acres, there's
7 only so much of it that is buildable, and so he thought the footprint of the building and the footprint of the

septic and the location generally speaking, of the driveway is not likely to change, so he thought a Site Walk would be very instructive in giving you the information you need to review this. Chair Gannon responded so there is enough information on the table that you would be okay. Mr. Robbins responded yes. Chair Gannon then asked the Applicant when they could have the site marked out. Mr. Stein responded great question, he will need to check with the surveyor and they could get back in touch. Chair Gannon responded, the Planning Board has to schedule it, so if you do not know the answer to that she did not know if they could schedule it today. Mr. Robbins suggested giving the Applicant a fair bit of runway. Mr. Stein responded they would be working simultaneously on addressing the comments from Woodard & Curran. After some discussion about proposed dates, it was agreed that a Site Walk would be scheduled for Saturday, September 19, 2026 at 9:00 a.m. Chair Gannon asked Planning Board Secretary, Ms. Nicole Montesano to send out a reminder. It will be after the Board's next meeting anyway. She then asked the Applicant if he had any questions for the Board. Mr. Stein responded no, they understand their orders. Someone from the audience asked if they could be heard. He indicated he was a neighbor at 2 Arthur Court. Chair Gannon responded, no we cannot at this time and advised him if he hasn't already to submit any questions in writing. She noted that the Board did receive questions, an extensive list of questions, as Mr. Smith noted, from two other neighbors. Copies of those have been given to all the Board Members and to the Applicant, and the Board has instructed the Applicant to respond in writing to those questions, as well as to all the engineering comments by Mr. Robbins before we even open the Public Hearing. She added that the goal of the Public Hearing is for us to get more information. So we want to get as much information on the table as possible before that process starts. She advised the individual that he could send the Board a letter, as they cannot accept the discussion right here and now. The Board will gladly make sure the Applicant receives a copy of the letter. They can respond to it, and then when the Public Hearing opens, we welcome you to come up and speak. The gentleman responded okay and noted that he did not have any questions for the Board. He just wanted to discuss with the Board the issue of the runoff from the property. Mr. Christopher Zaberto responded that can be discussed in writing or in a Public Hearing regarding this project. Chair Gannon stated you can ask your question and the Applicant can address it, and that is one of the things we are going to be addressing as we go forward through all of this. She then thanked everyone and asked if there was anything else. There was not.

7. 9 SUN HILL ROAD -WETLAND AND WATERCOURSE PROTECTION, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL APPLICATIONS
TM: 47.12-1-14

For the record Chair Gannon stated the Applicant is proposing construction of a single-family home on an existing vacant lot; including septic, well and stormwater improvements. It will also include the realignment of a Town drainage pipe and a drainage easement modification. The property is located at 9 Sun Hill Road and is in an R-80 Zoning District.

Mr. Jonathan Merheb, P.E. from JMER Engineering P.C., came to the podium and introduced himself and indicated he was there on behalf of Mr. Michael Festo. He indicated the project is a proposed single-family home, three-bedroom, roughly 3,000-square feet on a currently vacant lot. The project will include the rerouting of an existing Town drainage pipe and redoing easement lines. It will also include a septic system, which has already been tested by the Westchester County Health Department. The deep test and percolation test have already begun. The project will also include the removal of five trees and work proposed within a 100-foot wetland buffer. While pointing to the plan, Mr. Merheb identified the previously mentioned drainage easement. He showed where the existing drainage manhole was located just off of Hopkins Lane as well as where the other manhole was located. He noted that the pipe currently

1 runs directly across and is not actually within the existing easement. He then referenced the previous page
2 and pointed out on the plan where the actual pipe is now and where the existing easement was located. He
3 added that the information had been confirmed by both the Highway and Engineering Departments. He
4 noted that the proposed application will reroute it down closer to Hopkins Lane and across, connecting
5 back into the existing manhole and out to the headwall. Mr. Merheb pointed out on a drawing to illustrate
6 where they are proposing to move the easement lines to run along the pipe and closer to Hopkins Lane.
7 He stated that the pipe will be rerouted off this property and into the Town Right of Way until it crosses
8 over. He added they are proposing rain gardens within the wetland buffer, that will capture all the runoff
9 from the home and the driveway. He then indicated that he was done with the presentation and asked if
0 there were any questions. Chair Gannon asked Consulting Town Planner, Mr. David Smith if he had any
1 questions and/or comments. He responded he had none at this time. She then asked Consulting Town
2 Engineer, Mr. Steve Robbins if he had and questions and/or comments. Mr. Robbins responded that he
3 thought the main concern, given the restrictions on the site, was just making sure that the wetlands were
4 identified accurately. That dictates the rest of the site layout, and the Applicant has assumed that it is the
5 edge of the stream, and that very well may be the case, but we would like that confirmed in the field by a
6 certified wetlands delineator. If it is not there, then that has a significant impact on the on the site. Mr.
7 Robbins then stated he had a number of other - mostly minor comments other than that which would just
8 need to be addressed for the Site Plan. Chair Gannon stated that she wanted to ask a question about the
9 drainage easement and pipe. She then asked who is responsible for maintaining that. Mr. Robbins
0 responded the Town is. Chair Gannon replied okay, because we have had some other applications that
1 involved that going back sometime. She noted there was one by the pool that went down, and then asked
2 what implications will that have for this project. Mr. Robbins responded this project would relocate a
3 pipe, install a new pipe in a new easement that actually follows where the pipe is, or will be. This would
4 also replace that pipe, so it is kind of a renewal of infrastructure as well in that context. He indicated that
5 he knows that the Highway Department is aware of it and that Principal Engineering Technician, Mr.
6 Steven Woelfle is aware of it, and has provided input on the materials of choice for their preferences.
7 Chair Gannon then asked who is responsible for the ongoing maintenance of the pipe and that
8 infrastructure that is built. Mr. Robbins responded, the Town, since it is within an easement that was
9 given to the Town for that purpose. Chair Gannon responded, so everything is going to be built to the
0 Town's specifications. Mr. Robbins responded correct. Chair Gannon then asked the Board if they had
1 any questions and/or comments. Mr. Christopher Zaberto indicated he had a zoning-related question. He
2 stated the lot is 1.45-acres, and he understands this to be an R-80, which that minimum is usually 1.8 acres.
3 Planning Board Attorney, Mr. Michael Towey stated it roughly 80,000-square feet. Mr. Zaberto then
4 asked if there is any issues and if a variance would be needed. Mr. Towey responded they would need a
5 lot area variance – a variance from the minimal the 80,000- square foot lot requirement. He noted he was
6 just looking at the bulk table and it looks like they may need one or two more. Mr. Merheb responded yes,
7 they are going to go for side lot variances, lot width variance, and a lot area variance. He then stated if he
8 may add, if you look at Sun Hill Road, this lot is actually larger and more conforming to the R-80 standards
9 than probably 80% of the lots. He added that he brought some maps and if you actually look at them, the
0 Board could see for themselves. Chair Gannon asked Mr. Merheb to give the maps to Planning Board
1 Secretary, Ms. Nicole Montesano to distribute and to keep one for the record. Mr. Rick Bohlander asked
2 if the Westchester County Health Department was been out to witness soil testing yet. Mr. Merheb
3 responded yes and added that the current septic field shown is representative of what would actually be
4 built for this project. Mr. Zaberto stated that he saw Mr. Merheb's point about their lot being larger than
5 the 1-acres that are in this R-80. He added he did not know what that's about. Mr. Merheb stated, if you
6 take a look at it, it actually looks like almost every lot fits more of an R-40 zoning. They're all roughly the
7 same size and almost designed perfectly for an R-40. So what they are proposing does fit within the

characteristics of this neighborhood. Mr. Robbins responded that would go in front of the Zoning Board of Appeals (ZBA), not this Board. Mr. Merheb responded understood, he just wanted to represent that for this Board. Mr. Towey added that the Planning Board can refer the Applicant to the ZBA during the Site Plan process. There's are four variances in total, so each side yard, lot width, and minimum lot area. Mr. Zaberto asked if that can run concurrent to our work and does not have to occur before. Mr. Towey responded correct, any Applicant with an active Site Plan application can apply for the necessary variances and the Planning Board too could send a short memo stating that it refers the Applicant to the ZBA to further the Site Plan application. Mr. Anthony Sutton asked if Mr. Merheb could point out where the wetland buffer is on the map that he had handed out. While pointing to the map, Mr. Merheb stated they are proposing to build right towards Sun Hill. The headwall and stream are toward the middle of the property and run north to he believes, the next property which is 11 Sun Hill. He noted it is easier to see on the larger map. Chair Gannon stated, it seems like the big question right now is where exactly is the wetland delineation. She then asked if she was wrong in thinking that we do not have a Site Walk until that's occurred - because you kind of need to know exactly where it is. Mr. Robbins responded that he thought that pending the Applicant's ability to flag it, and he thought that if we are looking at September 19, 2026 as a date anyway, we have our September meeting prior to that. That could always be a placeholder and rescheduled as needed. Chair Gannon responded yes, we could tentatively schedule a Site Walk for September 19, 2026, contingent on the wetland delineation having been completed to Mr. Robbins' satisfaction, and that we can get a good read of where everything is. Mr. Robbins responded, if that does not occur, then we can reschedule. Chair Gannon stated no pressure, but that is going to be a hurdle to get to the Site Walk. Mr. Merheb responded okay. Mr. Bohlander asked if we know who has jurisdiction on these wetlands. He noted he looked at the New York State Department of Environmental Conservation (DEC) mapper and it looks like where the Town pipe outlets it is DEC, but he was not sure as he knows that is just for guidelines. He then asked if a jurisdictional determination been filed. Mr. Merheb responded not yet. Chair Gannon then advised Mr. Merheb that there was a question from the Open Space Committee (OSC) about curbing. They wanted to know if any curbing is proposed for the driveway or elsewhere, and if there is, they would have a Cape Cod profile. She then asked if they have seen that memo. Mr. Merheb responded they did not. Chair Gannon then asked Planning Board Secretary, Ms. Nicole Montesano to forward a copy of the OSC memo. Subsequent to the meeting, Senior Office Assistant, Ms. Wendy Getting sent a copy of the July 29, 2026 OSC memo to Mr. Merheb. The other comment echoed the concerns about the wetland delineation. Mr. Sutton stated looking at this, we are like shoehorning it between two 100-foot wetland buffers. Mr. Robbins responded the other one is a well setback. Mr. Merheb responded yes, it is a single wetland buffer. Chair Gannon responded that says 100-foot wetland buffer there. Mr. Merheb responded yes and while pointing to the plan he stated, this is a stream in this area, and pointed out their wetland buffer and the proposed well. Mr. Robbins stated, the other setback, assuming he knew where Mr. Sutton was pointing to - on the other side of the Applicant's septic there is another setback line from the well across the street. Mr. Merheb responded, correct and apologized. While referencing the plan, Mr. Merheb stated yes, across the street there is an existing headwall and a pipe that runs under Sun Hill, connecting into this pipe here that connects into this manhole. There is a headwall 100-feet from this location. Chair Gannon stated it is a tight space. She then asked the Board if there were any more questions and/or comments. She then stated that she thought at this point, we could tentatively schedule a Site Walk subject to the Applicant providing the wetland information. She then made a motion to tentatively schedule a Site Walk for Saturday, September 19, 2026. She added they could get a sense of the time at our next meeting based on when the other one starts and how long they anticipate that would take as well transportation time. She then advised Mr. Merheb they are in the queue and that they will discuss at the next meeting if they are ready to do it. Mr. Merheb responded sure and asked if it was possible to start the process of obtaining variances, or if that was

1 premature. Mr. Robbins responded that he would say that the Applicant could make those to the Board,
2 and he does not see why they cannot proceed in parallel. Mr. Towey responded and stated that this is here
3 for a Wetland Permit and Stormwater Management, so there is no bold Site Plan application, because it's
4 a single-family home, so the Board may want to consider referring the Applicant to the ZBA. He added
5 that he did not know if the Applicant has been before the Building Inspector or not, so we need a
6 mechanism to get to the ZBA, because it is exercising its appellate jurisdiction. Chair Gannon then asked
7 if there was enough information to refer them. Mr. Robbins responded he thought so, the lot dimensions
8 are what they are going for, and those are not going to change. Chair Gannon then made a motion to direct
9 staff to draft a memo referring them to the ZBA. Mr. Smith stated a formal memo is not required, but
0 staff could put something together. Mr. Zaberto seconded. All in favor. Motion passes. Chair Gannon
1 then stated that she made a motion earlier on the Site Walk, but did not get an all-in-favor on the tentative
2 scheduling of the Site Walk for, Saturday, September 19, 2026. Mr. Zaberto seconded. All in favor.
3 Motion passes. Chair Gannon then stated that the Board is going to wait on the Public Hearing until there
4 is more information. She then asked Mr. Merheb if he had any questions for the Board. He did not. Chair
5 Gannon responded very good and thanked Mr. Merheb.

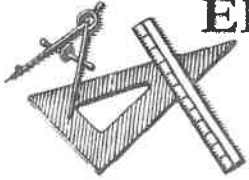
MEETING ADJOURNMENT

0 Chair Vicky Gannon made a motion at 9:04 p.m. to adjourn until the next Planning Board meeting, which
1 is scheduled for Wednesday, September 9, 2026. Mr. Jack Mattes seconded. All in favor. Motion passes.

Respectfully Submitted

Nicole Montesano

BIBBO ASSOCIATES ENGINEERING, P.C.



Timothy S. Allen, P.E.
Nicholas Gaboury, P.E.
Matthew J. Gironda, P.E.

August 12, 2026

RECEIVED

Somers Planning Board
335 Route 202
Somers, NY 10589

AUG 17 2026

Attn: Ms. Vicky Gannon, Chairwoman

PLANNING & ENGINEERING
TOWN OF SOMERS

Re: Suelain Realty, LLC
Granite Pointe Subdivision
Final Subdivision Approval
Request for Extension
Sh. 27.05, Blk. 3, Lots 2 & 5

Dear Chairwoman and Members of the Board:

On behalf of our client, we are requesting that a 90 day extension be granted for Resolution 2017-10 that will be expiring on October 2, 2026, for the above referenced project.

Deep tests holes have been witnessed by the Westchester County Department of Health (7-20-26) for remediated portions of the property. Percolation tests are scheduled for August 14th and 18th.

An email inquiry was made to the New York State Department of Transportation pertaining to past approvals and project status. We are assuming the project will require a new permit meeting today's NYSDOT procedures and standards. As of the date of this letter, we have not received a response.

We respectfully request to be placed on your September 9, 2026 agenda for consideration.

Very truly yours,

Timothy S. Allen, P.E.

TSA/mme

cc: J. Harkins (via email)
G. Messuri (via email)
File

Site Design ♦ Engineering

Mill Pond Offices · 293 Route 100 · Suite 203 · Somers, New York 10589

Phone: 914.277.5805

Website: www.bibboassociates.com · E-mail: bibbo@bibboassociates.com

07/18

**TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
APPLICATION FOR ENVIRONMENTAL PERMIT
CHAPTER 93 "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL"**

APPLICATION FEE: \$100 for disturbances of five thousand (5,000) square feet and/or for the placement or removal of 50 cubic yards of soil, plus \$500 for each additional acre of disturbance.

RECEIVED

ENGINEERING INSPECTION FEE: \$100

AUG 07 2026

OWNER: Alfie Boniello **Tel. #:** 914-760-1824

Mailing Address: 3 Arthur Court, Somers, NY 10589

Email Address: katonahille@gmail.com

**PLANNING & ENGINEERING
TOWN OF SOMERS**

APPLICANT: Same as Owner **Tel. #:**

Mailing Address:

Email Address:

State authority: If other than owner, authorization must be submitted in writing

PREMISES: Sheet: 17.09 Block: 2 Lot: 8

DESCRIPTION OF WORK AND PURPOSE: Proposed 2-Lot subdivision with a new residence and associated common driveway access, walkways, OWTS and stormwater mitigation. Existing residence to remain.

SIZE OF ACTIVITY AREA: 415 feet by 420 feet
(include all construction activity area)

VOLUME OF EXCAVATED MATERIAL: ±3,600-c.y.
(leave blank if not known)

IN CONJUNCTION WITH:

Wetland Permit: **Steep Slopes Permit:** **Tree Preservation Permit:**

Site Plan: **Subdivision:** X

PROPOSED STARTING DATE: 4/1/27 **PROPOSED COMPLETION DATE:** 4/1/28

PLANS PREPARED BY: **DATED:** 9/26/25

Hudson Engineering & Consulting, P.C.

****Plans and copy of Stormwater Pollution Prevention Plan must be submitted with application.****

LIST OF APPLICABLE COUNTY, STATE, OR FEDERAL PERMITS:

Town of Somers Planning Board Subdivision Approval, WCDOH Subdivision Approval
& OWTS/Well Approval, NYSDEC SPDES GP-0-25-001, Town of Somers Building Permit

**LIST OF PROPERTY OWNERS OF RECORD OF LANDS AND CLAIMANTS OF WATER RIGHTS
WITHIN 100 FEET OF SUBJECT PROPERTY**

NAME	ADDRESS	BLOCK/LOT
------	---------	-----------

APPLICANT'S SIGNATURE: **DATE:** Aug 7, 2026

OWNER'S SIGNATURE: **DATE:** Aug 7, 2026

***APPLICATION MUST BE ACCOMPANIED WITH A COMPLETED ENVIRONMENTAL ASSESSMENT FORM, A VICINITY MAP, A DEVELOPMENT PLAN, EROSION AND SEDIMENT CONTROL PLAN, AND THE PROPOSED PHASING OF DEVELOPMENT OF THE SITE.**

Office Use Only

Administrative Permit:

Planning Board Permit:

APPLICANT ACKNOWLEDGEMENT

By making this application, the undersigned Applicant agrees to permit Town officials and their representatives to conduct on-site inspections in connection with the review of this application.

The applicant also agrees to pay all expenses for the cost of professional review services required for this application, as referred to in §133-1 of the Code of the Town of Somers. As such, an Escrow Account, according to §133-2 of the Code of the Town of Somers, may be required.

It is further acknowledged by the Applicant that all bills for the professional review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant: [Signature] Date: Aug 7, 2026

Signature of Property Owner: [Signature] Date: Aug 7, 2026
(if different from applicant)

RECEIVED

AUG 07 2026

**PLANNING & ENGINEERING
TOWN OF SOMERS**

BUREAU OF FIRE PREVENTION

Telephone
(914) 277-5582
Fax
(914) 277-3790

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

THOMAS J. TOOMA, JR.
CHIEF



RECEIVED

AUG 27 2026

**PLANNING & ENGINEERING
TOWN OF SOMERS**

MEMO TO: Planning Board

FROM: Bureau of Fire Prevention

RE: 3 Arthur Court

DATE: August 27, 2026

At our monthly meeting on August 19, 2026, a submission received from the Planning Board for 3 Arthur Court was reviewed and discussed. The Bureau would like a better turning radius at the fork in the driveway to accommodate a broken K turn. As per Appendix D of the 2025 Fire Code of NYS, if the proposal doesn't already meet that requirement, the Bureau would like to see it done.

August 25, 2026

To: Chairwoman Vicky Gannon
Members of the Planning Board
Town of Somers
335 Route 202
Somers, NY 10589



RECEIVED

AUG 26 2026

**PLANNING & ENGINEERING
TOWN OF SOMERS**

Re: Proposed subdivision at:
3 Arthur Court
Somers, NY

Dear Chairwoman Gannon and fellow members of the planning Board,

Our home is located at 44 Wilner Road, immediately adjacent to the property being reviewed for subdivision, by your board. Our property is on the West, downhill side of the subject parcel. We have been made aware of the proposal to subdivide the existing lot, to create a second lot, with the intent to construct a new single-family residence.

It is our understanding that during the 1973 subdivision process, a "Street Frontage" variance was granted, to allow for the creation of the existing non-conforming building lot, known today as 3 Arthur Court. We would respectfully like to request a clarification/interpretation by your board or Town attorney, of the original Variance and Subdivision resolutions. If in fact the lot is existing non-conforming and was granted a variance, in order to create a buildable lot, we would like to know what has changed, that would allow your board to consider another subdivision, that would increase the non-conformity.

At our request, our Architect Samuel Vieira, was able to obtain copies of the plans and documents, submitted for this preliminary subdivision review. He has explained the proposed Site Plan for the new house, in broad terms. Beyond the general concerns of storm water run-off, building on rock (Blasting or hammering), protection of our well water and septic fields, we are very concerned about the proposed location for the septic field(s).

Our property is adjacent to the proposed septic field location(s). On the HEC drawings, sheets C-2 and C-3A, the proposed septic field(s) are shown located beyond the required 100 ft radius and 200 ft slope distance to our well. The problem is that the slope behind our property is all rock. These clearances are general practice standards and do not take into account the severity of the slope of the land and/or the composition of the slope. It seems re-grading (leveling) is proposed, in the area of the proposed septic fields. We would like to see a report, of the existing depth of the soil above the bedrock, in the area of the proposed septic fields.

Even if there is an acceptable standard, of depth of soil for the septic fields, we are very concerned about run-off and ground saturation during the now more frequent heavy rain storm events. Even clean rain water run-off is detrimental to our property, let alone sewage run-off.

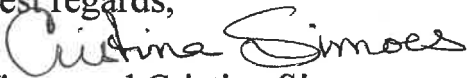
Furthermore, when there is a heavy or persistent rain, we get water running into our basement/crawl space from the hill behind our house, for days after the rain stops. We have investigated and can not find the source or path the water takes down the hill. It seems to run below the rock surface, in what can possibly be attributed to fissures or underground streams. This gives even a greater concern about sub-surface drainage from the septic fields and beyond.

Our Architect explained to us that the site plan shows the

contours of the property draining to the South and West from the septic fields and theoretically away from our property. What is not shown or known, is the slope direction of the hillside on the adjacent properties. Does the slope direction change and then divert rain water or dirty water back towards our property? Has our well location been certified by a licensed land surveyor or was the well location taken from old Health Department records?

We look forward attending the future preliminary Planning Board meetings and public hearings, where everyone's concerns can be heard and responded to. We greatly appreciate your time and effort to review this letter.

Best regards,

A handwritten signature in cursive script that reads "Cristina Simoes". The signature is written in dark ink and is positioned above the printed name.

Victor and Cristina Simoes

44 Wilner Road, Somers, NY

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4093

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

August 21, 2026

To: Town of Somers Zoning Board of Appeals

From: Town of Somers Planning Board

Re: 9 Sun Hill Road Application

Cc: Jonathan Merheb, PE

The Planning Board, at its August 12, 2026 regular meeting did review and discuss the application for the proposed construction of a single-family residence including septic, well, stormwater improvements and the realignment of a Town drainage pipe and associated easement modification for the property located at 9 Sun Hill Road. The application requires several variances related to lot size, lot width and yard setbacks. The Planning Board unanimously referred the application to your Board for review and consideration with no objections to the requested variances.

Thank you for your attention to this matter.

RECEIVED

SEP - 1 2026

ECN HOME
PLANNING & ENGINEERING
TOWN OF SOMERS
PERFORMANCE
& TESTING

WETLAND DELINEATION REPORT

Project Name	9 Sun Hill Rd
Project Address	9 Sun Hill Rd, Katonah, NY 10536
Municipality / County	Town of Somers, Westchester County, New York
Tax Parcel / SBL	47.12-1-14
Applicant / Owner	Mike Festo
Prepared For	Mike Festo
Prepared By	ECN Testing
Field Investigation Date	8/18/26
Report Date	8/25/26

Table of Contents

- Table of Contents
- Introduction and Purpose
- Project Area
- Desktop Environmental Review
- Field Observations
- Wetland Delineation Results
- Soils
- Limitations
- Appendices
- Certification

INTRODUCTION AND PURPOSE

ECN Testing was retained by Mike Festo to conduct a wetland delineation and environmental resource assessment for the property located at 9 Sun Hill Rd, Katonah, New York 10536.

The purpose of this investigation was to identify and evaluate potential wetlands, watercourses, and associated wetland-upland boundaries within the area of investigation and to document conditions observed during the field investigation.

PROJECT AREA

The area investigated consists of approximately 1 acre and is generally characterized by undeveloped land.

The project area is predominately wooded and includes an existing drainage feature consisting of a large diameter culvert. The culvert discharges to a defined, rocky channel with observed water flow. The property slopes down toward the west.

DESKTOP ENVIRONMENTAL REVIEW

Prior to the field investigation, ECN Testing reviewed available environmental resource information for the project area, as applicable, including NYSDEC Environmental Resource Mapper information, NYSDEC freshwater wetland information, National Wetlands Inventory mapping, NRCS Web Soil Survey, USGS topography, aerial imagery, FEMA mapping, New York State GIS resources, municipal mapping, and other available environmental databases.

Desktop mapping is treated as screening information and is not represented as a substitute for field investigation or a formal agency jurisdictional determination.

FIELD OBSERVATIONS

The following observations represent the physical conditions documented by ECN Testing during the field investigation.

The project area consists of a vegetated drainage corridor associated with an existing stream and roadway drainage system. The property generally slopes downward toward the west of site, with drainage following the existing topographic gradient. A drainage pipe was observed conveying runoff from the roadway to the stream. The area east of the culvert and stream was generally characterized by upland deciduous woodland, with associated upland shrub and herbaceous communities. West of the culvert areas supported a mixture of wetland-associated wooded, shrub, and herbaceous communities. Potential wetland features observed included the existing runoff channel, roadway drainage pipe and outfall, concentrated drainage, and changes in vegetation and site conditions along the drainage corridor. No standing water or localized surface saturation was observed in the upland area east of the culvert.

Field observations are based on conditions present on the investigation date and may vary seasonally or over time.

WETLAND DELINEATION RESULTS

The wetland boundary was identified along the stream corridor beginning at the culvert outlet and extending west along the stream bed toward the back of the property. The area east of the culvert and stream was characterized by upland conditions. The delineated wetland boundary generally follows the stream corridor and associated transition in site conditions.

Soils

Shallow soil borings were taken using a spade and Dutch auger at selected locations throughout the site in order to identify wetland soils. Soil borings were logged noting soil profile color, texture, redoximorphic (wetland soil) indicators, and water table. Detailed descriptions of soil profile descriptions are provided in Appendix A.

Soils encountered in the study area include non-wetland, woodbridge loam, 3 to 8 percent slopes, a moderately well-drained upland soil formed in glacial till, in the woodland areas on the eastern portion of the site, closer to Sun Hill Rd; Wetland areas consisted of, chatfield charlton complex, 15 to 35 percent slopes, very rocky generally well drained however, small wet areas can occur within the map unit. The CsD complex contains a hydric component (Leicester, very stony) that can occur in drainageways, located below the western side of the stream corridor.

LIMITATIONS

This report has been prepared for the exclusive use of Mike Festo for the 9 Sun Hill Rd project.

The investigation was limited to areas reasonably accessible to ECN Testing. Inaccessible, obscured, or otherwise unavailable areas were not represented as having been fully evaluated.

Wetland conditions and boundaries may change due to seasonal hydrology, weather, grading, construction, drainage modifications, vegetation changes, and other factors.

This report does not constitute a legal opinion regarding wetland jurisdiction. Unless specifically stated otherwise, it does not constitute a formal jurisdictional determination by NYSDEC or the U.S. Army Corps of Engineers.

APPENDICES

Appendix A – Soil Profile Descriptions

Appendix B – Site Photographs

Appendix C – Wetland / Environmental Resource Maps (Attached PDF's)

CERTIFICATION

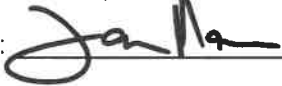
I certify that the information contained in this report is based upon my field observations, professional judgment, and review of available information, and that the wetland assessment was conducted using the methodology identified within this report.

Prepared By: ECN Testing

Name: Jason Mann

Title: Owner / Operator

Signature:

A handwritten signature in black ink, appearing to read 'Jason Mann', is written over a horizontal line.

Date: 8/25/26

Appendix A

Soil Profile Descriptions

Sample Site A-1

-Gently Sloped, moderately well drained

-No Hydric Soil Indicator Met

Depth	Matrix	Redox	Texture
0-8"	10yr 3/2	None Observed	Loam/fine sandy loam
8"-16"	10yr 4/4	None Observed	Fine Sandy Loam
16"-24"+	10yr 5/4	None Observed	Fine Sandy Loam/Loam

Sample Site A-2

-Gently Sloped, moderately well drained

-Few redox concentrations occur at depth but do not meet requirements of hydric soil indicator

-No Hydric Soil Indicator Met

Depth	Matrix	Redox	Texture
0-6"	10yr 3/2	None Observed	Loam
6"-14"	10yr 4/4	None Observed	Fine Sandy Loam
14"-24"+	10yr 5/4	Faint 7.5yr 5/6 masses	Fine Sandy Loam

Sample Site A-3

-Gently Sloped, moderately well drained

-Few redox concentrations occur at depth but do not meet requirements of hydric soil indicator

-No Hydric Soil Indicator Met

Depth	Matrix	Redox	Texture
0-6"	10yr 3/2	None Observed	Loam
6"-14"	10yr 4/4	None Observed	Fine Sandy Loam
14"-24"+	10yr 5/4	Faint 7.5yr 5/6 masses	Fine Sandy Loam

Appendix A cont.

Soil Profile Descriptions

Sample Site A-4

-Soil pit is located adjacent to the culvert outlet. Concentrated drainage enters the area through the culvert and discharges toward the stream/drainage channel. Localized hydrologic influence and saturation are evident near the drainage outlet. -

-Hydric Soil Indicator A-11 "Depleted Below Dark Surface" was Met

Depth	Matrix	Redox	Texture	Remarks
0-4"	10yr 3/1	None Observed	Gravelly fine sandy loam	Dark Mineral Surface
4"-8"	10yr 4/1	7.5yr 5/6 distinct	Gravelly fine sandy loam	Low Chroma transition w/ redox
8"-16"+	10yr 5/2	7.5yr 5/6 distinct/common	Gravelly Loam	Depleted looking matrix w/ redox

Appendix B

Site Photographs



Soil Sample A-1, A-2, A-3 locations



Soil Sample A-4 location

Appendix B

Site Photos



Drainage Pipe


[Contact Us](#) | [Subscribe](#) | [Archived Soil Surveys](#) | [Soil Survey Status](#) | [Glossary](#) | [Preferences](#) | [Link](#) | [Logout](#) | [Help](#)
[A](#) | [A](#) | [A](#)
[Area of Interest \(AOI\)](#)
[Soil Map](#)
[Soil Data Explorer](#)
[Download Soils Data](#)
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[Printable Version](#)
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Search

Map Unit Legend

Westchester County, New York (NY119)

Westchester County, New York (NY119)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CsD	Chatfield-Charlton complex, 15 to 35 percent slopes, very rocky	2.0	54.7%
PnC	Paxton fine sandy loam, 8 to 15 percent slopes	0.5	14.4%
PnD	Paxton fine sandy loam, 15 to 25 percent slopes	0.0	0.5%
WdB	Woodbridge loam, 3 to 8 percent slopes	1.1	30.4%

Totals for Area of Interest **3.6 100.0%**

Soil Map

Scale (not to scale) ▼

**Warning: Soil Map may not be valid at this scale.**

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Map AOI were mapped at 1:12,000. The design of map units and the level of detail shown in the resulting enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of map areas of contrasting soils that could have been shown at a more detailed scale.



Environmental Resource Mapper

Base Layer: Topographical



Using this map

Search

Tools

Layers and Legend

Wetland Layers

☒ All Layers☒ Previously Mapped
Freshwater Wetlands
(Outside of the
Adirondack Park)☒ Informational
Freshwater Wetland Mapping☒ National Wetlands
Inventory☐ Estuarine and Marine
Deepwater☐ Estuarine and Marine
Wetland☐ Freshwater Emergent
Wetland☐ Freshwater
Forested/Shrub Wetland☐ Freshwater Pond☐ Lake☐ Other☐ Riverine

Reference Layers

Tell Me More...

Need A Permit?

Contacts

