

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

Town of Somers

WESTCHESTER COUNTY, N.Y.



TOWN HOUSE
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SOMERS PLANNING BOARD AGENDA OCTOBER 14, 2026 7:30 PM

MINUTES

Draft Minutes for consideration of approval: September 9, 2026.

CONTINUATION OF PUBLIC HEARING

- 1. 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

- 2. 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.

**3. 259 ROUTE 100 – SOMERS SELF STORAGE – BASEMENT – AMENDED SITE PLAN
TM: 28.06-1-15**

The Applicant is proposing finishing the existing basement of the newly constructed self-storage building. The proposed work will convert the basement into additional storage space to support the building's current operational needs. No Site Plan alterations are proposed or required. The existing site provides sufficient parking to accommodate the additional storage area. The property is located at 259 Route 100 in the Office and Light Industry (OLI) District.

REFERRALS

**4. REFERRAL BY THE SOMERS TOWN BOARD FOR A ZONING TEXT AMENDMENT
REGARDING WIRELESS COMMUNICATIONS- ELIGIBLE FACILITIES REQUESTS**

The Town Board has initiated a proposal to amend the Zoning Code of the Town of Somers related to Wireless Communications – Eligible Facilities Requests.

DISCUSSION

5. 2027 PLANNING BOARD CALENDAR

6. APPLICATION UPDATE

MEETING ADJOURNMENT

**Due to Veterans Day, the next Planning Board Meeting is scheduled for the Third
Wednesday, November 18, 2026 at 7:30pm.**

Agenda Subject to Change

Vicky Gannon, *Chairman*
Rick Bohlander
Paul W. Ciavardini
Damien DeSantis
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1

SOMERS PLANNING BOARD MINUTES
SEPTEMBER 9, 2026
7:30 P.M.

ROLL

MEMBERS PRESENT Chair Vicky Gannon, Rick Bohlander, Paul Ciavardini, Damien DeSantis, 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.

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

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.

MINUTES

Chair Vicky Gannon stated the first item on our agenda tonight is the August 12, 2026, draft minutes. She noted there was one correction noted by Planning Board Attorney, Mr. Michael Towey that she saw in an email. Mr. Towey noted it was very minor. Chair Gannon stated she did not notice anything and then asked if there were any other comments or questions on the minutes. There were none. She then made a motion to approve the minutes as amended. Mr. Anthony Sutton seconded. All in favor. Motion passes.

At 7:32 p.m. Chair Gannon made a motion to adjourn for an advice of counsel session. Mr. Christopher Zaberto seconded. All in favor. Motion passes. The Planning Board and staff left the Planning Board Meeting room.

At 8:01 p.m. the Board and staff returned to the Planning Board Meeting room. Chair Gannon made a motion to close the advice of counsel session. Mr. Zaberto seconded. All in favor. Motion passes. Chair Gannon then made a motion to reopen the Planning Board meeting. Mr. Paul Ciavardini seconded. All in favor. Motion passes.

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**

For the record Chair Vicky Gannon stated this is a request for the 37th 90-day time extension for the 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.

Mr. Timothy Allen, P.E., from Bibbo Associates and Engineering P.C., came to the podium and introduced himself. He indicated he was representing Suelain Realty and Mr. John Harkins, also of Suelain Realty and Granite Pointe was there with him this evening. Mr. Allen stated since the last time they were before the Board, they had done the testing with the Westchester County Health Department (WCHD). Following that, they had scheduled percolation tests with the WCHD and given all the rain in August the tests had to be cancelled and rescheduled multiple times. In addition, a couple vacations on the WCHD end and some on their end occurred as well. Mr. Allen indicated so, they are still working to reschedule those percolation tests for this month. He added that he also reached out to the New York State Department of Transportation (DOT). He sent

1 the DOT an email summarizing where they were at - he has not heard back from them.
2 He followed up with two phone calls. He indicated that normally the DOT is not
3 particularly responsive. His thought was in past projects and even very recent projects
4 that have lapsed, the DOT made them go through their new electronic submittal and
5 review process. He is assuming that is going to be the answer here. They are going to go
6 through this resubmittal process for Granite Pointe. They have done that on several
7 projects - 2 in Southeast and one, he believes here in Somers - where they had to
8 basically, not start all over, because there is history of approval, but nonetheless go
9 through a different process of electronic review. Chair Gannon responded that she
10 thought she remembered Mr. Allen alluding to that at the prior meeting with the DOT
11 issues. She then asked if there was anything else. Mr. Allen responded that was where
12 they are at this time. They are trying to get the percolation tests done and once
13 successful, they can start to move on some of the other stuff. Mr. Christopher Zaberto
14 then asked Mr. Allen, in his experience of past projects, how long the resubmittal
15 process and/or the electronic submittal process takes with DOT. Mr. Allen responded
16 usually about three months. Mr. Zaberto responded three months, and that is for the curb
17 cuts that are needed. Mr. Allen responded yes. Mr. Damien DeSantis asked Mr. Allen
18 when the percolation tests will be scheduled. Mr. Allen responded that he believed the
19 DOT inspector is back for vacation again this week, so they are trying to schedule
20 something in the next week or two. Chair Gannon asked Consulting Town Engineer, Mr.
21 Steve Robbins if after listening to what the Applicant has managed to accomplish if he
22 thought they met what was set out. The goal was to make progress on the septic. She
23 also asked what his understanding was of what is going on with the DOT and the curb
24 cuts. Mr. Robbins responded that he would agree with the Applicant's characterization of
25 the DOT. He noted that he spends a fair amount of his own time trying to track them
26 down as well. It was a wet August, and you certainly cannot be scheduling percolation
27 tests when there is six inches of rain. Mr. Robbins stated the question he had for the
28 Applicant on this is whether there is any additional testing needed for stormwater, or if
29 that has already been completed as well. Mr. Allen responded it has been completed. He
30 added that he still has to revisit it all with the Department of Environmental Protection
31 (DEP), but the testing was all done previously. If there are any gaps that need to be
32 filled, that will be next once the WCHD testing is done. The next other outside agency
33 would obviously be the DEP. Mr. Robbins responded, so your process right now is to
34 complete the percolation testing and deep hole testing with the WCHD, and based on
35 those results, determine if any additional stormwater testing is needed. Mr. Allen
36 responded yes, he will sit down with the DEP and go over their notes versus his own
37 notes -admittedly it has been such a long time. So, we will compare notes. Chair
38 Gannon asked Mr. Allen if he could repeat that as she was having a little trouble
39 understanding and will need exactly what he was saying for the record. Mr. Allen
40 responded once they are done with the WCHD and the testing has been accepted, they
41 will sit down with the DEP and go through basically what was done in the past and
42 make sure that all of their notes are consistent with the stormwater testing. Once that is
43 complete, they will make a reapplication to the DEP. You will recall that the DEP
44 rescinded their approval back in the day, so there is no DEP approval in hand now -
45 although nothing has changed. Chair Gannon asked when Mr. Allen anticipated getting
46 that accomplished. Mr. Allen responded once the WCHD is satisfied with the testing.

1 Mr. Allen stated that he previously advised from day one, that this is going to be a
2 process. It is not going to happen before the next meeting, and it is probably not going to
3 happen before the meeting after that. As he just said, a DOT permit - three months at
4 best. Mr. Allen added they are going to be working on this for a while. Mr. Zaberto
5 responded to Mr. Allen and stated that we do not doubt the regulatory hurdles that you
6 have to overcome. We recognize that has been a big thorn in this project for a very long
7 time. We just want to make sure that when you have a window to operate that you
8 capitalize on that window. The reason we are asking the questions the way we are is
9 because it has dragged on so long. Mr. Allen responded fair enough. Chair Gannon
10 stated, in other words, she is not an engineer, but winter is going to come again. Mr.
11 Allen responded when we saw the rains in August, we were a little taken back. Chair
12 Gannon responded right – so she is concerned that we take advantage of all the
13 opportunities that the good weather is going to give us and make progress where we can
14 in an orderly fashion, and have clear expectations of what we can do, and she thinks that
15 works for everybody. So, we know what to expect, and you know what you need to do.
16 Okay, so if we were to outline what we think is reasonable to accomplish, because you
17 will be back in December because your expiration is at the end of December. She then
18 asked Mr. Robbins if we are looking at goals, what would we be looking to have
19 accomplished. Mr. Robbins responded, he would say we certainly need the WCHD
20 testing to be done, and he did not see any reason why, and would hope that if the
21 Applicant continues to encounter difficulties there, that they inform the Town so that we
22 have that with appropriate notice. If there is any additional site testing, it would be good
23 to have that completed this fall as well for the stormwater, if that is achievable. To your
24 point, Chair, let us get it done before the winter. Chair Gannon responded yes, she
25 thought she mentioned this the last time in terms of the DOT, do keep us in the loop so
26 that we are aware of whatever deadlines or communications that you are having, so we
27 can understand how things are progressing for that. She then asked if there were any
28 other questions, suggestions, concerns, and/or comments. There were none. Chair
29 Gannon then made a motion to grant the 37th 90-day time extension, for the Granite
30 Pointe Subdivision, Re-Grant of Final Subdivision Approval, Wetland and Watercourse
31 Protection, Steep Slope Protection, Tree Preservation and Stormwater Management and
32 Erosion and Sediment Control Permits. Mr. Rick Bohlander seconded. All in favor.
33 Motion passes.
34

35 **CONTINUATION OF PUBLIC HEARING – ADJOURNED AT THE APPLICANT’S**
36 **REQUEST**
37

38 **2. VEOLIA WATER NEW YORK, INC. – HERITAGE HILLS WATER**
39 **TREATMENT PLANT SITE PLAN, WETLAND AND WATERCOURSE**
40 **PROTECTION, STEEP SLOPE PROTECTION, STORMWATER**
41 **MANAGEMENT AND EROSION AND SEDIMENT CONTROL AND TREE**
42 **REMOVAL APPLICATIONS**
43 **TM: 6.20-10-13**
44

45 Chair Vicky Gannon stated the next item on our agenda is Veolia. The Applicant has
46 asked us to adjourn the Public Hearing. So, in order to do that, we are going to introduce

1 the project, open the Public Hearing. If anybody wants to speak, they can, and then we
2 will adjourn the Public Hearing to the next meeting. For the record Chair Gannon stated
3 this is Veolia Water New York Incorporated - Heritage Hills Water Treatment Plant-Site
4 Plan, Wetland and Watercourse Protection, Steep Slope Protection, Stormwater
5 Management and Erosion and Sediment Control and Tree Removal Applications, Tax
6 Map 6.20-10-13.

7
8 The project will consist of the installation of a new PFAS (Polyfluoroalkyl Substances)
9 treatment building to house granular activated carbon (GAC) filtration vessels, which
10 are to be used to reduce PFAS to regulatory compliance levels. The existing sodium
11 hydroxide chemicals that feed the system will be relocated to dedicated rooms within the
12 new building, an above-ground chlorine contact tank will be installed to replace the
13 existing chamber. The project will also include a paved driveway, an underground
14 stormwater tank detection system. In addition, an above-ground spill containment pad is
15 being proposed. The property is located in a Designated Residential Development
16 Overlay District (DRD). She then made a motion to open the Public Hearing. Mr.
17 Christopher Zaberto seconded. All in favor. Motion passes. Chair Gannon then asked if
18 there was anyone present who wanted to speak on this application. As there was no one
19 present wanting to speak, Chair Gannon then made a motion to adjourn the Public
20 Hearing, to the Planning Board's next meeting, which is Wednesday, October 14, 2026.
21 Mr. Damien DeSantis seconded. All in favor. Motion passes.

22 23 **PROJECT REVIEW**

24 25 **3. 3 ARTHUR COURT-PRELIMINARY SUBDIVISION APPROVAL AND STEEP** 26 **SLOPE PROTECTION, STORMWATER MANAGEMENT AND EROSION** 27 **AND SEDIMENT CONTROL AND TREE REMOVAL APPLICATIONS -** 28 **ADJOURNED AT THE APPLICANT'S REQUEST** 29 **TM: 17.09-2-8**

30
31 The Applicant is proposing subdividing the property into 2 lots and the construction of a
32 common driveway and retaining walls to provide access to both properties, as well as
33 the necessary stormwater mitigation measures to treat the runoff from the development.
34 The existing residence and associated existing site improvements are to remain on Lot 1
35 with a new residence, pool, and patio to be proposed on Lot 2. The property is located at
36 3 Arthur Court and is in an R-40 Zoning District.

37
38 For the record Chair Vicky Gannon stated the next item on our agenda is project review
39 for 3 Arthur Court -Preliminary Subdivision Approval and Steep Slope Protection,
40 Stormwater Management and Erosion and Sediment Control, and Tree Removal
41 Applications. It has been adjourned at the Applicant's request and as she understands our
42 Site Walk is still on track to take place on September 19, 2026. She then asked if
43 anything happens to change that, to let the Board know. She then confirmed with
44 Planning Board Secretary, Ms. Nicole Montesano that the Site Walk was scheduled to
45 start at 9:00 AM.

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

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

10
11 Mr. Jonathan Merheb, P.E. from JMER Engineering P.C., joined the meeting via Zoom
12 and stated that he was there on behalf of Mr. Michael Festo. He then asked if he could
13 share his screen. Mr. Merheb stated that since the last meeting, the only new submission
14 has been the Wetland Report that was done, and that was the main area of concern from
15 Consulting Town Engineer, Mr. Steve Robbins. In addition, the Planning Board had
16 some comments about it as well. He indicated that the report just confirms that it is a
17 creek lined with stone, so it has a hard border. There were soil samples taken just outside
18 of that area to test, and they were not wetland soils. They were for the most part,
19 gravelly loams. So, it did confirm the wetland as delineated by the surveyor, which is the
20 stone. Mr. Merheb added they have not had a chance to address the other comments
21 from the Woodard & Curran memo yet as they are still waiting for the updated survey to
22 complete the topography across the site and added that they plan on having that for the
23 next meeting. He concluded and stated that was all he had for today and asked if there
24 were any questions about the report or this application. Chair Gannon asked Consulting
25 Town Planner, Mr. David Smith if he had any comments. He did not. Chair Gannon then
26 asked Mr. Robbins if he had any comments. Mr. Robbins thanked Mr. Merheb for the
27 back and forth, as he had some questions and some missing information there. He added
28 that he appreciated that on the report and that his office is reviewing it, and they will
29 advise the Board if they have any comments on that for the next meeting. Chair Gannon
30 stated that they had asked that they provide the wetland delineation to Mr. Robbins'
31 satisfaction prior to agreeing to a Site Walk. Mr. Robbins responded it is sufficient to
32 schedule that Site Walk. Chair Gannon thanked Mr. Robbins and then asked for Board
33 discussion, comments, and/or questions. Mr. Rick Bohlander asked where they stand
34 with the Westchester County Health Department (WCHD). Mr. Merheb responded that
35 they have done the initial site visit and the percolation test. Mr. Merheb shared the plans
36 and stated that what he was showing was more or less going to be the final design. He
37 pointed out the trenches and noted that the number of trenches reflect the final condition,
38 and it is based on the field testing that was done and that they were just waiting to start
39 the process with the Planning Board here prior to getting that in. He added they are
40 going to be submitting that soon. Chair Gannon asked if there were any other questions.
41 Mr. Anthony Sutton stated he thought a picture is worth 1,000 words, and a Site Walk is
42 worth 10,000. Chair Gannon responded absolutely. She then added that they are going to
43 do the Site Walks on September 19, 2026, and are going to start at Arthur Court at 9:00
44 a.m. She then asked if we were to give the Applicant an approximate time that we think
45 we would make it to Sun Hill, it would be important to get a hold of Mr. Merheb's cell
46 phone, so we can give him a heads up of when we are leaving the first Site Walk. Mr.

1 Merheb agreed and stated he believed the office has his number and that he is actually
2 moving close by this weekend so he will not be far away. Chair Gannon asked if he was
3 moving to Somers. Mr. Merheb replied he was. Chair Gannon responded welcome! Mr.
4 Merheb replied thank you. Chair Gannon then asked Mr. Robbins what they should give
5 as the best time – ballpark. Mr. Robbins responded he thought it was reasonable to plan
6 for 10:00 a.m. as he did not expect it to be any later. Chair Gannon responded the Board
7 and staff will be in that ballpark. Mr. Merheb responded no problem, his morning will be
8 open, and he looks forward to seeing everyone there. Chair Gannon then asked Mr.
9 Robbins if at this point he thought there was enough information to schedule the Public
10 Hearing. Mr. Robbins responded no, he would wait on that. He thought the Board would
11 want to see the rest of the topography and the additional technical response. In addition,
12 he also wanted to make sure that counsel has had time to review anything that is needed
13 on the adjustment of the easements. Planning Board Attorney, Mr. Michael Towey then
14 asked Mr. Merheb if they have had discussions with the Town Engineer regarding the
15 procedure to not only move the drainage pipe but also to kind of reestablish the
16 easement. Mr. Merheb responded yes, they did. They had a little back and forth. The
17 Town's Principal Engineering Technician, Mr. Steven Woelfle and the Highway
18 Department Superintendent, Mr. Nick DeVito came out to the site already. They looked
19 at it, and we have already had a little back and forth with their preference on the
20 realignment of the drainage. Mr. Towey then asked if a draft easement was prepared for
21 consideration. Mr. Merheb responded they just have the drawings with the proposed new
22 easement lines for now but have not drafted the actual easement yet; but will be working
23 on that. Mr. Towey responded okay and asked that once Mr. Merheb gets to that stage,
24 to please circulate it to the Town Engineer and then it can be forwarded by Planning
25 Board Secretary, Ms. Nicole Montesano to him so he can have an opportunity to review
26 it as early as possible. Mr. Merheb responded yes, will do. Chair Gannon then asked if
27 there were any other questions. There were none. She then advised Mr. Merheb that he
28 will see the Board on September 19, 2026, for the Site Walk. Mr. Merheb responded
29 sounds good and thanked the Board.
30

31 MEETING ADJOURNMENT

32
33

34 Chair Vicky Gannon made a motion at 8:22 p.m. to adjourn until the next Planning
35 Board meeting, which is scheduled for Wednesday, October 14, 2026, here at 7:30 p.m.
36 Mr. Jack Mattes seconded. All in favor. Motion passes.
37
38
39

40 Respectfully submitted,
41
42
43

44 _____
45 Nicole Montesano
46

RECEIVED

OCT 07 2026

**PLANNING & ENGINEERING
TOWN OF SOMERS
MEMORANDUM**



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TO: Town of Somers Planning Board
FROM: Steven Robbins, P.E., LEED AP
DATE: October 7, 2026
RE: Veolia Water New York, Inc. – Heritage Hills Water Treatment Plant
Review of Site Plan Permit Application
TM: 06.20-10-13

GENERAL

The purpose of this memorandum is to provide a summary of our comments related to our review of the Site Plan Application that was submitted for the proposed Per- and Polyfluoroalkyl Substances (PFAS) treatment building located along Route 202 in the Town of Somers, New York.

The Applicant is proposing a 1,750 square-foot PFAS treatment building and 40,000-gallon above ground storage tank as well as a stormwater mitigation system and site improvements. The total site disturbance is approximately 0.50 acres, with disturbance to steep slopes and tree removal. The project site is located within the East of Hudson Watershed and the Groundwater Protection Overlay District within the Town of Somers.

This review focused on the engineering design with the associated Town Code and State requirements in accordance with the following:

- Town of Somers Code, Chapter 93: Stormwater Management and Erosion and Sediment Control
- Town of Somers Code, Chapter 148: Steep Slope Protection
- Town of Somers Code, Chapter 156: Tree Preservation
- Town of Somers Code, Chapter 167: Wetlands and Watercourse Protection
- Town of Somers Code, Chapter 144: Site Plan Review
- New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
- New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual (SMDM), dated July 2024.

DOCUMENTS REVIEWED

- Comment Response Letter, "Planning Board – Comment Response Letter No. 3", prepared by Suburban Consulting Engineers, Inc., dated September 23, 2026;
- Cover Letter, "Town of Somers, County of Westchester, State of New York Veolia Water New York, Inc. – Heritage Hills Water Treatment Plant Special Exception Use Permit File No.: SCE-R14119.011", prepared by Suburban Consulting Engineers, Inc., dated September 23, 2026;



- Hydrogeologic Analysis & Groundwater Protection Plan, prepared by Suburban Consulting Engineers, Inc., dated September 2026;
- Stormwater Management Report, prepared by Suburban Consulting Engineers, Inc., dated February 2026, revised September 2026;
- Site Plans, prepared by Suburban Consulting Engineers, Inc., dated February 18, 2026; revised September 23, 2026;

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Site Plan Application Permit
- Town of Somers Planning Board: Stormwater Management and Erosion Control Application Permit
- Town of Somers Planning Board: Steep Slope Protection Application Permit
- Town of Somers Planning Board: Tree Removal Application Permit
- Town of Somers Planning Board: Wetlands and Watercourse Protection Application Permit
- Town of Somers Planning Board: Special Exception Use Permit

DISCUSSION

The following is a summary of our comments based on our technical review of the latest submittal. Previously issued comments are noted in *italics* and the corresponding current status response is shown below in **bold**. It should be noted that further comments will be provided upon review of additional information.

1. *The proposed development activity is located within the Town of Somers Groundwater Protection Overlay District and requires the issuance of a special exception use permit. Consistent with the Town Code requirements listed in §170.32, the Applicant shall be required to comply with the criteria necessary for issuance of Special Exception Use Permit including the preparation of a Groundwater Protection Plan.* **Addressed.**
2. *The Applicant shall confirm that all requirements are met and a permit is obtained according to Ch. 167-4 Wetlands and Watercourse Protection of the Town Code for construction within the 100-foot wetland buffer.* **Addressed.**
3. *The Applicant is requesting zoning variances associated with the primary and accessory structures proposed for the project. Please justify variances according to Ch. 170-Zoning, Article XIX Appeals, Variances, and Other Applications.* **Addressed.**
4. *The Applicant is applying for site plan permit and shall comply with all the standards according to Ch.144-7 of the Town Code. The following general comments are offered regarding applicable standards:*
 - a. *The Applicant shall estimate site earthwork, indicating total net cut/fill in cubic feet.* **Addressed.**
 - b. *The Applicant shall prepare a draft engineer's estimated cost of the proposed stormwater infrastructure.* **Addressed.**



5. *The Applicant shall confirm the exact limit of disturbance proposed for the building, tank, and site development. The Short Environmental Assessment Form and Soil Erosion and Sediment Control Plan claim 0.496 acres, while the SWPPP states +/-0.357 acres.*
Addressed.
6. *The Applicant proposes subsurface infiltration systems for stormwater management. The following comments are regarding the proposed infiltration systems:*
 - a. *The system is proposed on steep slopes greater than 15%. According to the SMDM, underground infiltration systems should not be located on slopes greater than 15%. The Applicant shall explain how the 15% max site slope requirement for infiltration systems will be met.* **Addressed.**
 - b. *The Applicant shall provide a note to the plan that any infiltration system shall be subject to inspection by the Consulting Town Engineer or Town Principal Engineering Technician prior to backfill.* **Addressed.**
7. *The Applicant includes PDA-1B as a drainage area in the Hydrograph Report, but it is not shown on the proposed conditions drainage area map. Please update the map and report for consistency.* **Addressed.**
8. *The Applicant proposes a 40,000-gallon above ground storage tank on the north side of the property. The following comments are regarding the proposed storage tank:*
 - a. *Please indicate how the stormwater runoff from the tank will be managed.* **Addressed.**
 - b. *Please provide the 18-foot diameter concrete tank foundation detail from the structural drawings to evaluate the foundation relative to the proposed grading.* **Addressed.**
9. *The Applicant has provided a Soil Erosion and Sediment Control Plan (E&SC). The following comments pertain to the proposed E&SC measures:*
 - a. *The Applicant shall provide inlet protection for all drain inlets (including the trench drain) and indicate as such on the E&SC plans.* **Addressed.**
 - b. *The Applicant shall indicate how the proposed disturbance within slopes steeper than 15% will be protected from erosion during construction.* **Addressed.**
 - c. *The Applicant shall indicate the proposed concrete washout facility location on the site plans.* **Addressed.**
10. *The Applicant shall prepare a draft Stormwater Maintenance Agreement, in accordance with the provisions of Town Code for review by the Consulting Town Engineer & Town Attorney.* **Addressed.**
11. *The Applicant shall provide a contractor certification statement.* **Addressed.**
12. *The Applicant shall include a note on the plans which states the following:*
 - a. *"Any imported topsoil shall comply with all federal, state, and local requirements for quality and use."* **Addressed.**
 - b. *"Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements."* **Addressed.**



- c. *"No construction activity, the sound or noise from which is audible beyond the boundaries of the property on which such construction activity is located, shall start before 7:00 a.m. or extend beyond 6:00 p.m. No construction activity shall be allowed on Sundays or legal New York State holidays."* **Addressed.**

13. *The Applicant shall provide justification for the building location on the site and why an alternate location further southwest is not feasible.* **Addressed.**

Please feel free to contact our office with any questions. Please provide a response memo identifying where responses to these comments can be located on revised submittals.

Nicole Montesano

From: Denise Schirmer
Sent: Friday, October 9, 2026 8:46 AM
To: Nicole Montesano
Cc: Wendy Getting
Subject: Open Space Committee Meeting Updates

Importance: High

Hi Nicole,

The Open Space Committee met last evening. They have no additional comments on the following:

Veolia Water NY
9 Sun Hill Road
259 Route 100

Thank you.

Denise



SUBURBAN ENGINEERING

RECEIVED

September 23, 2026

Town of Somers Planning Board
335 Route 202
Somers, New York 10589

SEP 24 2026

PLANNING & ENGINEERING
TOWN OF SOMERS

Attn.: Nicole Montesano
Planning Board Secretary

Re.: Town of Somers, County of Westchester, State of New York
Veolia Water New York, Inc. – Heritage Hills Water Treatment Plant
SBL: 06.20-10-13
Planning Board – Comment Response Letter No. 3
File No.: SCE-R14119.011

Dear Mrs. Montesano:

SUBURBAN ENGINEERING (SE) is in receipt of the review letters from the Town of Somers's Professionals following the Planning Board Meeting on July 8th, 2026 (in which the applicant was adjourned from this meeting) as well as the Zoning Board of Appeals Meeting on July 21st, 2026, for the above-mentioned project.

On behalf of the Applicant, Veolia Water New York, Inc., SE is enclosing the following documents for your review and use with the above-mentioned application:

- Ten (10) copies of the Special Use Exception Permit Application Request, Dated September 23, 2026
- Ten (10) copies of the Groundwater Protection Plan Report Dated September 23, 2026
- Ten (10) copies of the Stormwater Management Report, Last Revised September 21, 2026
- Ten (10) copies of the Applicant's Zoning Board of Appeals Cover Letter Dated June 12, 2026
- Ten (10) copies of the Site Plan Drawings, Last Revised September 23, 2026
- Six (6) USB drives containing above listed documents

In addition, responses are provided **in bold** below, to the comments for each of the review letters.

WOODWARD & CURRAN (TOWN ENGINEER) REVIEW LETTER DATED July 01, 2026

****Note: Comments responses that were listed as 'Addressed' are not included, where the below comment responses are related to the items that are listed as 'Not Addressed' only. Please refer to the Applicant's Planning Board Comment Response Letter prepared by Suburban Engineering dated April 27th, 2026, and June 18th, 2026, for additional information.***

1. The proposed development activity is located within the Town of Somers Groundwater Protection Overlay District and requires the issuance of a special exception use permit. Consistent with the Town Code requirements listed in §170.32, the Applicant shall be required to comply with the criteria necessary for issuance of Special Exception Use Permit including the preparation of a Groundwater Protection Plan.

Woodward & Curran Response: Not Addressed. The Applicant shall provide the Special Use Exception Permit Application, inclusive of the hydrogeologic analysis. The analysis shall concisely



demonstrate how the project will not result in degradation or contamination of the groundwater according to the requirements of the Overlay District.

RESPONSE: Please find the enclosed Special Use Exception Permit cover letter with supporting documentations.

OPEN SPACE COMMITTEE (OSC) REVIEW LETTER DATED JULY 20, 2026

A submission received from the Planning Board for a proposed water treatment building and water tank was reviewed and discussed at our monthly meeting on July 16, 2026. This proposed project impacts open space in Somers directly and indirectly in a number of ways. The Town of Somers Open Space Committee charter is to promote and protect open space and provided the following comments:

1. The project does not comply with the DRD (Designated Residential District) zone for both setback and height regulations. This negatively impacts the adjacent open space. Alternate options exist that would conform with the DRD zone and should be considered.

RESPONSE: The Applicant requested three (3) zoning variances through the Town of Somers Zoning Board of Appeals. The variances were conditionally approved at the July 21st, 2026, Zoning Board of Appeals Meeting, subject to the development of a mutually agreeable landscaping plan between the Somers Land Trust, the Architectural Review Board, and the Applicant. Please refer to the Zoning Board of Appeals Memorandum issued to the Planning Board on July 22, 2026 for additional information related to the approval of the requested variance, as well as the Architectural Review Board Memorandum issued to the Planning Board on September 19, 2026 for additional information related to the mutually agreed upon landscaping plan.

2. The project is incompatible with the surrounding open space properties. The surrounding properties are designated R-40 (three sides) and DRD (one side) zoning. The DRD zoning and regulations were created for the 1,100 acres Heritage Hills development to protect the surrounding commercial, suburban and rural properties. The Somers Land Trust property has been developed as an open space nature preserve. This warehouse type building and chemical water tank type development are commercial and out of character with the existing structure on the property and the surrounding nature preserve property.

RESPONSE: Please refer to the Comment Responses under Comment No. 1 above, for additional information related to the approved zoning variances for the proposed improvements within the subject's property zoning district.

In regards to the character of the proposed improvements compared to the existing site conditions, the existing site (and structures onsite) is an active water treatment plant. The proposed project includes installation of additional water quality treatment facilities at the site. The improvements do not change the character of the site.

Additionally, it is worth noting that the new treatment building incorporates several aesthetic improvements, at the request of the Somers Land Trust, such that the facility would be more suitable for the surrounding area. Please refer to the enclosed Applicant's Zoning Board of Appeals Cover Letter for additional information related to the character of the proposed improvements to the surrounding area.

3. The stormwater management and controls as proposed are inadequate resulting in significant stormwater being directed onto the neighboring property. In the proposed infiltration drywell may not be adequate and additional drywells are needed to address all the areas of stormwater on this property. This would include the stormwater from the new grass areas where trees and vegetation have been removed, the new impervious driveway, the existing impervious driveway, the new



staging area, the roof from the existing building, the stormwater from the impervious area around the water chemical water tank and the stormwater from the back two acres of the property. The proposed area for the truck turnaround that is currently proposed is underwater after heavy rain and is unusable as proposed for truck traffic.

RESPONSE: The proposed stormwater management system and control measures have been designed to accommodate for the proposed site improvements, which are outlined in the Stormwater Management Report. The Stormwater Management Report demonstrates that the postconstruction stormwater runoff rates as well as postconstruction stormwater runoff volume will meet or be lower than that of runoff under preconstruction conditions. As such, the proposed water management facilities have been designed for post construction runoff rates to meet or reduce the stormwater runoff rates, which complies with the Town of Somers and New York State Department of Environmental Conservation (NYSDEC)'s requirements.

4. There is no snow removal, snow clearing, or snow storage plan. With the proposed building, fence and driveway close to the property line there will be no place for snow storage on the Veolia property.

RESPONSE: Snow removal and clearing can be accommodated on the Applicant's property. For example, within the fence line, either the area near the end of the driveway adjacent to the new building or near the entrance gate of the existing driveway could be used. Outside of the fenceline, snow removal can be accommodated in front of the stormwater management area or in the temporary staging area, both of which are located on the Applicant's property.

5. There needs to be a parking plan on the Veolia property for Veolia employees, operation technicians, equipment service technicians, contractors, delivery vehicles, and response staff. With the building and fence close to the property line the 6 – 8 parking places on Veolia property are lost. There needs to be a plan to relocate these spaces on the Veolia property.

RESPONSE: The majority of the components within the proposed facility will be automated and will be monitored remotely. Physical access to the facility (existing and proposed building) would typically be limited to one (1) or two (2) Veolia employees at the site on a daily basis. There is adequate parking available onsite for their vehicles within the existing driveway, proposed driveway, and/or the temporary staging area. As such, there will be adequate parking onsite for the daily employees as well as for any additional visitor(s) that may be necessary.

6. Town of Somers open space provides habitat protection for wildlife. This project and the expanded development use and elimination of the setback buffer area will negatively impact wildlife and significantly impact amphibians that cross the current buffer area, the driveway and parking area as they move from one wetland area to another wetland area.

RESPONSE: The proposed improvements have been sited and designed to avoid new disturbance to the natural habitat and to preserve the existing wildlife movements. The proposed improvements are concentrated within the existing fenced area and adjoining routinely mowed lawn area, which are previously disturbed components of an active utility site (which does not provide the vegetation, cover, or habitat functions that are typically associated with an undisturbed wetland transition and/or wetland buffer area).

While amphibians may occasionally traverse the existing lawn, driveway, or parking areas, the areas do not serve as an existing natural corridor and would not substantially alter the current relationship between the surrounding wetland buffer area. Accordingly, the proposed improvements are not anticipated to disrupt amphibian movement or habitat connectivity beyond the existing conditions. Additionally, the potential impacts are further minimized through the use of amphibian-safe stormwater grating and the improvements to the wetland mitigation area (by the removal of invasive



vegetation and establishment of native plant communities, which would result in a net improvement to the ecological function and habitat value of the adjacent wetland area).

Furthermore, the proposed project previously received a Type II designation under New York's State Environmental Quality Review Act (SEQRA) from the Town of Somers, which determined that the project would have no significant adverse environmental impacts.

7. This proposed project will have a significant negative impact on the current use of the neighboring property as a nature preserve that is open to the Town of Somers residents and the general public. Research has proven that availability and access to open space is important for people's health. The adjacent property is used as a public nature education center and hosts numerous youth projects. Having a huge metal commercial building a few feet from the property line in plain sight of the entrance and education area will negatively impact the ability to continue to use the property as a nature preserve. No remediation of such an impact is offered in the current plan.

RESPONSE: Please refer to the Comment Responses under Comment No. 1 and 2 above for additional information. As noted, the site is currently used as an active water treatment plant. In regards to the remediation efforts, a landscaping plan has been developed to minimize the visual impacts of the project, where the landscaping plan is in mutual agreement with all parties (and confirmed through the Architectural Review Board Memorandum that was issued to the Planning Board on September 19, 2026).

The Open Space Committee is concerned that the loss of the nature preserve, and potential loss of open space could have a negative impact on the quality of the water in the shallow aquifer that the surrounding homes and Veolia draw water from. The potential loss of the nature preserve will have a significant impact on the wildlife corridor along Route 202.

Veolia has already impacted the surrounding Rhinoceros Creek property when they filled in and built a driveway in one of the wetlands to access the valves on the existing pipeline.

RESPONSE: The project is subject to the requirements of the Town of Somers Groundwater Protection Overlay District and the Applicant is applying for a special exception use permit, which includes the development of a Groundwater Protection Plan.

OPEN SPACE COMMITTEE (OSC) REVIEW LETTER DATED JULY 23, 2026

A submission for a proposed water treatment building and water tank was reviewed and discussed at our monthly meeting on July 16, 2026. Subsequently, the project's zoning variances were approved by the Zoning Board of Appeals with stipulations regarding the development of a landscaping plan to reduce the visual impact of the proposed building and associated tank. While the Committee would still prefer to see the building moved in order to reduce the needed variances as well as its impact on the neighboring Rhinoceros Creek Reservation, we realize that is unlikely to happen. We do, however, want to stress the importance of the Somers Land Trust's agreement to whatever landscaping plan emerges from their discussions with the applicant. Beyond this overall concern, the Committee has the following comments.

RESPONSE: A landscaping plan has been developed to minimize the visual impacts of the project, which is in mutual agreement with all parties. An Architectural Review Board Memorandum was issued to the Planning Board on September 19, 2026, stating the mutual agreeance of the landscaping plan between the Land Trust and the Applicant, as well as the approval from the Architectural Review Board.

1. The stormwater management and controls as proposed appear inadequate. The proposed infiltration drywell to handle stormwater from the new 40,000-gallon tank may not be adequate



given that the proposed location has not been tested for percolation, as pointed out by the Town's engineer. We note that Suburban Engineering's proposed pretreatment system requires an effective perc rate of 10"/hour. However, without testing, we have little idea whether this rate is achievable. We note that much of the soil in this area at the toe of the slope is wet with presumably low percolation rates. We are also concerned that the stormwater from the new grass areas where trees and vegetation have been removed, the new impervious driveway, the existing impervious driveway, the new staging area, the roof from the existing building, as well as the stormwater from the impervious area around the water chemical water tank and the back two acres of the property will combine to create greater total stormwater load than has been planned for. We also note that the proposed area for the truck turnaround is sometimes underwater after heavy rain and thus unusable on those occasions.

RESPONSE: Please refer to the Comment Responses under Comment No. 3, under the Open Space Committee Review Letter Dated July 20, 2026 (as denoted above) for additional information.

Additionally, as previously mentioned under the Applicant's Planning Board Comment Response Letter prepared by Suburban Engineering dated June 18th, 2026, the proposed stormwater management areas are currently located outside of the fence lines, which is inaccessible and covered in vegetation. Based on the conditions of the current areas and through discussions with the Town Engineer, it was determined that the use of an infiltration testing during construction to verify the infiltration rates would be acceptable. Since the infiltration rates are unknown in this area, the stormwater management (drywell) has been conservatively sized utilizing the minimum allowable infiltration rate of 0.5"/hr. The stormwater management systems will comply with the Towns of Somers and New York State Department of Environmental Conservation (NYSDEC)'s requirements.

2. There is no snow removal, snow clearing, or snow storage plan. With the proposed building, fence and driveway close to the property line there will be no place for snow storage on the Veolia property. Does Veolia contemplate obtaining an easement from the Somers Land Trust for dumping removed snow?

RESPONSE: Please refer to the Comment Responses under Comment No. 4, under the Open Space Committee Review Letter Dated July 20, 2026 (as denoted above) for additional information.

3. There needs to be a parking plan on the Veolia property for Veolia employees, operation technicians, equipment service technicians, contractors, delivery vehicles, and response staff. With the building and fence close to the property line the former 6 – 8 parking places on Veolia property are lost. Their current parking plans depend on obtaining an easement from the Somers Land Trust, but we would like to see what backup plans exist in the absence of such an agreement.

RESPONSE: Please refer to the Comment Responses under Comment No. 5, under the Open Space Committee Review Letter Dated July 20, 2026 (as included above) for additional information.

As a general matter, the Open Space Committee is concerned about negative impacts to the Rhinoceros Creek nature preserve as an attractive destination for visitors seeking out quiet, natural spaces. A large infrastructure project such as this risks driving away visitors as well as organizations that conduct nature-related activities on the property. Since the Somers Land Trust relies on revenues generated by these activities, as well as membership dues inspired by public use of its property, the project could well have a significant impact on the welfare of the Somers Land Trust. The property is a significant natural resource for the Town, especially given its proximity to the Business Historic Preservation District of Somers. As such negative impacts have a serious public effect, we urge the Planning Board to bear these impacts in mind while reviewing Veolia's proposals.



RESPONSE: Please refer to the Comment Responses under Comment No. 2 and the unnumbered comments, under the Open Space Committee Review Letter Dated July 20, 2026 (as denoted above) for additional information.

In regards to the proposed building location, considerations have been made for alternate building locations, where the proposed improvements (as denoted on the Site Plan) are strategically situated based upon the site and environmental constraints. Please refer to the Comment Responses under the Applicant's Planning Board No. 2 Comment Response Letter Dated June 18, 2026, for additional information related to the considerations that were made for the alternate building locations. Additionally, it is worth noting that the use of a Landscaping plan (that has been prepared and is in mutual agreement with all related parties) would be implemented in efforts to lessen the potential visual impacts of the proposed structures onsite.

At this time, it is our understanding that this comment response letter addresses all of the comments. If you need further assistance regarding this matter, please do not hesitate to contact our office. Thank you.

Very truly yours,
SUBURBAN CONSULTING ENGINEERS, INC.

William A. Schurmann
Project Coordinator

/jmb

Enclosures: As outlined above

CC: Lino J. Sciarretta, Esq, Partner, Bleakly Platt & Schmidt, LLP (lsciarretta@bpslaw.com)
Daniel Schoenfelder, Project Engineer, Veolia Water New York (daniel.schoenfelder@veolia.com)

Lino J. Sciarretta, Esq.
Phone: 914-287-6177
Email: lsciarretta@bplaw.com

June 12, 2026

RECEIVED

SEP 24 2026

BY HAND DELIVERY & EMAIL

Chairman Victor Cannistra and Members of the Zoning Board of Appeals
Town of Somers
335 Route 202
Somers, NY 10589

PLANNING & ENGINEERING
TOWN OF SOMERS

**Re: Application of Veolia Water New York, Inc for Area Variances
Property: 405 Route 202, Town of Somers, Westchester
County, NY (the "Property")
Tax Map: 6.20-10-13**

Dear Chairman Victor Cannistra and Members of the Zoning Board of Appeals:

We represent Veolia Water New York, Inc. (the "Applicant" or "Veolia") in connection with the proposed project at the above-referenced Property. The Property is located at 405 Route 202 and is known as Section 6.20 Block 10 Lot 13 within the Town of Somers. The Property is owned by Veolia, which is seeking variances for proposed improvements to its existing water treatment plant including the installation of a new PFAS treatment building and associated accessory equipment (the "Project"). This Project is necessary to comply with the new mandatory EPA and State PFAS Regulations to provide potable water to the Town. Accordingly, providing potable water that meets federal and state regulatory requirements furthers the public health, safety and welfare of the community. The Project will consist of the installation of a new PFAS treatment building to house the GAC Filtration vessels, which are to be used to reduce PFAS to regulatory compliance levels.

As part of the approvals, the Applicant will require the following area variances: (a) minimum setback from outside perimeter of entire development (principal structures) (7.5 feet proposed, 60 feet required); (b) maximum height for an accessory structure (30.76 feet proposed, 15 feet required); and (c) minimum setback from outside perimeter of entire development (accessory structures) (12.9 feet proposed, 30 feet required).

Background

The Project proposes the installation of a new PFAS treatment building and accessory equipment on their existing water treatment plant. Applicants' proposed installation of a new PFAS treatment building and an above ground storage tank requires that some structures be located in the minimum setback from outside perimeter of the entire development for both principal and accessory structures, and that the accessory structure exceeds the maximum permitted height for an above ground water storage tank.

To date, Applicant appeared before the Planning Board on April 8, 2026, for its initial presentation of the Project, and on May 13, 2026, for a public hearing. At the April 8, 2026, meeting, the Planning Board determined this Project to be a Type II Action under SEQRA, thereby concluding the environmental review process and authorizing the Applicant to pursue its request for variances from the ZBA. In its April 10, 2026, letter to the ZBA, the Planning Board stated that, after due deliberation, it has no objection to Veolia's requested variances.

Request for Area Variances

As the ZBA is aware, in making its determination, the Board shall take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination for an area variance, the Board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
3. Whether the requested area variance is substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

N.Y. Town Law § 267-b.

In this context we will next examine each of the five foregoing criteria pursuant to N.Y. Town Law § 267-b.

a) Minimum Setback from Outside Perimeter of Entire Development (Principal Structures)

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The granting of this variance will not create an undesirable change in the character of the neighborhood. The proposed principal structure setback of approximately 7.5 feet, while less than the required 60 feet, is necessitated by the operational needs of the existing water treatment facility and will remain consistent with the overall utility use of the Property.

In addition, the Project will not produce a detriment to nearby properties. Rather, the Project proposes a critical improvement designed to address water quality concerns through the installation of a new PFAS treatment system. These upgrades will directly benefit neighboring properties and the broader community by ensuring the continued delivery of safe and reliable drinking water.

Accordingly, the requested variance will not be a detriment to nearby properties, but instead represents a substantial public benefit and enhancement to the existing facility.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

There is no feasible alternative that would allow the Applicant to achieve the intended purpose of the Project without the requested variance. The placement of the PFAS treatment building within the proposed setback area is dictated by a combination of site constraints, including the topography of the site, the configuration of the existing water treatment plant, the presence of existing underground utilities and easements, and environmental encumbrances, including the regulated wetland buffer area. Accordingly, the requested variance is necessary and cannot be avoided through any reasonable or practicable design alternative.

3. Whether the requested area variance is substantial.

The proposed setback from outside perimeter of entire development for the principal structure is 7.5 feet which is 52.5 feet less than the required setback from outside perimeter of the entire development. The Property is an existing, developed utility site, and the Project involves the modernization of essential infrastructure rather than an expansion of use or intensity. The improvements are confined to the established facility footprint and will not alter the character of the surrounding area. Accordingly, the requested variance is not substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.

The requested variance will not have any adverse effect on the physical or environmental conditions of the neighborhood or district. Rather, the Project is specifically designed to improve the water treatment process and address PFAS contamination concerns. These improvements will assist in ensuring better water quality, which is necessary for the health and well-being of the Town and its residents.

Accordingly, the requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The need for the variance is not self-created, but rather the result of newly enacted federal and state regulations which have lowered the acceptable level of PFAS to four parts per trillion. The regulatory requirements together with the pre-existing encumbrances on the Property preclude an alternative that does not require a variance. Regardless, even assuming this was somehow self-created, when balanced against the other criteria for an area variance, self-created difficulty is not enough to preclude the granting of the variance.

b) Maximum Height for an Accessory Structure

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The granting of this variance will not create an undesirable change in the character of the neighborhood. The proposed height for the above ground water storage tank is 30.76 feet, where 15 feet is permitted. However, this increase is reasonable and consistent with the operational needs and utility function of the existing water treatment facility.

In addition, the installation of the new above ground water storage tank will not produce a detriment to nearby properties. Rather, the tank is a critical component of the Project, designed to ensure reliable and readily available drinking water reserves. The Project is not located within any residential neighborhood and will not impact neighboring property owners.

Accordingly, the requested variance will not be a detriment to nearby properties, but rather, represents a significant improvement to water treatment capabilities.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

There is no feasible alternative that would allow the Applicant to achieve the intended purpose without the requested variance. The required storage capacity and operational functionality necessitate a tank that exceeds the maximum permitted height for accessory

structures. Any reduction in height would compromise the effectiveness and reliability of the system. Therefore, the requested variance is necessary and cannot be achieved through any reasonable or practicable alternative design.

3. Whether the requested area variance is substantial.

The proposed height for the water storage tank is 30.76 feet, which is 15.76 feet taller than the required maximum. The increase in height is driven by legitimate operational requirements associated with modern water storage infrastructure GAC structure; the requested variance is not substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.

The requested variance will not have any adverse effect on the physical or environmental conditions of the neighborhood or district. Instead, the installation of the above-ground water storage tank will enhance the overall functionality and reliability of the existing water treatment system. By ensuring consistent access to safe drinking water, the Project promotes public health, environmental protection, and community well-being.

Accordingly, the requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district. The Project is not located within any residential neighborhood and will not impact neighboring property owners.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The need for the variance is not self-created, but rather the result of newly enacted federal and state regulations which have lowered the acceptable level of PFAS to four parts per trillion. The regulatory requirements together with the pre-existing encumbrances on the Property preclude an alternative that does not require a variance. Regardless, even assuming this was somehow self-created, when balanced against the other criteria for an area variance, self-created difficulty is not enough to preclude the granting of the variance.

c) Minimum Setback from Outside Perimeter of Entire Development (Accessory Structures)

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The granting of this variance will not create an undesirable change in the character of the neighborhood. The proposed setback from outside perimeter of entire development for

accessory structures is approximately 12.9 feet. The required setback for accessory structures is 30 feet. This reduced setback is necessary to accommodate the above ground water storage tank within the already functioning water treatment facility and remains consistent with the Property's established utility use.

In addition, the Project will not produce a detriment to nearby properties. Rather, the proposed above ground water storage tank is essential to ensuring that residents and the broader public continue to have access to safe, reliable drinking water reserves and does not affect any neighborhood properties.

Accordingly, the requested variance will not be a detriment to nearby properties, but rather, represents a significant improvement to water treatment capabilities.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

There is no feasible alternative that would allow the Applicant to achieve the Project's objectives without the requested variance. The placement of the above-ground storage tank within the proposed setback area is dictated by site constraints, and existing infrastructure. Any attempt to relocate these structures to fully comply with setback requirements would be impractical and would compromise the effectiveness of the facility. Accordingly, the requested variance is necessary and cannot be avoided through any reasonable design alternative.

3. Whether the requested area variance is substantial.

The proposed setback from outside perimeter of entire development for the accessory structure is 12.9 feet which is only 17.1 feet less than the required setback. This reduction is necessitated by the functional requirements of essential public utility infrastructure within the existing site. The Project does not intensify the use of the Property or alter the surrounding area's character. Thus, the requested variance is not substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.

The requested variance will not have any adverse effect on the physical or environmental conditions in the neighborhood or district. Rather, the installation of the above-ground water storage tank will enhance the reliability and safety of the water supply system. Thus, promoting public health and ensuring continued access to dependable drinking water reserves.

Accordingly, the requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The need for the variance is not self-created, but rather the result of newly enacted federal and state regulations which have lowered the acceptable level of PFAS to four parts per trillion. The regulatory requirements together with the pre-existing encumbrances on the Property preclude an alternative that does not require a variance. Regardless, even assuming this was somehow self-created, when balanced against the other criteria for an area variance, self-created difficulty is not enough to preclude the granting of the variance.

Conclusion

Based on the foregoing, the instant application presents an appropriate request for relief from the strict application of the required: (a) minimum setback from outside perimeter of entire development (principal structures); (b) maximum height for an accessory structure; and (c) minimum setback from outside perimeter of entire development (accessory structures). Due to the unique facts, the nature of the Property's location, the critical need to provide safe and reliable drinking water, and the importance of ensuring continued access to clean and safe drinking water for the Town and its residents, this Board can establish a reasonable and rational basis for granting the relief requested by the Applicant. The strict application of the Town Code provisions would deprive the Applicant of the improvements necessary to make this necessary improvement. Thus, the facts and circumstances of this matter weigh in favor of the granting of the application.

Thank you for your consideration and attention to this matter. We look forward to meeting with the Board and hope the Board looks favorably on this application.

Sincerely,
Bleakley Platt & Schmidt, LLP

s/ Lino Sciarretta

By: _____
Lino J. Sciarretta, Esq.

cc: Applicant's Project Team (*via email*)



SUBURBAN ENGINEERING
RECEIVED

September 23, 2026

Town of Somers Planning Board
335 Route 22
Somers, New York 10589

SEP 24 2026

Attn.: Nicole Montesano
Planning Board Secretary

**PLANNING & ENGINEERING
TOWN OF SOMERS**

Re.: Town of Somers, County of Westchester, State of New York
Veolia Water New York, Inc. – Heritage Hills Water Treatment Plant
Section Block Lot (SBL): 06.20-10-13
Special Exception Use Permit
File No.: SCE-R14119.011

Dear Ms. Montesano:

SUBURBAN ENGINEERING (SE), on behalf of the Applicant, Veolia Water New York, Inc. (Veolia), provides the following cover letter for the request of the Groundwater Protection Overlay District's Special Use Exception Permit, for the improvements at the Heritage Hills Water Treatment Plant Project (as located at 405 US 202, Somers, NY, also known as Section 06.20 Block 10 Lot 13 of the Town of Somers Tax Maps).

In conjunction with the Special Exception Use Permit (Article IXA Groundwater Protection Overlay GP District, Section 170-32.8 Special Exception Use Permit Requirements, of the Town of Somers Code), please find the following enclosed documentation to support this request:

- Hydrogeologic Analysis and Groundwater Protection Plan

Shall there be any questions or if any additional information is needed for the permit, please contact our office. Thank you.

Very truly yours,

SUBURBAN CONSULTING ENGINEERS, INC.

William A. Schürmann
Project Coordinator

/jmb

Enclosures: As outlined above

cc: Lino J. Sciarretta, Esq, Partner, Bleakly Platt & Schmidt, LLP (lsciarretta@bpslaw.com)
Daniel Schoenfelder, Project Engineer, Veolia Water New York (Daniel.schoenfelder@veolia.com)

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Public Hearing Sign
for Planning Board Application

SEP 24 2026

PLANNING & ENGINEERING
TOWN OF SOMERS

Affidavit:

I, Christopher Graziano do hereby affirm that on September 23rd, 2026, pursuant to Sections 170-114C(5) and 150-12E of the Code of the Town of Somers, I installed the required sign, informing the public that the Public Hearing will be held on October 14th, 2026 at 7:30 PM at the Somers Town House, Veolia Water New York, Inc. - 335 Route 202, Somers NY for the Heritage Hills Water Treatment Plant project.

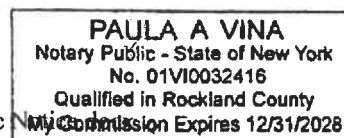

Signature

I, Paula Vina a Notary Public do hereby certify that on this, the 23rd day of September 2026, the above named Christopher Graziano subscribed the foregoing affidavit in my presence, and declare that the matters set forth in said affidavit are true, to the knowledge of said deponent.

IN WITNESS WHEREOF, I have hereunto set my hand.


Notary Public

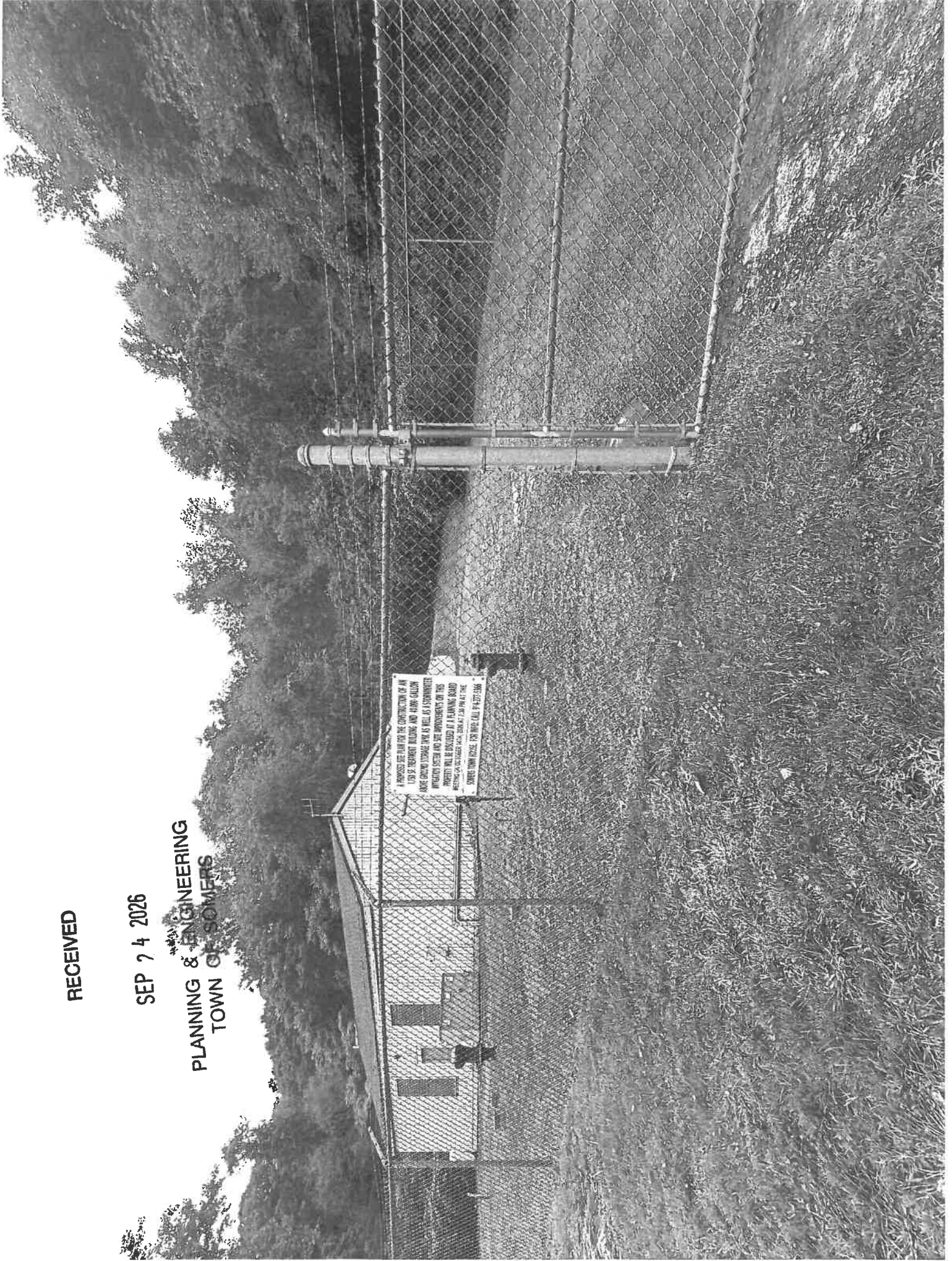
Commission expires: 12/31/28



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SEP 24 2026

PLANNING & ENGINEERING
TOWN OF SOMERS



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SEP 24 2026

PLANNING & ENGINEERING
TOWN OF SOMERS

**A PROPOSED SITE PLAN FOR THE CONSTRUCTION OF AN
1,750 SF. TREATMENT BUILDING AND 40,000-GALLON
ABOVE GROUND STORAGE TANK AS WELL AS A STORMWATER
MITIGATION SYSTEM AND SITE IMPROVEMENTS ON THIS
PROPERTY WILL BE DISCUSSED AT A PLANNING BOARD
MEETING ON OCTOBER 14TH, 2026 AT 7:30 PM AT THE**

SOMERS TOWN HOUSE. FOR INFO: CALL 914-277-5366

ARCHITECTURAL REVIEW BOARD

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

JOHN ALFONZETTI
CHAIRMAN

Town of Somers

WESTCHESTER COUNTY, N.Y.



SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

DENISE SCHIRMER
SECRETARY
dschirmer@somersny.com

MEMO TO: Planning Board

FROM: Architectural Review Board

RE: Veolia Water Treatment Plant Landscape Plan

DATE: September 19, 2026

At their July 21, 2026 meeting, the Zoning Board of Appeals granted three variances to Veolia Water New York, Inc. located at 405 Route 202 with the understanding that they would create an agreeable landscape plan for around their proposed water treatment building and tank with the Somers Land Trust located at 401 Route 202 and present it to the Architectural Review Board for approval.

On September 17, 2026, the Architectural Review Board met with representatives of Veolia Water New York, Inc. and Somers Land Trust to review the agreed upon landscape plan. All were pleased with what was presented and the landscape plan was approved with one member recusing himself as he does business with Veolia's engineering company. It was also noted that the plantings will actually be planted on the portion of the Land Trust's conservation easement used by Veolia, please find attached.

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attachment

cc: Somers Land Trust
Somers Zoning Board of Appeals
Bleakley Platt Attorneys at Law
Suburban Consulting Engineers
Veolia Water New York, Inc.

SEP 18 2026

**PLANNING & ENGINEERING
TOWN OF SOMERS**



Somers Land Trust

PO Box 248
Somers, NY 10589
www.somerslandtrust.org

President

Michael Barnhart

Vice President

Bob MacGregor

Secretary

Denise Schirmer

Treasurer

Lauretta Jones

Board Members

Jan Antonucci

Gail Simpson

Rosey Van Wart

September 11, 2026

Dear Members of the Somers Architectural Review Board,

At the Zoning Board of Appeals meeting on July 21, 2026, Veolia Water New York, Inc. was granted three variances required to build a new water treatment building and tank on their property at 405 Route 202 with the understanding that an agreeable landscape plan be developed and accepted by the Somers Land Trust.

The Somers Land Trust is the owner of 401 Route 202, and there is a Conservation Easement on a portion of our property that is used by Veolia Water New York, Inc. Veolia has no room to plant what has been agreed upon on their property, but we will allow them to do the following on the Conservation Easement:

Veolia Water New York, Inc. will plant agreed upon trees and prepare the land for planting, as well as mulch around the plantings that they are paying the Somers Land Trust to install along with a bluestone pathway.

Sincerely,

Michael Barnhart

Michael Barnhart
President, Somers Land Trust

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SEP 18 2026

**PLANNING & ENGINEERING
TOWN OF SOMERS**

Nicole Montesano

From: Denise Schirmer
Sent: Friday, October 9, 2026 8:46 AM
To: Nicole Montesano
Cc: Wendy Getting
Subject: Open Space Committee Meeting Updates

Importance: High

Hi Nicole,

The Open Space Committee met last evening. They have no additional comments on the following:

Veolia Water NY
9 Sun Hill Road
259 Route 100

Thank you.

Denise



Woodard & Curran Engineering
and Geological Services P.A. P.C.
800 Westchester Avenue
Suite N507
Rye Brook, New York 10573
www.woodardcurran.com

T 800.426.4262
T 914.448.2266
F 914.448.0147

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MEMORANDUM

OCT - 7 2026

TO: Town of Somers Planning Board
FROM: Steven Robbins, P.E., LEED AP
DATE: October 7, 2026
RE: 9 Sun Hill Road
Review of Wetland and Watercourse Protection and Stormwater Management and
Erosion and Sediment Control (SMESC) Application
TM: 47.12-1-14, R-80

**PLANNING & ENGINEERING
TOWN OF SOMERS**

GENERAL

The purpose of this memorandum is to provide a summary of our comments related to our review of the Wetland and Watercourse Protection and SMESC Application that was submitted for the proposed building of a single-family home located at 9 Sun Hill Road, Katonah (Town of Somers), New York.

The Applicant is proposing a 3-bedroom single family home on the existing 1.459 acre parcel, which is currently both vacant and wooded. An existing Town of Somers drainage easement extends through the property. The proposed project includes the removal of the existing 30-inch CMP drainage pipe and installation of a new 30-inch HDPE drainage pipe, along with two (2) manholes, a new well and septic field consisting of 165 linear feet of trench. The project site is located on a steep slopes and is located within the East of Hudson Watershed within the Town of Somers.

This review focused on the engineering design and the associated Town Code requirements in accordance with the following:

- Town of Somers Code, Chapter 93: Stormwater Management and Erosion and Sediment Control
- Town of Somers Code, Chapter 144: Site Plan Review
- Town of Somers Code, Chapter 167: Wetlands and Watercourse Protection Review
- New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
- New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual (SMDM), dated July 2024.

DOCUMENTS REVIEWED

- Comment Response Letter, "Re: 9 Sun Hill Rd, Katonah, NY 10536, 47.12-1-14", prepared by JMERE Engineering, P.C., dated September 21, 2026;
- Site Plans, prepared by JMERE Engineering, P.C., dated September 21, 2026;

PERMITS AND APPROVALS REQUIRED

- Town of Somers Planning Board: Site Plan Application Permit



- Town of Somers Planning Board: Stormwater Management and Erosion and Sediment Control Application Permit
- Town of Somers Planning Board: Wetland and Watercourse Protection Application Permit

DISCUSSION

The following is a summary of our comments based on our technical review of the latest submittal. Previously provided comments are in *italics*, with the corresponding responses in **bold**. It should be noted that further comments will be provided upon review of additional information.

1. *The Applicant proposes disturbances within steep slope areas from 15-25%; therefore, the Applicant shall submit a Steep Slope Protection Permit with the Town.* **Not Addressed. The Applicant shall submit the Steep Slope Protection Permit.**
2. *The Applicant shall ensure the topographic survey extends all the way through the areas of proposed site disturbances, including the proposed 30" HDPE storm drain pipe.* **Not Addressed. The Applicant notes an updated survey will be submitted with the next submission.**
3. *The Applicant requests variances for minimum lot size, minimum lot width, and side yard setbacks. The Applicant shall provide a detailed explanation describing why the variances are necessary for this site.* **Addressed.**
4. *The Applicant shall provide a signed and sealed survey that is inclusive of wetlands delineated by a certified wetland scientist, and shall update the 100' wetland buffer accordingly based on confirmed wetland flag locations.* **Not Addressed. The survey shall be signed and sealed by a licensed surveyor.**
5. *The Applicant shall provide calculations for the proposed SSTs to confirm they are sized to the DOH standards.* **Partially Addressed. Sheet C-5 appears to indicate the total trench length provided as 184 LF; however, the site plan appears to indicate a total of 165 LF. While this would indicate this meets the required absorption trench length, the Applicant shall confirm the total trench length provided for the proposed SSTs.**
6. *The Applicant shall confirm the proposed driveway slope on the site plans. The slope indicated on Sheet C-4 of the site plans are inconsistent with the rest of the plans.* **Addressed.**
7. *The Applicant shall confirm if the existing drainage manholes can be utilized to accommodate the new 30" HDPE pipes and their pipe angles, or if new drainage manholes are required.* **Addressed. The Applicant indicates this has been confirmed in a site walk through with the Town.**
8. *The Applicant shall confirm the hydraulic capacity of the newly proposed pipe is no less than the capacity of the existing 30" CMP that will be replaced.* **Partially Addressed. The Applicant shall provide a hydraulic capacity calculation that is reflective of the actual existing and proposed slopes of the 30" CMP and HDPE pipes, respectively, as shown on the plans. The provided calculation assumes a 1%**



slope; however, the slope of the existing and proposed pipes appear to be different slopes.

9. *The Applicant shall provide a Stormwater Pollution Prevention Plan (SPPP). The SPPP shall be inclusive of the required contents as described under Town Code 93-6(1).*
Addressed.
10. *The Applicant proposes rain gardens for stormwater management. The following comments are offered regarding the proposed BMPs:*
 - a. *The Applicant shall provide stormwater calculations that indicate how the rain gardens were sized and indicate the design storm event(s) they were sized for.*
Not Addressed. The Applicant provided calculations for the water quality volume, but indicates that the rain gardens are designed for a 100-year event. The Applicant shall provide hydrologic calculations for the 100-year event to confirm the system can handle this peak storm event.
 - b. *The Applicant shall ensure the storm drain pipes discharge directly to the rain gardens. There appears to be a significant gap between the proposed outlet protection apron to the edge of the rain garden.*
Addressed.
 - c. *The Applicant shall describe how the proposed rain gardens will be maintained, in addition to describe how the systems will be accessible for maintenance procedures.*
Partially Addressed. The Applicant shall describe how the rain gardens will be accessible for maintenance procedures.
 - d. *The Applicant shall clarify how stormwater runoff is collected and conveyed to the 160 SF rain garden.*
Partially Addressed. The Applicant shall provide a construction detail of the proposed drainage swale.
11. *The driveway profile appears to indicate a low point in the middle of the driveway. The Applicant shall clarify how the runoff from the driveway will be managed and conveyed to the proposed BMPs.*
Partially Addressed. The proposed grading within the driveway would appear to indicate the flow direction in a northwestern direction. In addition, the edge of the retaining wall indicates a T.W. elevation of 545.50 right adjacent to the proposed 546' contour which would indicate a steep slope. The Applicant shall revise the grading to confirm that the flow from the driveway is evenly draining towards the drainage swale.
12. *The Applicant shall confirm all required setbacks are met for the proposed well location.*
Addressed.
13. *The Applicant shall provide a wetland mitigation plan that specifies mitigation measures that provide for replacement wetlands that recreate as nearly as possible the original wetlands in terms of type, function, geographic location and setting. The plan shall include the data as listed per Town Code 167-19(B).*
Partially Addressed. The Wetland Mitigation Table on Sheet C-3 indicates a total mitigated area of 560 SF, with "mitigated area receiving rain garden with native plantings per NYSDEC." As the total square footage of the rain garden is 460 SF across the two proposed systems, the Applicant shall confirm the rest of the areas intended for wetland mitigation.



14. *The following comments are offered regarding the proposed erosion and sediment controls plan:*

- a. *The Applicant shall show the intended location of the equipment staging area on the plans. **Addressed.***
- b. *The Applicant shall provide silt fence to prevent downgradient sediment migration related to the disturbance for the proposed OWTS. **Addressed.***
- c. *The Applicant shall provide orange construction fencing around the perimeter of the proposed OWTS. **Addressed.***
- d. *The Applicant shall provide a concrete washout area detail and indicate the location on the plans. **Addressed.***
- e. *The Applicant shall confirm if any existing trees that are to be removed as a part of the proposed work will require a tree removal permit with the Town. **Partially Addressed. The Applicant shall submit a tree removal permit with the Town.***

15. *The Applicant shall prepare a draft Stormwater Maintenance Agreement, in accordance with the provisions of Town Code for review by the Consulting Town Engineer & Town Attorney. **Not Addressed. The Applicant shall submit a stormwater maintenance agreement to the Town.***

16. *The Applicant shall include a note on the plans which states the following:*

- a. *"Any imported topsoil shall comply with all federal, state, and local requirements for quality and use." **Addressed.***
- b. *"Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements." **Addressed.***

Please feel free to contact our office with any questions. Please provide a response memo identifying where responses to these comments can be located on revised submittals.

JMER Engineering, P.C.

6 Timberlane Drive, Katonah, NY 10536

Tel: 914-255-5780

To: Town of Somers
Open Space Committee
335 Route 202
Somers, NY 10589



RECEIVED



To: Town of Somers Planning Board

SEP 24 2026

From: Jonathan Merheb, P.E.

PLANNING & ENGINEERING
TOWN OF SOMERS

Date: September 21, 2026

Re: 9 Sun Hill Road
Katonah, NY 10536
Tax ID: 47.12-1-14

JMER Engineering, P.C. has reviewed the memo provided by the Town of Somers Open Space Committee (dated July 29, 2026) and we offer the following response:

1. We need to know if any curbing is proposed for the driveway or elsewhere and that it have a 'Cape Cod' profile.

Response: No curbing is proposed.

2. We are concerned about the response to Steve Robbin's request for wetland delineation. Applicant claims that surveyor identified wetland limits, but licensed surveyors are not necessarily soil scientists or qualified to delineate wetlands. Also, the reference to 'stream limit' as demarcating wetlands is ambiguous. What is a stream limit? Stream bank? Identified by the surveyor? Given the presence of wetland areas on or adjacent to the property, we wonder if it would be prudent to have a qualified expert verify wetland limits.

Response: A wetlands report was performed and confirmed the limits of the wetland as shown on the survey. The wetland is a creek which is lined with stones/boulders and clearly delineated. Soil samples were taken adjacent to the creek to test for wetland soils and the tests confirmed that the soil types were non-wetland soils. The wetland report is attached to this letter for reference.

Respectfully,

Jonathan Merheb, P.E.
JMER Engineering, P.C.

JMER Engineering, P.C.

6 Timberlane Drive, Katonah, NY 10536

Tel: 914-255-5780

To: Town of Somers
Open Space Committee
335 Route 202
Somers, NY 10589

To: Town of Somers Planning Board

From: Jonathan Merheb, P.E.

Date: September 21, 2026

Re: 9 Sun Hill Road
Katonah, NY 10536
Tax ID: 47.12-1-14

JMER Engineering, P.C. has reviewed the memo provided by Steve Robbins, P.E. of Woodard & Curran (dated August 5, 2026) and we offer the following response:

1. The Applicant proposes disturbances within steep slope areas from 15-25%; therefore, the Applicant shall submit a Steep Slope Protection Permit with the Town.

Response: Steep slope permit protection is being submitted with the Town's Engineering Department.

2. The Applicant shall ensure the topographic survey extends all the way through the areas of proposed site disturbances, including the proposed 30" HDPE storm drain pipe.

Response: The survey is being updated and will be part of the following submission.

3. The Applicant requests variances for minimum lot size, minimum lot width, and side yard setbacks. The Applicant shall provide a detailed explanation describing why the variances are necessary for this site.

Response: The variances will be required for this site due to the lot dimensions. The lot is undersized (63,554 SF < 80,000 SF required) in the R-80 district. The lot width is also only 121.12 FT compared to the 200 FT required in the R-80 zone. The side yard setbacks will also require variances due to the width of the lot. However, in comparison to the majority of the lots in this neighborhood the subject lot is larger. Attached is a map comparing the subject lot to the neighboring lots.

4. The Applicant shall provide a signed and sealed survey that is inclusive of wetlands delineated by a certified wetland scientist, and shall update the 100' wetland buffer accordingly based on confirmed wetland flag locations.

Response: A wetland report was performed and previously submitted. The wetland report confirmed the limits of the wetland as shown on the survey. The wetland is a creek and clearly delineated with stones/boulders. Soil samples were taken for the soils adjacent to the creek and they confirmed that the soils were non-wetlands soils and that the wetland area was contained to the creek. The report is attached to this response for reference.

5. The Applicant shall provide calculations for the proposed SSTS to confirm they are sized to the DOH standards.

Response: Drawing C-5 OWTS Layout Plan is part of this submission and shows calculations for the SSTS design.

6. The Applicant shall confirm the proposed driveway slope on the site plans. The slope indicated on Sheet C-4 of the site plans are inconsistent with the rest of the plans.

Response: Drawing C-4 has been corrected to match the grading and drainage plan on C-3.

7. The Applicant shall

Response: N/A

8. The Applicant shall confirm if the existing drainage manholes can be utilized to accommodate the new 30" HDPE pipes and their pipe angles, or if new drainage manholes are required.

Response: This has been confirmed during the PB site walkthrough 9/19/2026.

9. The Applicant shall confirm the hydraulic capacity of the newly proposed pipe is no less than the capacity of the existing 30" CMP that will be replaced.

Response: The hydraulic capacity of HDPE pipe exceeds that of CMP. See below calculations.

30" HDPE Pipe (n value=0.012)

$Q = 1.49 \sqrt[n]{A_w R_h^{2/3} S_o^{1/2}}$

$Q = 1.49 \sqrt[0.012]{(4.909)(0.625)^{2/3}(0.01)^{1/2}}$

$Q = 44.432 \text{ cfs}$

30" CMP Pipe (n value=0.024)

$Q = 1.49 \sqrt[n]{A_w R_h^{2/3} S_o^{1/2}}$

$Q = 1.49 \sqrt[0.024]{(4.909)(0.625)^{2/3}(0.01)^{1/2}}$

$Q = 22.216 \text{ cfs}$

10. The Applicant shall provide a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be inclusive of the required contents as described under Town Code 93-6(1).

Response: SWPPP plan is attached to this response.

11. The Applicant proposes rain gardens for stormwater management. The following comments are offered regarding the proposed BMPs:

a. The Applicant shall provide stormwater calculations that indicate how the rain gardens were sized and indicate the design storm event(s) they were sized for.

Response: See revised drawing C-3 to include rain garden sizing calculations.

b. The Applicant shall ensure the storm drain pipes discharge directly to the rain gardens. There appears to be a significant gap between the proposed outlet protection apron to the edge of the rain garden.

Response: Drawing C-3 has been revised to show the drain pipes discharging directly into the rain gardens.

c. The Applicant shall describe how the proposed rain gardens will be maintained, in addition to describe how the systems will be accessible for maintenance procedures.

Response: C-3 has been revised to add Rain Garden Maintenance Notes.

d. The Applicant shall clarify how stormwater runoff is collected and conveyed to the 160 SF rain garden.

Response: Stormwater runoff will be collected through a piped drainage swale to the side of the driveway and corrugated drainage pipe behind the driveway retaining wall and discharge into the rain garden.

12. The driveway profile appears to indicate a low point in the middle of the driveway. The Applicant shall clarify how the runoff from the driveway will be managed and conveyed to the proposed BMPs.

Response: The storm water is intended to runoff of the driveway into the piped drainage swale as mentioned in response 11d.

13. The Applicant shall confirm all required setbacks are met for the proposed well location.

Response: Confirmed. See note on drawing C-5 indicating the neighboring well is > 100 FT from the property line.

14. The Applicant shall provide a wetland mitigation plan that specifies mitigation measures that provide for replacement wetlands that recreate as nearly as possible the original wetlands in terms of type, function, geographic location and setting. The plan shall include the data as listed per Town Code 167-19(B).

Response: Wetland mitigation table has been added to drawing C-3.

15. The following comments are offered regarding the proposed erosion and sediment controls plan:

a. The Applicant shall show the intended location of the equipment staging area on the plans.

Response: Drawing C-3 has been revised to include a proposed equipment staging area.

b. The Applicant shall provide silt fence to prevent downgradient sediment migration related to the disturbance for the proposed OWTS.

Response: Drawing C-3 has been revised to include additional silt fence downstream of the proposed OWTS.

c. The Applicant shall provide orange construction fencing around the perimeter of the proposed OWTS.

Response: Drawing C-3 has been revised to include orange fence around the proposed OWTS.

d. The Applicant shall provide a concrete washout area detail and indicate the location on the plans.

Response: Drawing C-3 has been revised to include concrete washout area location and detail.

e. The Applicant shall confirm if any existing trees that are to be removed as a part of the proposed work will require a tree removal permit with the Town.

Response: Confirmed tree removal permit will be filed with the town.

16. The Applicant shall prepare a draft Stormwater Maintenance Agreement, in accordance with the provisions of Town Code for review by the Consulting Town Engineer & Town Attorney.

Response: A Stormwater Maintenance Agreement is currently being drafted by the client's attorney and will be presented in the next submission for the Town's review.

17. The Applicant shall include a note on the plans which states the following:

a. "Any imported topsoil shall comply with all federal, state, and local requirements for quality and use."

Response: Note 5 has been added to EXCAVATION/FILL NOTES on drawing C-3.

b. "Off-site disposal of excess cut shall be in accordance with all federal, state, and local requirements."

Response: Note 6 has been added to EXCAVATION/FILL NOTES on drawing C-3.

Respectfully,

Jonathan Merheb, P.E.
JMER Engineering, P.C.

9 SUN HILL RD. ID: 47.12-1-14 (Somers)



October 14, 2024

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

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ft

Westchester County GIS

GIS
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

The logo for ECN HOME PERFORMANCE & TESTING. It features the letters "ECN" in a large, bold, sans-serif font. Above the "N" are several small squares of varying sizes arranged in a cluster. To the right of "ECN" is the word "HOME" in a smaller, all-caps, sans-serif font. Below "ECN HOME" are the words "PERFORMANCE" and "& TESTING" stacked vertically in the same all-caps, sans-serif font.

ECN^{HOME} 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

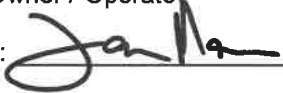
I certify that the information contained in this report is based upon my field observations, professional judgment, and review of available information, and that the wetland assessment was conducted using the methodology identified within this report.

Prepared By: ECN Testing

Name: Jason Mann

Title: Owner / Operator

Signature:

A handwritten signature in black ink, appearing to read "J 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



Environmental Resource Mapper

Base Map: Topographical



Using this map

Search

Tools

Layers and Legend

Wetland Layers

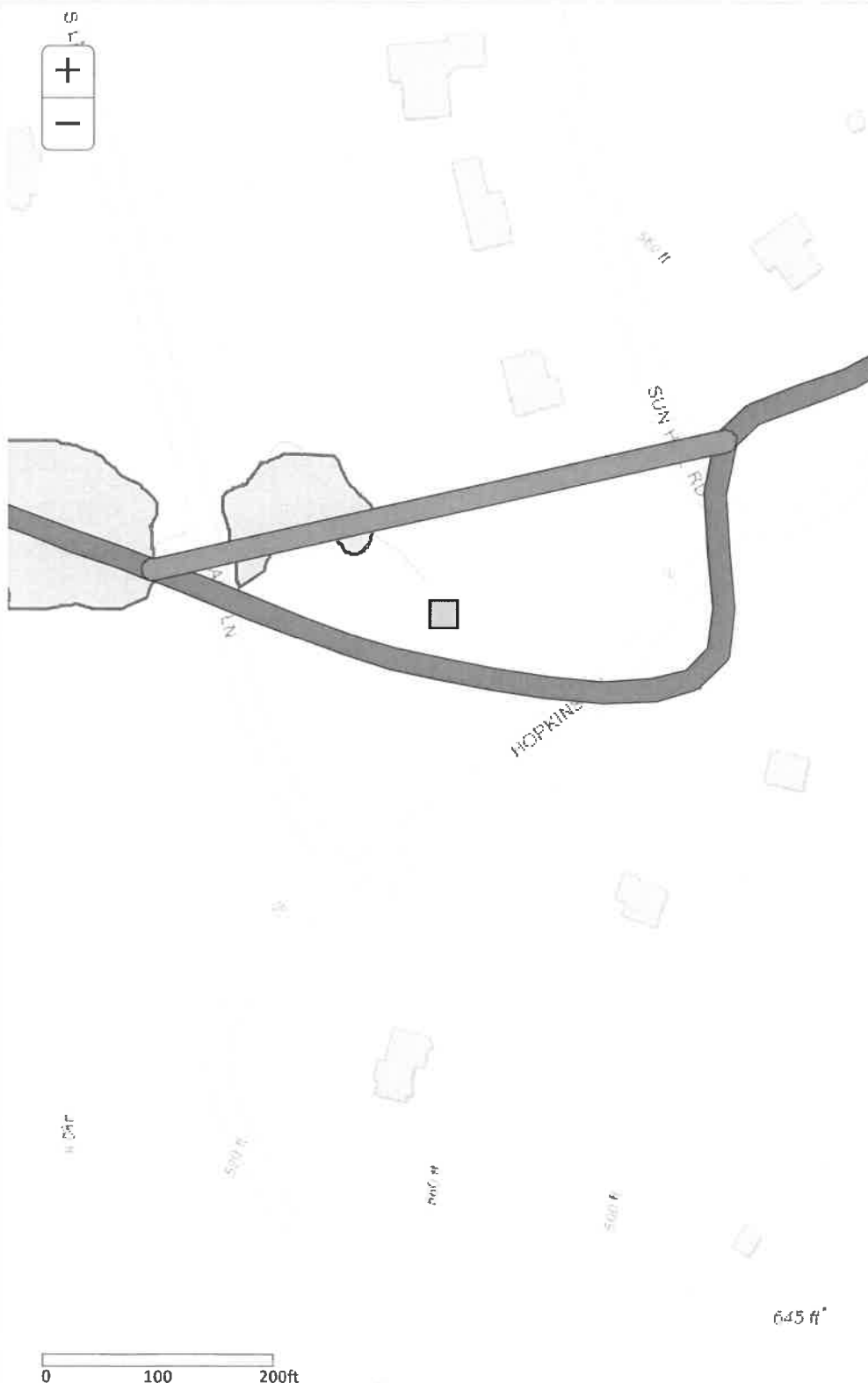
☒ All Layers☒  Previously Mapped
Freshwater Wetlands
(Outside of the
Adirondack Park)☒  Informational
Freshwater Wetland Mapping☒ National Wetlands
Inventory Estuarine and Marine
Deepwater Estuarine and Marine
Wetland Freshwater Emergent
Wetland Freshwater
Forested/Shrub Wetland Freshwater Pond Lake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

Reference Layers

Tell Me More...

Need A Permit?

Contacts





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.



**The New Jersey Agricultural Experiment Station
Office of Continuing Professional Education**

Presents this certificate to

Jason Mann

For successfully completing the requirements of

The Rutgers University Wetland Delineation Certificate Series

Fall 2025

Laura J. Lawson
Interim Executive Dean of Agriculture and Natural Resources
School of Environmental and Biological Sciences

Karen A. Plumley, Ph.D.
Director
Office of Continuing Professional Education

JMER Engineering, P.C.

55 Park Ave
Ossining, NY 10562
(914) 255-5780

Short Form Construction Stormwater Pollution Prevention Plan (SWPPP) Template

This Short Form Construction Stormwater Pollution Prevention Plan (SWPPP) may be used for projects less than 1-acre that require submittal of only an Abbreviated or Engineered Abbreviated Drainage Plan.

Section 1 – Project and Contact Information

Project Name/Description	9 Sun Hill Road, Katonah, NY 10536 - Proposed Single Family Home		
Contact/Owner	Michael Festo	Phone number	914-490-9338
Erosion Control Supervisor	Jonathan Merheb, P.E.	Phone number	914-255-5780
Emergency (after hour) contact	Michael Festo	Phone number	914-450-9338

Section 2 – Site Information

Site address	9 Sun Hill Road, Katonah, NY 10536
Parcel #	47.12-1-14
Soil type	C/D

(Soil type A, B, C, or D & Soil series per SCS Soil survey)

To find parcel number:
<http://www.geodata.org/parcelsrch.asp>

For soil information, see
<http://websoilsurvey.nrcs.usda.gov/app/>

Section 3 – Project Narrative

The project is a proposed 3 bedroom single-family home on an existing vacant 1.46 acre lot. The project scope includes a 90 ft long driveway. The septic system is an on site sub-surface treatment system and the water is a drilled well. The drainage consists of rain gardens which the driveway, the home's roof leaders and footing drains tie into. During construction silt fence will be used on the down slopes of all disturbed areas, orange safety fence will be used around surrounding trees for tree protection & a stone construction entrance will be used for construction access. Upon completion of the construction, all disturbed areas will be stabilized with grass seed and hay.

Project Description (check all that apply)***Project Type***

Subdivision, Type	N
Single Family Residential Project (building permit)	Y
Large Lot (>2.5 acres)	N
Grading Permit	N
Commercial Development	N
Land Clearing	Y
Conversion of native vegetation to landscaping or pasture	N
Other	N

Project Areas

Total site area	63,554	SF
What is the area of land disturbance?	16,900	SF
Area of existing impervious surfaces	0	SF
Area of new impervious surfaces	3,115	SF
Total area of new, replaced, and existing impervious surface after project improvements	3,115	SF
Area of existing native vegetation to be converted to landscaping or pasture	0	SF
Will there be stormwater runoff or sediment discharges to adjoining properties or waters of the U.S. from the site?	YES ☐	NO ☒
If a grading permit is required, what is the total volume of grading?	440	CY

Additional Project Information (attach additional sheets if necessary)

Existing Site Conditions

1. What existing vegetation is present on the site? (check all that apply)

Description	EXIST? (Y/N)	% of Total Area
Forest	N	
Pasture/prairie grass	N	
Pavement	N	
Lawn/landscaping	N	
Brush	N	
Deciduous Trees	Y	100
Other		

2. How does surface water drainage flows across/from the site? (check all that apply)

Sheet flow/dispersion (with runoff from site)	N
Sheet flow/dispersion (no runoff from site)	Y
Infiltration – no surface drainage leaving site	Y
Ditch/swale	Y
Stream	Y
Storm Sewer/catch basin or inlet	N
Other	N

3. Which of the following site condition(s) or other features of note are present on the site (indicate their location on site map)?

Steep slopes (>20%)	Y
Large depression	N
Underground tanks	N
Springs/Seeps	N
Easements	Y
Existing structures	Y
Existing utilities	N
Existing roadways	N
Waters of the State (pond, stream, creek, river, etc.)	N
Other	N

Adjacent Areas

1. Which of the following adjacent areas could be impacted by site disturbance?

Streams*	Y
Lakes*	N
Wetlands*	Y
Steep slopes*	Y
Residential Areas	Y
Roads	Y
Ditches, pipes, culverts	Y
Marine Bluff*	N
Other	N

*Note: If site is on or adjacent to a critical area, Thurston County may require additional information, engineering, and other permits to be submitted with this short-form.

2. Describe the downstream drainage path leading from the site to the receiving body of water. (Minimum distance of ¼-mile (1,320 feet))
{e.g., water flows from site, into curb-line to catch basin at intersection of X and Y streets. A 10-inch pipe system conveys water another 1,000 feet to a ravine/wetland.} (attach additional sheets if necessary)

Storm water from the house and driveway are captured in
the proposed drainage and drain into rain gardens.

The rest of the site will remain vegetated.

Section 4 – Abbreviated Erosion Control Plan

Enter estimated start/end dates for the following construction activities/milestones.

Construction Schedule	Estimated Start/End Date
1. Permit obtained (start date)	<u>12/14/26</u>
2. Mark clearing limits	<u>12/15/26</u>
3. Establish construction access	<u>12/16/26 - 12/17/26</u>
4. Install sediment controls	<u>12/18/26</u>
5. Demolition	<u>N/A</u>
6. Grading	<u>1/4/27 - 1/15/27</u>
7. Utility construction	<u>1/18/27 - 1/29/27</u>
8. Building or structure construction	<u>2/1/27 - 6/1/27</u>
9. Landscaping/final site stabilization	<u>6/2/27 - 6/9/27</u>

Complete Checklist for all Projects

Element/ Description	Requirement	Applicable BMP(s) ¹	Confirmation
Preserve Vegetation//Mark Clearing Limits	Prior to beginning land-disturbing activities, mark clearing limits and delineate sensitive areas and their buffers with high visibility fence. Retain the native top soil and duff layer or stockpile it on-site for replacement at completion of the project.	BMP C100: Preservation of Native Topsoil (On-site) BMP C101: Preserving Natural Vegetation BMP C102: Buffer Zones BMP C103: High Visibility Plastic Fence BMP C233: Silt Fence	Will comply ☒ N/A (explain):
Establish Construction Access	Provide stabilized construction entrance (e.g., quarry spalls or crushed rock); clean public roads if any sediment is transported off site. If an existing driveway will be used for construction access, describe condition and show on Site Plan. If stabilized construction entrance is not effective use wheel wash or tire baths located on site.	BMP C105: Stabilized Construction Entrance BMP C106: Wheel Wash BMP C107: Construction Road/Parking Area Stabilization.	Will comply ☒ N/A (explain):
Control Flow Rates	Protect downstream properties and waterways from discharge of turbid water. Provide flow control if required (MR #7).	BMP C203: Water Bars BMP C207: Check Dams BMP C209: Outlet Protection BMP C235: Wattles BMP C240: Sediment Trap Volumes III & V for sizing infiltration and detention facilities.	Will comply ☐ N/A (explain): N/A minimal runoff
Install Sediment Controls	Provide suitable sediment control BMPs to prevent sediment from leaving site.	BMP C231: Brush Barrier BMP C232: Gravel Filter Berm BMP C233: Silt Fence BMP C234: Vegetated Strip BMP C235: Wattles BMP C240: Sediment Trap	Will comply ☒ N/A (explain):

Element/ Description	Requirement	Applicable BMP(s) ¹	Confirmation
Stabilize Soils	Stabilize all unworked and exposed soils to prevent erosion. From October 1 through April 30, no soils shall remain exposed and un-worked for more than 2 days. From May 1 to September 30, no soils shall remain exposed and un-worked for more than 7 days.	BMP C120: Temporary and Permanent Seeding BMP C121: Mulching BMP C122: Nets and Blankets BMP C123: Plastic Covering BMP C124: Sodding BMP C125: Topsoiling / Composting BMP C130: Surface Roughening BMP C131: Gradient Terraces BMP C140: Dust Control	Will comply ☒ N/A (explain):
Protect Slopes	Design and construct cut and fill slopes to minimize erosion.	BMP C120: Temporary and Permanent Seeding BMP C121: Mulching BMP C122: Nets and Blankets BMP C130: Surface Roughening BMP C200: Interceptor Dike and Swale	Will comply ☒ N/A (explain):
Protect Drain Inlets	Protect conveyance system from sediment by providing filtration of stormwater prior to entering inlets.	BMP C220: Storm Drain Inlet Protection	Will comply ☒ N/A (explain):
Stabilize Channels and Outlets	Stabilize channels and outlets to prevent erosion.	BMP C202: Channel Lining BMP C207: Check Dams BMP C209: Outlet Protection	Will comply ☒ N/A (explain):
Control Pollutants	Handle and dispose of construction debris in dumpster or by hauling to waste transfer station so that it does not contaminate stormwater.	BMP C151: Concrete Handling BMP C152: Sawcutting and Surfacing Pollution Prevention BMP C153: Material Delivery, Storage and Containment BMP C154: Concrete Washout Area	Will comply ☐ N/A (explain): N/A not existing on project
Control Dewatering	Manage dewatering water from construction activities to prevent sediment discharge from site. Manage highly turbid dewatering water separate from stormwater.	BMP C203: Water Bars BMP C236: Vegetative Filtration	Will comply ☐ N/A (explain): N/A not existing on project

Element/ Description	Requirement	Applicable BMP(s)¹	Confirmation
Maintain BMPs	Maintain BMPs to insure continued function.	BMP C150: Materials On Hand BMP C160: Certified Erosion and Sediment Control Lead	Will comply ☐ N/A (explain): N/A not existing on project
Manage the Project	Phase the project to avoid soil disturbance from Oct. 1 through April 30 if possible. Modify BMPs if not effective or to meet changed conditions.	BMP C150: Materials On Hand BMP C160: Certified Erosion and Sediment Control lead BMP C162: Scheduling	Will comply ☒ N/A (explain):
Protect Low Impact Development BMPs	Protect all bioretention, rain garden, and porous pavement BMPs from sedimentation through installation and maintenance of erosion and sediment control BMPs for areas that drain to the bioretention, rain garden or porous pavement BMPs.	BMP C102: Buffer Zone BMP C103: High Visibility Fence BMP C200: Interceptor Dike and Swale BMP C201: Grass Lined Channels BMP C207: Check Dams BMP C208: Triangular Silt Dike BMP C231: Brush Barrier BMP C233: Silt Fence BMP C2234: Vegetated Strip	Will comply ☒ N/A (explain):

*Note: Erosion and sediment control measures to be inspected weekly and after any storm water rain event.

Section 5 – Drainage Plan & Erosion and Sediment Control Plan

Attached:



9-21-2026

Jonathan Merheb, P.E.
JMER Engineering, P.C.
NYS P.E. Lic. #097186

EROSION CONTROL NOTES:

1. THE APPLICANT IS AWARE THAT THE ENTIRE SITE MUST BE 100% STABILIZED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. DISTURBED AREAS SHALL BE RESTORED AND STABILIZED APPROPRIATELY AND IN A TIMELY MANNER.
2. NO CONSTRUCTION AND/OR DRAINAGE DURING OR RECYCLED MATERIAL IS RELOCATED ANYWHERE ON SITE.
3. DISTURBED SOIL SHALL MEET THE NYSDEC STANDARDS OF UNPOLLUTED FILL AND BE SUITABLE FOR RESIDENTIAL USE. NO FILL SHALL BE IMPORTED TO THE SITE PRIOR TO REVIEW. ALL FILL SHALL BE LEGALLY AND LAWFULLY DISPOSED OF BY SITE.
4. DAILY CLEAN WASHOUT MATERIAL TO BE IMPORTED TO BE USED AS FILL ON SITE.

LEGEND:

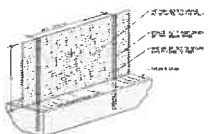
1. THE APPLICANT IS AWARE THAT THE ENTIRE SITE MUST BE 100% STABILIZED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. DISTURBED AREAS SHALL BE RESTORED AND STABILIZED APPROPRIATELY AND IN A TIMELY MANNER.
2. NO CONSTRUCTION AND/OR DRAINAGE DURING OR RECYCLED MATERIAL IS RELOCATED ANYWHERE ON SITE.
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4. DAILY CLEAN WASHOUT MATERIAL TO BE IMPORTED TO BE USED AS FILL ON SITE.



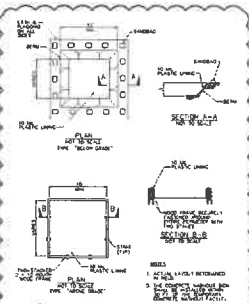
3 SILT FENCE DETAIL
SCALE: 1/2" = 1'-0"



4 CONSTRUCTION ENTRANCE DETAIL
SCALE: 1/2" = 1'-0"

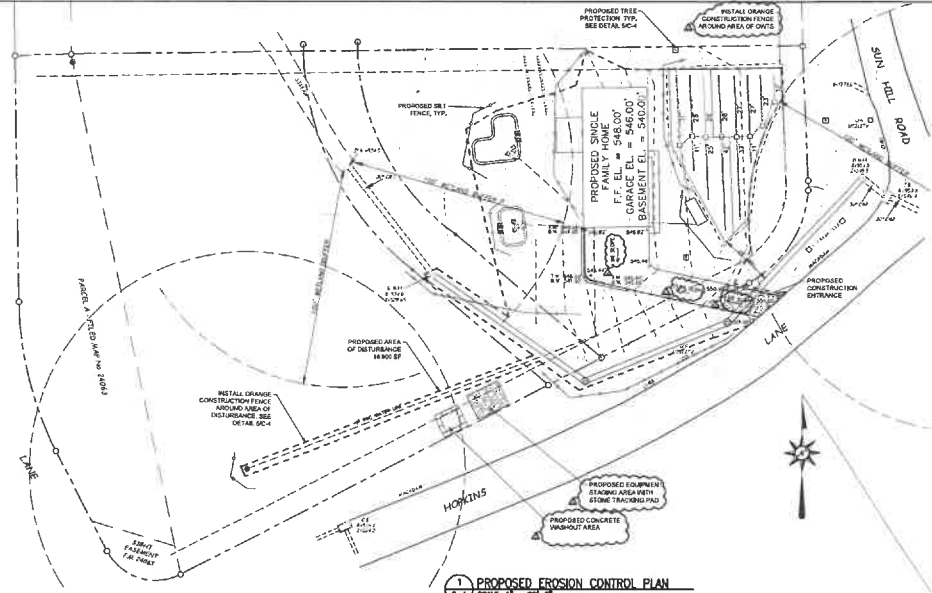


5 CONSTRUCTION FENCE DETAIL
SCALE: 1/2" = 1'-0"



6 CONCRETE WASHOUT AREA
SCALE: 1/2" = 1'-0"

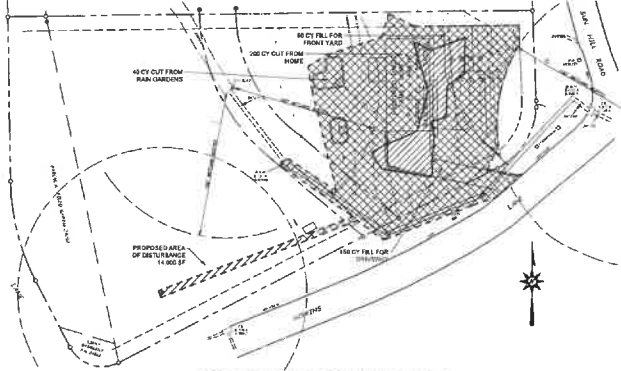
STAIRS



1 PROPOSED EROSION CONTROL PLAN
SCALE: 1" = 20'-0"

SLOPE ANALYSIS	
0-15% - 14,340 SF (61.0%)	
15-25% - 2,650 SF (19.0%)	
25-35% - 0 SF (0%)	
35% - 0 SF (0%)	
TOTAL = 16,990 SF	

EXCAVATION:
CUT - 240 CY
FILL - 200 CY
NET 40 CY EXPORT



2 STEEP SLOPES & EXCAVATION ANALYSIS
SCALE: 1" = 20'-0"

JMER ENGINEERING, P.C.
35 HAME AVE.
CATONAH, NY 10536
PHONE: 516-255-1500

Michael Ferro (Purchasing Property)
2824th Ct.
Catonah, NY 10536

Michael Ferro &
Maureen Lennon-Santana
210 E 226th Street
Roseton, NY 10707

PROPOSED SINGLE FAMILY RESIDENCE
9 SUN HILL ROAD
CATONAH, NY 10536
(TOWN OF SOMERS)
TAX ID: 47.12-1-14

NO.	DATE	REVISION
1	11/15/2016	Final Design - Approved
2	11/15/2016	Revised Final Plan

EROSION CONTROL PLAN, STEEP SLOPES & EXCAVATION ANALYSIS
C-4
6/8/2016
RCA
AS NOTED



9-21-2027

Nicole Montesano

From: Denise Schirmer
Sent: Friday, October 9, 2026 8:46 AM
To: Nicole Montesano
Cc: Wendy Getting
Subject: Open Space Committee Meeting Updates

Importance: High

Hi Nicole,

The Open Space Committee met last evening. They have no additional comments on the following:

Veolia Water NY
9 Sun Hill Road
259 Route 100

Thank you.

Denise

RAYEX DESIGN GROUP

DESIGN PLANNING CONSTRUCTION

266 SHEAR HILL ROAD

MAHOPAC, NEW YORK 10541

845-621-4000

RAYEXDESIGN@GMAIL.COM

ROY A. FREDRIKSEN, PE

Date: September 9, 2026

Planning Department
Town of Somers
337 U.S. Route 202
Somers, NY 10589

Re: Somers Storage Center
259 Route 100
Somers, NY 10598

Project Overview

Dear Sir or Madam,

This project involves finishing the existing basement of the newly constructed self-storage building at the address listed above. The proposed work will convert the basement into additional storage space to support the building's current operational needs.

Access and Code Compliance

The basement is served by both exterior and interior access points, as well as elevator access. The building complies with the 2025 New York State Building Code requirements for egress and is ADA compliant.

Site Plan and Parking

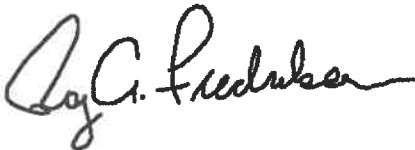
No site plan alterations are proposed or required. The existing site provides sufficient parking to accommodate the additional storage area.

Need and Impact

The building is currently operational and fully rented, making the additional storage space necessary. The proposed use is not expected to create any negative impact on the site, surrounding properties, or neighboring uses.

Please contact our office if you require any additional information or assistance.

Sincerely,



Roy A. Fredriksen, PE

RECEIVED

'SEP 14 2026

**PLANNING & ENGINEERING
TOWN OF SOMERS**

**TOWN OF SOMERS
PLANNING BOARD
APPLICATION FOR SITE PLAN APPROVAL**

SEP 14 2026

I. IDENTIFICATION OF APPLICANT:**PLANNING & ENGINEERING**

- A. Owner: Glencida Realty Inc Applicant: Glencida Realty **TOWN OF SOMERS**
 Address: 339 Route 100 Suite 275 Address: 339 Route 202, Suite 275, Somers NY 10585
 Tele #: [REDACTED] Tele #: [REDACTED]
- B. Architect: Rayex Design Group Engineer: Alfonzetti Engineering
 Address: 266 Shear Hill Rd Address: 14 Smith Ave, Mt Kisco NY 10549
 Tele #: [REDACTED] Tele #: [REDACTED]
- C. Surveyor: TC Merritts Land Tele #: [REDACTED]
 Address: 394 Bedford Rd, Pleasantville, NY 10570

II. IDENTIFICATION OF PROPERTY:

- A. Identifying Title: SOMERS STORAGE CENTER
- B. Tax Map Design: Sheet: 28.06 Block: 1 Lot(s): 15
- C. Zoning District: OL2
- D. Street which property abuts: HIGHVIEW TERRACE
- E. Does property connect directly into State or County highway? on Route 100
- F. Is site within 500 feet of Town Boundary? NO
- G. Total area of site: 99,291 Area of site activity: _____
- H. Site coverage: 59.6 % Building coverage: 22.7 %
- I. Affected Wetland Area: _____ Wetland Buffer Area: _____
- J. Affected Steep Slope Area: 15%-25%: _____ Over 25%: _____
- K. Existing building size: _____ New/additional building size: _____
- L. Existing parking spaces: _____ New parking spaces: _____

III. APPLICATION FEE:

Site Plan: \$500 base fee plus \$50 per 1,000 square feet or part thereof plus \$25 per parking space to be paid by certified check to the Town of Somers.

Wetland Permit Fee: \$200 min. fee + \$100 per 5,000 square feet of regulated area or proposed area to be disturbed.

Steep Slope Fee: \$150 min. fee + \$75 per 10,000 square feet of regulated area or proposed area to be disturbed.

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.

Total Fee \$500

Date Paid: _____

IV. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION:

Submit 14 copies of all correspondence and plans to the Planning Board.

- A. 14 copies of Site Plan with north arrow and location map drawn to scale of 1" = 1,000'.
- B. Survey Map defining precise boundaries of property.
- C. Copies of all existing and proposed deed restrictions or covenants applying to the property, including covenants and agreements restricting use, and establishing future ownership and maintenance responsibilities for all private roads, recreation and open space areas.
- D. Preliminary Architectural Drawings to be submitted to Planning Board prior to public hearing for referral to Building Inspector and Architectural Advisory Review Board.
- E. Environmental Assessment Form.
- F. Proof that taxes have been paid.

It is the responsibility of the applicant to be knowledgeable of the law. The following are available at the Town Clerks Office: Master Plan, Zoning Ordinance, Site Plan Regulations, State Environmental Quality Review (SEQR) and Environmental Quality Review, Wetland and Steep Slope Ordinances of the Town of Somers. All revised plans shall be accompanied by a letter indicating what changes were made. All costs incurred by the Town for professional services and SEQR review will be paid by the applicant.

By submission of this application, the property owner agrees to permit Town Officials and their designated representatives to conduct on-site inspections in connection with the review of the proposal. The property shall be identified on site as being proposed for site plan approval.

[Signature]
 Signature of Applicant

Date: 09/04/26

[Signature]
 Signature of Owner

Date: 09/04/26

**TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
CHAPTER 67 "APPLICATION PROCESSING RESTRICTIVE LAW"**

CERTIFICATION

I hereby certify that to the best of my knowledge no outstanding fees are due and owing to the Town of Somers for the following property:

Section 28-06 Block 1 Lot 15
Property Address 259 Route 100, Somers NY 10589
Permit Applying For Finished Basement

Furthermore, I hereby certify that to the best of my knowledge no outstanding violation (as that term is defined for the purposes of the Application Processing Restrictive Law, Paragraph 4D) of local laws or ordinances of the Town of Somers exist with respect to the above cited property or any structure or use existing thereon.

Signed [Signature]
(Owner of Record)

Enrico Di Nardo
(Print Name)

Date 9/4/26

Signed [Signature]
(Applicant for Permit)

Enrico Di Nardo
(Print Name)

Date 9/4/26

CONFIRMATIONS

Engineering Department

Date: _____

Zoning Enforcement Officer

Date: _____

RECEIVED

SEP 14 2026

Last Revised 11/2023

PLANNING & ENGINEERING
TOWN OF SOMERS

AFFIDAVIT TO BE COMPLETED BY CORPORATION OWNER

STATE OF NEW YORK)

SS:
COUNTY OF Westchester)

Enrico Di Nardo, being duly sworn, deposes and
says that he resides at 1 Amber Lane Somers NY 10589
in the County of Westchester, State of New York
that he is the President of G

(Title)

Gleneida Realty Inc

(Name of Corporation)

which is the owner in fee of all property shown on plat entitled _____
259 Route 100 Somers NY, application for approval of which is
herein made. That said Gleneida Realty Inc

(Name of Corporation)

acquired title to the said premises by deed from _____
recorded in the Office of the Clerk of the County of Westchester
on 28.06 in Liber 1 of Conveyances at Page 15

That the statements contained herein are true to the best of deponent's
knowledge and belief, and are made for the purpose of obtaining the approval of
the submitted application by the Planning Board of the Town of Somers.

(Signed) Enrico Di Nardo

Sworn to before me this 4th
day of September, 2026.

Christopher A Boemio
(Notary Public)

CHRISTOPHER A BOEMIO
Notary Public, State of New York
No. 01BO6409362
Qualified in Westchester County
Commission Expires 09/28/2028

RECEIVED

SEP 14 2026

PLANNING & ENGINEERING
TOWN OF SOMERS

AFFIDAVIT TO BE COMPLETED BY OWNER OTHER THAN CORPORATION

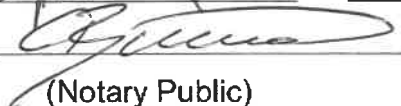
STATE OF NEW YORK)

SS:
COUNTY OF Westchester)

Enrico D. Nardo, being duly sworn, deposes
and says: that he is the owner in fee of all the property shown on plat entitled
259 Route 100 Somers NY 10589
application for approval of which is herein made. The deponent acquired title to
the said premises by deed from _____
dated _____, and recorded in the Office of the Clerk of the County
of Westchester on _____, in Liber _____
of Conveyances at Page _____. That the statements contained herein
are true to the best of deponent's knowledge and belief, and are made for the
purpose of obtaining the approval of the submitted application by the Planning
Board of the Town of Somers.

(Signed) 

Sworn to before me this 4th
day of September, 2026.


(Notary Public)

CHRISTOPHER A BOEMIO
Notary Public, State of New York
No. 01BO6409362
Qualified in Westchester County
Commission Expires 09/28/2028

RECEIVED

SEP 14 2026

PLANNING & ENGINEERING
TOWN OF SOMERS

Affidavit:

I, Enrico Di Mudo do hereby affirm that on 09-04-2006
pursuant to Sections 170-114C(5) and 150-12E of the Code of the Town of
Somers, I installed the required sign, informing the public that the public hearing
will be held on _____ at the Town House, Route 202,
Somers, N.Y. for the _____ project.

Enrico Di Mudo

I, Christopher Boemio a Notary Public for the State of New York,
residing in Westchester County, do hereby certify that on this, the 4 day of
September, 2006 in the aforesaid county, the above named
Enrico Di Mudo subscribed the foregoing affidavit in my presence, and,
being duly sworn or affirmed by me, did depose and solemnly swear and truly
declare that the matters set forth in said affidavit are true, to the knowledge of
said deponent.

IN WITNESS WHEREOF, I, have hereunto set my hand.

Christopher Boemio

Notary Public

Commission expires: 09/28/2008

CHRISTOPHER A BOEMIO
Notary Public, State of New York
No. 01BO6409362
Qualified in Westchester County
Commission Expires 09/28/2008

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SEP 14 2006

PLANNING & ENGINEERING
TOWN OF SOMERS

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

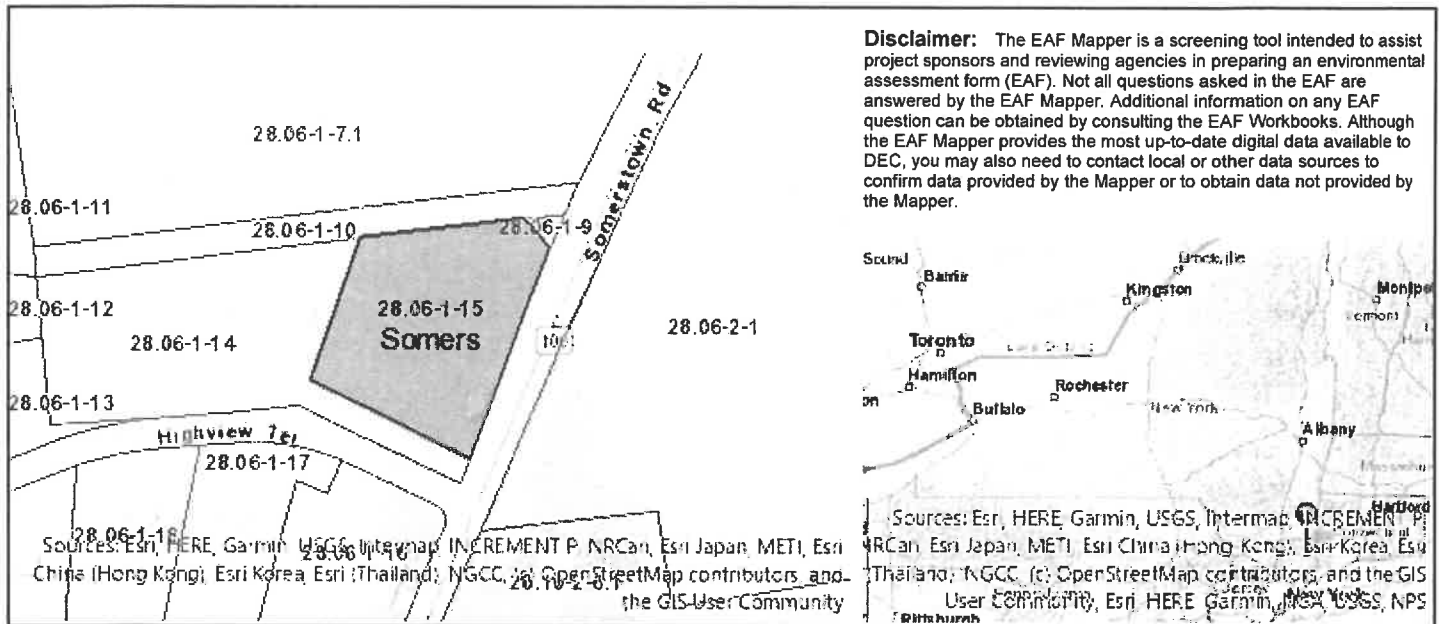
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Somers Self-Storage			
Name of Action or Project: Finished Basement Space			
Project Location (describe, and attach a location map): 259 Route 100 Somers, NY			
Brief Description of Proposed Action: Finish existing basement to be used as additional storage space for the existing self-storage business.			
<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> RECEIVED SEP 18 2026 PLANNING & ENGINEERING TOWN OF SOMERS </div>			
Name of Applicant or Sponsor:		Telephone: 914-715-2370	
Rick Dinardo		E-Mail: henrico@londerrygroup.net	
Address: 259 Route 100			
City/PO: Somers		State: NY	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.			☒ ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval: bldg dept			☐ ☒
3. a. Total acreage of the site of the proposed action?		<u>2.279</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>2.279</u> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
well			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
septic			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year or 500-year flood plain?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question.	NO	YES
	☒	☐
	☐	☐
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Rick Dinardo</u> Date: <u>9/18/2026</u> Signature: <u>Enrico Dinardo</u> Title: _____		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat
Part 1 / Question 16 [100 or 500 Year Floodplain]	No
Part 1 / Question 20 [Remediation Site]	No
Part 1 / Question 21 [Disadvantaged Community]	No

**NOTICE OF SEQRA ACTIONS
ZONING TEXT AMENDMENT
ELIGIBLE FACILITIES REQUEST
and
SCHEDULING OF PUBLIC HEARING**

Issued by Town of Somers Town Board
Westchester County, New York

The Town Board of the Town of Somers (the Town Board), Westchester County, New York, has caused to be prepared specific zoning text amendments that would make an Eligible Facility Request from a wireless telecommunication provider an administrative action under the Town of Somers Zoning Code (the Proposed Action), see attached.

The Somers Town Board at its meeting of November 8, 2025 declared its Intent to Act as Lead Agency itself as Lead Agency with regard to this Proposed Action under the procedures and requirements of SEQRA and Chapter 92 of the Somers Town Code and did schedule a public hearing to be held at the Somers Town House on November 12, 2026 at 7:00 PM. All member of the public are invited to be heard.

LEAD AGENCY: Town Board, Town of Somers
Somers Town House
335 Route 202
Somers, New York 10589

TITLE OF ACTION: Revision to Wireless Telecommunications Code to make Eligible Facilities Requests an administrative action

DESCRIPTION OF ACTION: The proposed action is a zoning text amendment to make Eligible Facilities Requests an administrative action before the Town of Somers Building Department: See attached petition and related materials.

PUBLIC HEARING NOTICE: The Town of Somers Town Board has scheduled a public hearing for Thursday November 12, 2026 at 7:00 PM at Town Hall 335 Route 202, Somers, NY 10589. The public hearing is being held pursuant to §264 on New York State Law and §1-8 of the Somers Town Code.

LOCATION OF ACTION: Town wide

Contact: David B. Smith, Director of Planning
335 Route 202
Somers, New York 10589

Telephone: 914-277-5366 email: directorofplanning@somersny.gov

Date of this Notice: October 9, 2026

§ 170-129.10. Eligible Facilities Requests

- A. Purpose: Subject to a valid special use permit issued pursuant to § 170-129, the purpose of this Section is to establish a clear, efficient, and legally compliant process for submission, review, and approval of Eligible Facilities Requests, consistent with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)), the Federal Communications Commission (FCC) regulations implementing that statute (including 47 C.F.R. § 1.6100), and applicable New York State laws and regulations, or the successor statutes as amended, while protecting public safety and the integrity of local infrastructure.
- B. Scope: This Section applies only to qualified Eligible Facilities Requests as defined herein. Applications that do not qualify as EFRs shall be processed under applicable federal, state, and local requirements, including zoning, site plan, and special use permit application or renewal procedures in accordance with Article XXIIA of the Town of Somers Code. Unless expressly stated herein, nothing in this Section shall be construed to exempt applicants from the requirements of Article XXIIA.
- C. Definitions: the following terms shall have the meanings set forth below. Where terms are defined by federal law or regulation, those definitions shall control in the event of a conflict.
- (1) The definitions provided in 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100 not expressly stated in this Section are hereby incorporated by reference.
 - (2) “Applicant” means any person or entity with the legal right, authorization, and consent to modify an existing tower or base station under this Section.
 - (3) “Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, including, without limitation, equipment and structures, other than towers, as further defined in 47 C.F.R. § 1.6100(b)(1).
 - (4) “Building Department” means the Town of Somers Building Department and any duly authorized officer or designee charged with administering this Section.
 - (5) “Concealment Elements” means any stealth-design feature, screening, shrouding, camouflaging, or other architectural or aesthetic element of a previously approved facility intended to render the facility less visible or to integrate it with its surroundings.
 - (6) “Eligible Facilities Request (EFR)” means any request for modification of an existing wireless tower or base station that does not substantially change

the physical dimensions of such tower or base station, involving the collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment, as further defined and applied under 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100.

- (7) “Existing” means a tower or base station that has been reviewed and approved by the Town of Somers pursuant to § 170-129, and a special use permit for said tower or base station has been issued pursuant to § 170-129.6, or was otherwise lawfully constructed prior to the date the EFR is filed.
- (8) “Substantial Change” has the meaning set forth in 47 C.F.R. § 1.6100(b)(7), including FCC rules regarding height increases, width increases, equipment cabinets, excavation, concealment, and compliance with prior approvals and conditions.
- (9) “Tower” means any structure built for the sole or primary purpose of supporting FCC-licensed or authorized antennas and related facilities, including any support structure.
- (10) “Shot Clock” means the period within which the Town must act on an EFR under 47 C.F.R. § 1.6100(c)(2) and (3), as may be amended.

Nothing in this Section authorizes construction or modification that violates the New York State Uniform Code, the State Energy Code, the National Electrical Code, or any other applicable safety, structural, or building standards. In case of conflict, controlling federal and state law shall govern and this Section shall be construed to be consistent therewith.

D. Pre-Application Conference (Optional):

- (1) An Applicant may request an optional pre-application meeting with the Building Department to discuss eligibility, submission requirements, completeness standards, and applicable timelines.
- (2) The Building Department may provide non-binding guidance; final determinations shall be based on the complete application record and applicable law.

E. Application:

- (1) Applications for EFRs shall be filed with the Building Department on the prescribed forms.
- (2) An EFR application shall include, at a minimum, information necessary for the Building Department to determine whether the application meets the requirements of 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100:

- (a) Applicant's identification and contact information, and authorization demonstrating the Applicant's legal right to perform the modification.
- (b) Site address, tax parcel, zoning district, and coordinates.
- (c) A written assertion that the request to modify the existing tower or base station is an EFR and covered under 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100; and an explanation as to why the proposed modification does not constitute a substantial change under 47 C.F.R. § 1.6100(b)(7).
- (d) Scaled plans and elevations, photo simulations (if available), and equipment specifications sufficient to demonstrate the scope, dimensions, and location of proposed modifications.
- (e) Structural analysis sealed by a New York-licensed professional engineer demonstrating that the proposed modifications comply with applicable structural standards (including current TIA-222 as applicable), loads, wind, and seismic requirements.
- (f) Identification of required building permits and completed structural inspections; or, if none, evidence of compliance with the New York State Uniform Code and Energy Code.
- (g) Documentation of existing approvals and conditions, including concealment elements and any prior site-specific requirements.
- (h) FCC licenses or authorizations pertinent to the facility; an RF compliance statement signed by a New York-licensed professional engineer demonstrating compliance with FCC RF exposure limits; and a statement that the modification will not cause the facility to exceed FCC emissions limits.
- (i) Utility letters or plans, as applicable, for electrical, grounding, battery/back-up systems, and fiber/backhaul routing.
- (j) Proof of property owner consent; for public right-of-way facilities, required consents, franchise/permit documentation, and evidence of attachment authority.
- (k) Application fee as set by the Town's fee schedule.

F. Application Review:

- (1) Within thirty (30) days of receipt of the application, the Building Department shall determine whether the application is complete for purposes of the Shot Clock and, if incomplete, shall provide the Applicant written notice, clearly and specifically identifying all missing documents or information consistent with 47 C.F.R. § 1.6100(c)(3). Information or documentation to be provided only to the extent reasonably related to determining whether the request meets the requirements of this section.
- (2) Upon resubmission, the Building Department shall make any subsequent completeness determination within ten (10) days.

G. Review Standards and Limitations:

- (1) EFRs shall be reviewed administratively by the Building Department for consistency with 47 U.S.C. § 1455(a), 47 C.F.R. § 1.6100, the New York State Uniform Code, Energy Code, electrical and fire codes, and prior site-specific conditions not inconsistent with federal law.
- (2) EFRs shall not be subject to discretionary land use approvals (e.g., special permit, site plan, or variance) to the extent preempted by 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100.
- (3) The Building Department shall determine whether the proposed modification would substantially change the physical dimensions of the existing tower or base station as defined by 47 C.F.R. § 1.6100(b)(7). A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - (a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater;
 - (i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

- (b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet (6');
- (c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- (d) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty feet (30') in any direction. The site boundary from which the thirty feet (30') is measured excludes any access or utility easements currently related to the site;
- (e) It would defeat the concealment elements of the eligible support structure or violate any prior conditions of approval.

If the proposed modifications would result in a substantial change, the application does not qualify as an EFR and the Building Department shall refer the Applicant to the appropriate permitting process under Article XXIIA of the Town Code.

(4) All EFRs must comply with structural, electrical, fire, and safety codes. The Building Department may require building permits and inspections to verify compliance.

(5) The approving authority may obtain professional review of an application under Chapter 133 of the Somers Code at the applicant's expense.

H. Shot Clock and Decision: The Building Department shall approve a EFR application that complies with 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100 within sixty (60) days of receipt of the completed application, subject to any tolling

permitted by 47 C.F.R. § 1.6100(c)(2)–(3), including mutually agreed extensions in writing.

I. Decisions.

- (1) If the request qualifies as an EFR a, the Building Department shall approve the application and issue any required building/electrical permits within sixty (60) days of receiving the complete application.
- (2) The Building Department may impose conditions consistent with federal law and do not materially inhibit the EFR, which are necessary to ensure compliance with applicable building, electrical, fire, and safety codes, and to maintain, to the fullest extent permitted, previously approved concealment elements.
- (3) Failure to act within the Shot Clock, as tolled or extended, shall have the consequences provided by federal law. Nothing herein waives any rights or defenses of the Town.

J. Post-Approval Requirements:

- (1) Approved EFRs shall obtain all required building, electrical, and right-of-way permits. Work shall be subject to inspections and certificates of completion or compliance as required by the Building Department.
- (2) Within thirty (30) days of completion, the Applicant shall submit as-built drawings and a certification by a New York-licensed professional engineer that the facility, as modified, complies with approved plans and applicable codes.
- (3) The facility shall be maintained in good and safe condition, remain compliant with FCC RF exposure limits, and continue to adhere to prior site-specific conditions not preempted by federal law.
- (4) Emergency repairs for public safety may proceed immediately, with notice to the Building Department as soon as practicable and submission of any required permits within (5) business days.

K. Fees and Reimbursement:

- (1) Application fees shall be as set forth in the Town's master fee schedule and shall be cost-based and reasonably related to the services rendered.
- (2) The Applicant shall reimburse the Town for any third-party professional review costs reasonably necessary to evaluate structural, electrical, or code compliance, consistent with federal and state law.

- L. Right-of-Way Facilities: For facilities in or on the public right-of-way, Applicants shall also comply with applicable right-of-way permitting requirements, franchise agreements, pole attachment standards, utility owner requirements, and any adopted design guidelines, to the extent consistent with 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100.
- M. Applicability: Conflicts: This Section shall be applied and construed in a manner consistent with 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100 and applicable New York State law. In the event of a conflict, controlling state or federal law shall prevail. Nothing herein shall be construed to authorize denial or delay of an EFR contrary to federal law.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

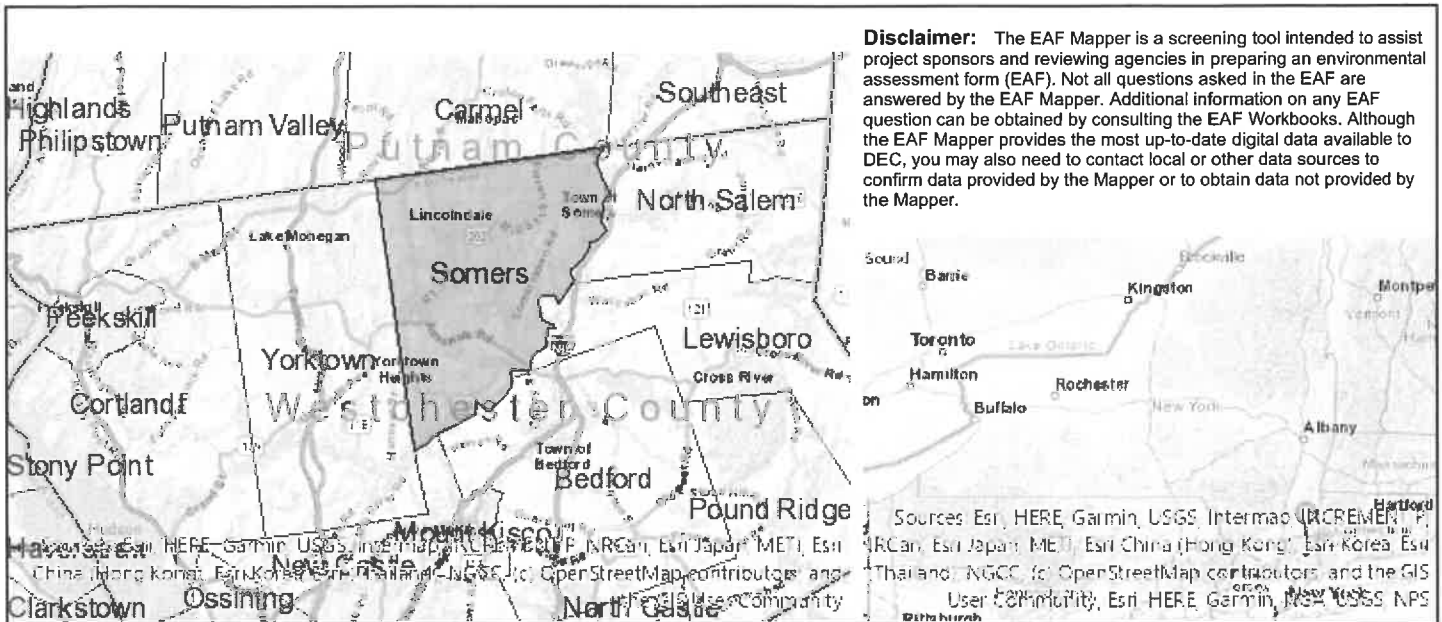
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Wireless Code Revisions			
Project Location (describe, and attach a location map): Town of Somers			
Brief Description of Proposed Action: Revisions to the Wireless Telecommunications Code to allow for Eligible Facilities requests to be processed as an administrative action.			
Name of Applicant or Sponsor:		Telephone: (914) 277-5366	
Town of Somers		E-Mail: directorofplanning@somersny.gov	
Address: 355 Route 202			
City/PO: Somers		State: NY	Zip Code: 10589
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.			NO ☐
			YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☒
			YES ☐
3. a. Total acreage of the site of the proposed action?		Town-wide _____ acres	
b. Total acreage to be physically disturbed?		NA _____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		NA _____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☒ Forest ☒ Agriculture ☒ Aquatic ☐ Other(Specify): ☒ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☒	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Amawalk Reservoir, Name:Geographic Area Overlaying Aquifer, If Yes, identify: Name:County & State Park Lands, Name:Baldwin Place Area, Reason:Exceptional or unique character. Reason:Difficulties w/ portable water	NO ☐	YES ☒	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☒ ☐ ☐	YES ☐ ☒ ☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: 	NO ☒	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO ☒	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☐ ☐	YES ☒ ☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	NO ☐ ☒	YES ☒ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☐ Early mid-successional ☒ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat, Le...	NO ☐	YES ☒
16. Is the project site located in the 100-year or 500-year flood plain?	NO ☐	YES ☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO ☒ YES ☐ 	YES ☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☒
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):	NO ☒ YES ☐ 	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Town of Somers</u> Date: <u>10/9/26</u> Signature: <u></u> Title: <u>Planning Director</u>		



Part 1 / Question 7 [Critical Environmental Area]

Yes

Part 1 / Question 7 [Critical Environmental Area - Identify]

Name:Amawalk Reservoir, Name:Geographic Area Overlaying Aquifer, Name:County & State Park Lands, Name:Baldwin Place Area, Reason:Exceptional or unique character, Reason:Difficulties w/ portable water source, Agency:Westchester County, Agency:Bedford, Town of, Agency:Somers, Date:1-31-90, Date:11-3-84, Date:9-26-90

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]

Yes

Part 1 / Question 12b [Archeological Sites]

Yes

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]

Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal]

Yes

Part 1 / Question 15 [Threatened or Endangered Animal - Name]

Northern Long-eared Bat, Least Bittern, Bald Eagle, Bog Turtle

Part 1 / Question 16 [100 or 500 Year Floodplain]

Yes

Part 1 / Question 20 [Remediation Site]

Yes

Part 1 / Question 21 [Disadvantaged Community]

No

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
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September 9, 2026

To: Hon. Robert Scorrano, Supervisor and
Town board Members

From: David B. Smith

Re: Eligible Facilities Request – Proposed Code Revisions

Cc: Roland Baroni
Michael Towey
Steve Robbins

Over the course of the past several years, the Planning Board has been entertaining a number of requests from wireless service providers for upgrading existing equipment including panels, wiring, cabinets and the like. These upgrades fall within what is known as an Eligible Facilities Request consistent with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the “2012 Act”). In almost all cases, this process is simply swapping out older, outdated equipment with newer more contemporary equipment that often time is less obtrusive than the already installed equipment.

Currently, this process resides with the Planning Board that, per Code, treats the upgrades as an amendment to a previously approved special permit for wireless telecommunications facilities. The Planning Board, understanding the rather benign nature of the requests, has accommodated applicants by expediting the review so as to be consistent with timing requirements outlined in the 2012 Act. The Planning Board still requires the provision of a radio frequency report and structural analysis to respond to any health and safety concerns related to these uses and this office along with the Town’s Engineering Consultant review the applications and plans on behalf of the Town.

In an effort to streamline the process, it is proposed that going forward, the process of requesting upgrades to existing wireless facilities be conducted administratively by the Building Department as part of a building permit process. This would allow the process to move more expeditiously with specific design review to be provided by the Town’s Consulting Engineer and with input provided by the Planning Department as necessary.

Attached is a draft copy of the proposed zoning text amendments. If your Honorable Board would like to pursue this further, it is suggested that a copy of the attached be circulated to the Building Department prior to circulating or scheduling a public hearing.

In the meantime, and as always, should you have any questions or comments on the above or attached please do not hesitate to reach out.

§ 170-129.10. Eligible Facilities Requests

- A. Purpose: Subject to a valid special use permit issued pursuant to § 170-129, the purpose of this Section is to establish a clear, efficient, and legally compliant process for submission, review, and approval of Eligible Facilities Requests, consistent with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)), the Federal Communications Commission (FCC) regulations implementing that statute (including 47 C.F.R. § 1.6100), and applicable New York State laws and regulations, or the successor statutes as amended, while protecting public safety and the integrity of local infrastructure.
- B. Scope: This Section applies only to qualified Eligible Facilities Requests as defined herein. Applications that do not qualify as EFRs shall be processed under applicable federal, state, and local requirements, including zoning, site plan, and special use permit application or renewal procedures in accordance with Article XXIIA of the Town of Somers Code. Unless expressly stated herein, nothing in this Section shall be construed to exempt applicants from the requirements of Article XXIIA.
- C. Definitions: the following terms shall have the meanings set forth below. Where terms are defined by federal law or regulation, those definitions shall control in the event of a conflict.
- (1) The definitions provided in 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100 not expressly stated in this Section are hereby incorporated by reference.
 - (2) "Applicant" means any person or entity with the legal right, authorization, and consent to modify an existing tower or base station under this Section.
 - (3) "Base Station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, including, without limitation, equipment and structures, other than towers, as further defined in 47 C.F.R. § 1.6100(b)(1).
 - (4) "Building Department" means the Town of Somers Building Department and any duly authorized officer or designee charged with administering this Section.
 - (5) "Concealment Elements" means any stealth-design feature, screening, shrouding, camouflaging, or other architectural or aesthetic element of a previously approved facility intended to render the facility less visible or to integrate it with its surroundings.
 - (6) "Eligible Facilities Request (EFR)" means any request for modification of an existing wireless tower or base station that does not substantially change

the physical dimensions of such tower or base station, involving the collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment, as further defined and applied under 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100.

- (7) "Existing" means a tower or base station that has been reviewed and approved by the Town of Somers pursuant to § 170-129, and a special use permit for said tower or base station has been issued pursuant to § 170-129.6, or was otherwise lawfully constructed prior to the date the EFR is filed.
- (8) "Substantial Change" has the meaning set forth in 47 C.F.R. § 1.6100(b)(7), including FCC rules regarding height increases, width increases, equipment cabinets, excavation, concealment, and compliance with prior approvals and conditions.
- (9) "Tower" means any structure built for the sole or primary purpose of supporting FCC-licensed or authorized antennas and related facilities, including any support structure.
- (10) "Shot Clock" means the period within which the Town must act on an EFR under 47 C.F.R. § 1.6100(c)(2) and (3), as may be amended.

Nothing in this Section authorizes construction or modification that violates the New York State Uniform Code, the State Energy Code, the National Electrical Code, or any other applicable safety, structural, or building standards. In case of conflict, controlling federal and state law shall govern and this Section shall be construed to be consistent therewith.

D. Pre-Application Conference (Optional):

- (1) An Applicant may request an optional pre-application meeting with the Building Department to discuss eligibility, submission requirements, completeness standards, and applicable timelines.
- (2) The Building Department may provide non-binding guidance; final determinations shall be based on the complete application record and applicable law.

E. Application:

- (1) Applications for EFRs shall be filed with the Building Department on the prescribed forms.
- (2) An EFR application shall include, at a minimum, information necessary for the Building Department to determine whether the application meets the requirements of 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100:

- (a) Applicant's identification and contact information, and authorization demonstrating the Applicant's legal right to perform the modification.
- (b) Site address, tax parcel, zoning district, and coordinates.
- (c) A written assertion that the request to modify the existing tower or base station is an EFR and covered under 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100; and an explanation as to why the proposed modification does not constitute a substantial change under 47 C.F.R. § 1.6100(b)(7).
- (d) Scaled plans and elevations, photo simulations (if available), and equipment specifications sufficient to demonstrate the scope, dimensions, and location of proposed modifications.
- (e) Structural analysis sealed by a New York-licensed professional engineer demonstrating that the proposed modifications comply with applicable structural standards (including current TIA-222 as applicable), loads, wind, and seismic requirements.
- (f) Identification of required building permits and completed structural inspections; or, if none, evidence of compliance with the New York State Uniform Code and Energy Code.
- (g) Documentation of existing approvals and conditions, including concealment elements and any prior site-specific requirements.
- (h) FCC licenses or authorizations pertinent to the facility; an RF compliance statement signed by a New York-licensed professional engineer demonstrating compliance with FCC RF exposure limits; and a statement that the modification will not cause the facility to exceed FCC emissions limits.
- (i) Utility letters or plans, as applicable, for electrical, grounding, battery/back-up systems, and fiber/backhaul routing.
- (j) Proof of property owner consent; for public right-of-way facilities, required consents, franchise/permit documentation, and evidence of attachment authority.
- (k) NEPA/SHPO documentation, if applicable, or a statement of categorical exclusion, as permitted by federal law and in accordance with 47 U.S.C. § 1455(a)(3).
- (l) Application fee as set by the Town's fee schedule.

F. Application Review:

- (1) Within thirty (30) days of receipt of the application, the Building Department shall determine whether the application is complete for purposes of the Shot Clock and, if incomplete, shall provide the Applicant written notice, clearly and specifically identifying all missing documents or information consistent with 47 C.F.R. § 1.6100(c)(3).
- (2) Upon resubmission, the Building Department shall make any subsequent completeness determination within ten (10) days.

G. Review Standards and Limitations:

- (1) EFRs shall be reviewed administratively by the Building Department for consistency with 47 U.S.C. § 1455(a), 47 C.F.R. § 1.6100, the New York State Uniform Code, Energy Code, electrical and fire codes, and prior site-specific conditions not inconsistent with federal law.
- (2) EFRs shall not be subject to discretionary land use approvals (e.g., special permit, site plan, or variance) to the extent preempted by 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100.
- (3) The Building Department shall determine whether the proposed modification would substantially change the physical dimensions of the existing tower or base station as defined by 47 C.F.R. § 1.6100(b)(7). A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - (a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater;
 - (i) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

- (b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet (6');
- (c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- (d) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty feet (30') in any direction. The site boundary from which the thirty feet (30') is measured excludes any access or utility easements currently related to the site;

If the proposed modifications would result in a substantial change, the application does not qualify as an EFR and the Building Department shall refer the Applicant to the appropriate permitting process under Article XXIIA of the Town Code.

(4) All EFRs must comply with structural, electrical, fire, and safety codes. The Building Department may require building permits and inspections to verify compliance.

(5) The approving authority may obtain professional review of an application under Chapter 133 of the Somers Code at the applicant's expense.

H. Shot Clock and Decision: The Building Department shall approve a EFR application that complies with 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100 within sixty (60) days of receipt of the completed application, subject to any tolling permitted by 47 C.F.R. § 1.6100(c)(2)–(3), including mutually agreed extensions in writing.

I. Decisions.

- (1) If the request qualifies as an EFR a, the Building Department shall approve the application and issue any required building/electrical permits within sixty (60) days of receiving the complete application.
- (2) The Building Department may impose conditions consistent with federal law and do not materially inhibit the EFR, which are necessary to ensure compliance with applicable building, electrical, fire, and safety codes, and to maintain, to the fullest extent permitted, previously approved concealment elements.
- (3) Failure to act within the Shot Clock, as tolled or extended, shall have the consequences provided by federal law. Nothing herein waives any rights or defenses of the Town.

J. Post-Approval Requirements:

- (1) Approved EFRs shall obtain all required building, electrical, and right-of-way permits. Work shall be subject to inspections and certificates of completion or compliance as required by the Building Department.
- (2) Within thirty (30) days of completion, the Applicant shall submit as-built drawings and a certification by a New York-licensed professional engineer that the facility, as modified, complies with approved plans and applicable codes.
- (3) The facility shall be maintained in good and safe condition, remain compliant with FCC RF exposure limits, and continue to adhere to prior site-specific conditions not preempted by federal law.
- (4) Emergency repairs for public safety may proceed immediately, with notice to the Building Department as soon as practicable and submission of any required permits within (5) business days.

K. Fees and Reimbursement:

- (1) Application fees shall be as set forth in the Town's master fee schedule and shall be cost-based and reasonably related to the services rendered.
- (2) The Applicant shall reimburse the Town for any third-party professional review costs reasonably necessary to evaluate structural, electrical, or code compliance, consistent with federal and state law.

L. Right-of-Way Facilities: For facilities in or on the public right-of-way, Applicants shall also comply with applicable right-of-way permitting requirements, franchise agreements, pole attachment standards, utility owner requirements, and any

adopted design guidelines, to the extent consistent with 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100.

- M. Applicability; Conflicts: This Section shall be applied and construed in a manner consistent with 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.6100 and applicable New York State law. In the event of a conflict, controlling state or federal law shall prevail. Nothing herein shall be construed to authorize denial or delay of an EFR contrary to federal law.

**PLANNING BOARD –TOWN OF SOMERS
MEETING DATES FOR 2027
2nd WEDNESDAY OF THE MONTH**

Meeting Date	Evening	Staff/Consultant Submission Cut Off Date	Applicant's Sub. Cut Off Date
January 13, 2027	2 nd Wednesday	January 6, 2027	December 23, 2026
February 10, 2027	2 nd Wednesday	February 3, 2027	January 25, 2027
March 10, 2027	2 nd Wednesday	March 3, 2027	February 22, 2027
April 14, 2027	2 nd Wednesday	April 7, 2027	March 29, 2027
May 12, 2027	2 nd Wednesday	May 5, 2027	April 26, 2027
June 9, 2027	2 nd Wednesday	June 2, 2027	May 21, 2027
July 14, 2027	2 nd Wednesday	July 7, 2027	June 25, 2027
August 11, 2027	2 nd Wednesday	August 4, 2027	July 26, 2027
September 8, 2027	2 nd Wednesday	August 31, 2027	August 20, 2027
October 13, 2027	2 nd Wednesday	October 5, 2027	September 24, 2027
November 10, 2027	2 nd Wednesday	November 3, 2027	October 25, 2027
December 8, 2027	2 nd Wednesday	December 1, 2027	November 18, 2027

ADOPTED:

Note Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.

PLANNING BOARD MEETING APPLICANT'S SUBMISSION DATE IS 12 BUSINESS DAYS PRIOR TO MEETING DATE

STAFF AND CONSULTANT'S SUBMISSION DATE IS 5 BUSINESS DAYS PRIOR TO MEETING DATE.

**PLANNING BOARD –TOWN OF SOMERS
MEETING DATES FOR 2027 (IF NEEDED)
4th WEDNESDAY OF THE MONTH**

Meeting Date	Evening	Staff\Consultant Submission Cut Off Date	Applicant's Sub. Cut Off Date
January 27, 2027	4 th Wednesday	January 20, 2027	January 8, 2027
February 24, 2027	4 th Wednesday	February 17, 2027	February 5, 2027
March 24, 2027	4 th Wednesday	March 17, 2027	March 8, 2027
April 28, 2027	4 th Wednesday	April 21, 2027	April 12, 2027
May 26, 2027	4 th Wednesday	May 19, 2027	May 10, 2027
June 23, 2027	4 th Wednesday	June 16, 2027	June 7, 2027
July 28, 2027	4 th Wednesday	July 21, 2027	July 12, 2027
August 25, 2027	4 th Wednesday	August 18, 2027	August 9, 2027
September 22, 2027	4 th Wednesday	September 15, 2027	September 3, 2027
October 27, 2027	4 th Wednesday	October 20, 2027	October 8, 2027
November 24, 2027	4 th Wednesday	November 17, 2027	November 5, 2027
December 2027	4 th Wednesday	No Meeting	No Meeting

ADOPTED:

Note Pursuant to §150-11 C. (1) of the Somers Code new applications shall not be considered by the Planning Board less than 31 days after the date of receipt by the Planning Board's professional staff of all required materials.

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