

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

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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

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

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

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

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

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

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

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

PROJECT REVIEW

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

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

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

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

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

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

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

MEETING ADJOURNMENT

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

Respectfully submitted,



Nicole Montesano