

North Salem Planning Board Minutes

January 6, 2010

7:30 PM – Annex

PRESENT: **Cynthia Curtis, Chairwoman**
Robert Tompkins, Board Member
Charlotte Harris, Board Member
Bernard Sweeney, Board Member
Roland A. Baroni, Town Attorney
Sonja Teichmann, Planning Consultant

ABSENT: **Gary Jacobi, Board Member**

ATTENDANTS:	Salem Hunt:	Bill Balter
		Scott Blakely
		Jon Dahlgren
	North Salem Prop. LLC:	Ken Siegel
	LP Partners:	Tim Allen
		Don Rossi, Esq.
	Salem Golf Club:	Todd Zorn
	T-Mobile Northeast, LLC:	Cara Bonomolo, Esq.
		Ed Yorke
		Aaron Myl

Chairwoman Cynthia Curtis calls the January 6, 2010 North Salem Planning Board Meeting to order.

Announcement:

Cynthia states that the Town Housing Board has asked us to announce that there is a three-bedroom, 2.5 bath, 2-car garage Moderate Income Housing Unit for sale at Salem Chase. It is approximately 2,675 square feet in size. The selling price is \$273,674. The taxes are \$7,095. The monthly homeowner’s association dues are \$220.00. The maximum eligible income for this unit is \$109,345. Cynthia states that if anyone is interested they should contact Janice Will at the North Salem Town Hall.

REGULAR MEETING:

- 1. Salem Hunt: Bill Balter** (owner – June Road Properties, LLC)
Residential Site Plan & Subdiv. (location – June Road & Starlea Road)

Discussion of MDRA Review Memo and Application Status; Request Technical Review of Project.

Jon Dahlgren, Bill Balter, and Scott Blakely are here tonight. Reports have been circulated from MDRA, Chazen Companies, and Hahn Engineering. Cynthia asks the Board if they have any questions regarding the Reports. They do not. Cynthia asks the Applicant’s Representatives if they have any questions regarding the Reports.

Mr. Blakely states that most of the consultant’s questions are technical in nature and they do not have any issues with those. Mr. Blakely refers to the Hahn Engineering Report and states that they are fine with items 1 through 12. Mr. Blakely refers to item 13 and states that the word “Preliminary” will be removed. Mr. Blakely refers to item 14 and states that they had responded previously to a comment from MDRA that there

will be an annual sweeping of the roads, and cleaning of the catch basins. For the pervious pavement that has been proposed in the parking areas, driveways, and sidewalks, there will be a requirement of a once a year sweeping. This will be monitored and there will be a stipulation in the Home Owner's Agreement.

Mr. Blakely refers to the MDRA Report and states that the first few comments have to do with items that were put together by Jon Dahlgren's office, so Mr. Dahlgren will speak about those. Mr. Dahlgren refers to the Integrated Pest Management Plan (IPM) item on Page 2, and states they will provide more information. Regarding the Invasive Species Eradication Program item also on Page 2, Mr. Dahlgren states that these comments are acceptable and will be responded to. Mr. Dahlgren refers to the Herpetile Protection Plan item on Page 3 and states that they will consult with NYSDEC in advance and coordinate with them sooner rather than later to obtain their comments on procedures and monitoring. Mr. Dahlgren refers to the Off-Site Private Well Monitoring and Mitigation Plan item on Page 3 and states they will make the recommended changes. Mr. Dahlgren refers to the Wetland Mitigation Plan and Wetland Mitigation Area Monitoring and Maintenance Plan items on Pages 3 and 4 and states that Tim Miller will address those comments. Mr. Miller states that they have included information on the project Plans. One of our procedures will be to apply deer repellent on a quarterly basis every three months for the first two years to permit the vegetation to take. As a contingency plan we will have notes on a drawing with regard to the installation of protective netting which will also be monitored. Cynthia confirms that the application of the deer repellent will be incorporated, and the fall-back plan will be the netting. Mr. Blakely refers to the Erosion and Sedimentation Control Maintenance and Inspection Schedule, Non-Salt Winter Traction Materials Monitoring, and Detailed Stormwater Pollution Prevention Plan item on Page 4 and states that information has been provided and reviewed by Hahn Engineering. Mr. Blakely refers to the Development Plans item on Page 4 and states they will come up with details regarding an emergency gate. Mr. Blakely refers to item 3 on Page 4, and states that MDRA has commented that they want us to improve the DEC Wetlands Allocation Map as part of this Plan set. Mr. Blakely states that he has been in this line of work for 25 years and he has never been requested to include that stand alone map in a Site Plan set, typically the Plan is submitted to the Town to show it has been done and it is put on file. We reference when the map was done and when it is filed with the Town. Sonja states that MDRA typically likes to see the Map in with the Plan set. Cynthia asks if the details are incorporated on another page, and references may be added. Mr. Balter talks about adding notes on the Plan. Cynthia will research what has been done in other cases. Mr. Blakely refers to item 4, and states they will expand on their legal instruments. Mr. Blakely refers to item 5 and states that we have included mitigation measures on our Landscaping Plan. We have a separate Mitigation Planting Plan. We are trying to reduce the amount of plans that we do have. Cynthia states that she will speak with Bruce Thompson and take a closer look at that.

Mr. Blakely refers to the Chazen Report and states that the first item on Page 1 had to do with the Well Monitoring & Mitigation Plan. We have no problems with the majority of the comments. Mr. Balter would like to talk about a few items. Cynthia states she would like to talk about the second item on Page 1 regarding the bond. Cynthia states that she and Mr. Urban-Mead talked about the amount of \$10,000 being sufficient. If it is used for the duration of the three years, it may need to be replenished. Mr. Balter states that is fine. Mr. Balter refers to item 2 on Page 2 and states that they will be dealing with the monitoring reports to the Town. Mr. Dahlgren refers to item 4 on Page 2 and states they will get back to the Board on this one. Mr. Dahlgren discusses the intervals in terms of determining whether someone is watering the lawn too much, or using a lot of water during a one-day period. Mr. Dahlgren talks about discussing this with Mr. Urban-Mead. Fifteen minute intervals are discussed. Mr. Balter refers to item 8 on Page 2. Cynthia states that the Town has a monitoring fee. It is like an escrow that would need to be replenished. Mr. Balter refers to item 1 on Page 3 regarding costs incurred by a complaint investigation. There is a discussion about the determination of responsibility. Roland talks about a good-faith investigation.

Cynthia asks Roland if he has any questions or suggestions regarding the legal documents. Roland refers to

the memo from John Bainlardi, Senior Development Manager at Wilder Balter dated April 15, 2009. Roland believes they are on a good track. He has seen drafts of some of the legal documents. He does not have questions or suggestions other than the discussion he had with Cynthia regarding the replenishment of the \$10,000 bond. Cynthia refers to the footnote on the first page of Mr. Bainlardi's letter regarding the pedestrian bridge. Cynthia asks at what stage the Applicant will start applying for the approvals for the pedestrian bridge. Mr. Blakely states that they have submitted Applications to the agencies for wetlands, sewer, water, and stormwater to the DEP. Hopefully this is our final submission to them. We have also submitted to the Westchester County Health Department and the DEP regarding the sewer/water sewage disposal area and Wastewater Treatment Plant. Mr. Balter states that regarding the pedestrian bridge, an Application has been submitted to the DEC.

Cynthia asks the Board and Roland if procedurally they are ready to take the next step. There is a discussion about opening the Public Hearing for the Site Development Plan, Preliminary Subdivision, and Wetlands. Roland talks about waving the Final Public Hearing. Mr. Balter talks about the agency approvals. Cynthia states that wetlands materials have been submitted tonight. Cynthia states that our noticing requirements for a Wetlands Public Hearing are very different from the other Applications. The Public Hearing Notice is required to be sent fifteen days in advance of the Wetlands Public Hearing. The Applicant should pay particular attention to that requirement. Cynthia states that the Planning Board Office will prepare the Notice so that the Applicant has it in time to mail it to the adjoining property owners. The Planning Board Office will forward the Notice to the newspapers. The next Regular Meeting will be held February 3rd. Cynthia asks when additional documentation will be submitted in order for circulation. Cynthia states that when the Board sets the Public Hearings, a circulation will be done to the CAC, Architectural Review Board, Highway Department, and Fire Commissioners, etc. The Applicant will be submitting corrections. Mr. Balter states that there is nothing substantial. It is determined the Public Hearings will be held on the materials the Board has on hand now. Additional sets will be provided for circulation to the individuals listed above.

Chairwoman motions that the Planning Board set the Public Hearing for the Multiple Permits for the Salem Hunt Residential Subdivision for February 3, 2010. Charlotte Harris seconds. All in favor. No opposed.

After the motion, Cynthia talks with Mr. Dahlgren about drafting the Public Hearing Notice. Mr. Dahlgren will forward a draft to Cynthia. Mr. Dahlgren states he will review the Town Code also.

2. North Salem Prop., LLC: Ken Siegel (owner – Michele Savino)
Site Development Plan (location – Dingle Ridge Road/Rt. 121)

Completeness Review of Application.

Cynthia asks Mr. Siegel if he has a Plan with him tonight to put up. Cynthia only has a small size Plan with her. Ken Siegel, Architect is here tonight to represent North Salem Properties. He received the latest Memo from MDRA today. Cynthia states that we all did. Cynthia states that Mr. Siegel is not expected to respond to the Memo tonight. Mr. Siegel should let the Board know if he has any questions in terms of responding to the Memo. Mr. Siegel states that there are suggestions in the Memo about revising asphalt locations and adding plantings. Mr. Siegel states there are reasons why we have our objections. Mr. Siegel refers to the plantings and states that people walk in these areas every day, and that would be the worst location for plantings. Mr. Siegel shows the location where the plow pushes the snow. Mr. Siegel states that this site has been here since 1955. Mr. Siegel does not see any reason to have to make a change today. This is not the reason for the Site Plan. Cynthia states that it is an opportunity for improvement. Mr. Siegel should address his comments to the Board and they will weigh in with their responses. Robert talks about the site distance in regards to adding plantings. It may create a dangerous situation. Robert would leave it the way it is. Charlotte talks about

people coming in and out from Route 121. Mr. Siegel states that this corner has not had a lot of accidents. Mr. Siegel talks about a suggestion about moving a handicapped parking spot to another location. Mr. Siegel states that this will cause the handicapped spot to be filled up with people who are not handicapped. Mr. Siegel proposes leaving the handicapped spot where he has suggested it be. Robert asks what the distance is between both spots. Mr. Siegel states they are about the same. Mr. Siegel states that he agrees with the suggestions to add additional plantings in the back. We are putting plants in anyway. Mr. Siegel states that his client puts up seasonal decorations. Mr. Siegel states that plantings become a maintenance nightmare. Cynthia confirms that the Board agrees that the plantings proposed in the front of the building are not appropriate. Mr. Siegel states that he does not want to agree to specific plants which are being proposed in the Memo.

Cynthia refers to the proposed kiosk and states that this Zone does not permit outdoor protective structures. That would include the proposed doll house and gazebo. The Board is working to revise the signage section of the Ordinance. Cynthia states that she had a conversation with the Building Inspector and Town Attorney. The Building Inspector confirmed the kiosk would not be a sign, it would be an accessory structure which would not be permitted. Mr. Siegel states that this would be a bulletin board. There is a discussion about having it mounted on the building. Mr. Siegel states they will eliminate the proposed kiosk and gazebo from the Application.

Cynthia refers to the suggestion in the Memo about defining the parking along the edge with concrete wheel stops. Mr. Siegel has no problem with that.

Sonja refers to another location on the Plan where the snow may be plowed to.

Mr. Siegel states the majority of the other items in the Memo may be discussed outside of the Meeting instead of taking up the Board's time.

Mr. Siegel refers to No. 5 on Page 2 and states he had discussed not having portable signs. We thought that we could put a sign up at night that would be taken away during the day.

The Board discusses waiving the Public Hearing. Roland is not sure there is a provision to waive the Public Hearing on a Site Development Plan. If there were a provision, in this instance, he would be in favor of it. Cynthia reads criteria language in the Code Book for which a waiver may be granted. The Board agrees to waive the Public Hearing.

The Board confirms direct contact between Mr. Siegel and Cynthia if he has further questions prior to making his next submittal.

- 3. LP Partners:** Tim Allen (owner – Peter Kamenstein)
Subdivision (location – Vail Lane/Chestnut Hill Road)

Completeness Review of Application.

Cynthia states this is a straight forward minor subdivision on a piece of property that already has a Conservation Easement put on it in favor of the Westchester Land Trust. Part of that Conservation Easement allows for a 2-lot subdivision and for two single family homes within a given development envelope. The Applicant has Reports from both MDRA and Hahn Engineering. Cynthia states that the one area that concerns her is confirmation of the access, as the road is in Connecticut. Cynthia asks if the Applicant has any documentation from the Town of Ridgefield, Connecticut granting utilization of the access road. Cynthia would like a courtesy copy of the Application and Plans sent to the Town of Ridgefield. Don Rossi states that

in connection with the comments from MDRA, the Applicant will be contacting the Town of Ridgefield. Mr. Rossi states that he understands it to be a Town road, and there should not be a problem with the access. Mr. Rossi states that we have had instances in Town where lots have been accessed by roads in Connecticut. Mr. Rossi brings up the Hastings Subdivision. Cynthia states that the Hastings Subdivision was an action from a Connecticut neighbor on a piece of property owned in North Salem. Mr. Rossi states that the driveway was in Connecticut but the lot was in North Salem. Cynthia states that Mr. Hastings also had a piece of property in Connecticut. Cynthia states that the Board needs something in writing from the Town of Ridgefield granting access.

Roland asks if the Town of Ridgefield will be circulated to as part of the SEQR Review. Cynthia states yes.

Cynthia states that the Applicant should let the Board know who the approval agency in Connecticut is after they make contact. Mr. Allen states that they will start with the Town Planner, who will probably forward the documentation to the Highway Department.

Mr. Rossi states that one of the major comments is in regards to the variances that will be needed. Mr. Rossi states that he does not think an open development area is appropriate because we are not changing the dimensional requirements for the lots. Mr. Rossi states that two variances would be required. We would require a variance for road frontage, as well as the access for emergency vehicles. Mr. Rossi believes that 280-(a) does have a specific section that permits for variances. Mr. Rossi states they would like to be referred to the Zoning Board of Appeals for the two variances. Cynthia states that the Zoning Board of Appeals will also need confirmation that the Applicant has been granted access in Connecticut.

Mr. Rossi asks the Board to waive the one-lot recreation fee. Cynthia states that this is a situation where the uses already exist and we are considering the requirements for park land. We make everyone with a two-lot subdivision pay the fee. Mr. Rossi talks about a Conservation Easement. Mr. Rossi states that given the impending benefits to the Town as a whole, by having this beautiful property preserved, could provide a rationale for a waiver of the recreation fee. We have an environmental bond fund in Town which could be used to purchase tracks of land like this. Mr. Rossi talks about the Bridle Trails on the property. Cynthia states that the Bridle Trails are existing. Cynthia asks Mr. Rossi if he is making a provision for the trails to become permanent. Cynthia asks Mr. Rossi if he would like to have easements on the trails. Mr. Rossi states no. There is a discussion about where the Bridle Trails will go. The Board discusses whether there should be consideration made for something that has already been done as a benefit in order to satisfy the Town Law Fee Requirement. Roland states that the Board may take what has already been done into consideration. Cynthia asks what may be done by the Applicant to provide a guarantee for the Bridle Trails. Mr. Rossi will discuss this with his client. Cynthia discusses waiving the recreation fee with the Board in lieu of the guarantee of Bridle Trails. There is discussion about a Note on the Plat.

Mr. Rossi talks about the Board waiving the request for a Tree Survey. Mr. Rossi talks about adding a Note on the Plan that states which trees will be avoided, as well as wetlands. Mr. Rossi states that the building areas are limited. Cynthia talks about the Board going on a Site Inspection so they will be in a better position to make a determination.

Mr. Rossi talks about the MDRA request regarding wetland mapping/notes. Mr. Rossi would prefer not to have the wetlands flagged. Sonja states that they are not talking about mapping the entire wetland area. Mr. Allen will respond in writing that there are no wetlands or buffers within 200 feet.

Mr. Rossi discusses the 50 foot right-of-way mentioned in the MDRA Memo. Mr. Rossi states that he does not believe they are required to have a 50-foot right-of-way.

Mr. Rossi states they will provide metes and bounds information on the Plat. Cynthia states that existing and proposed monuments should be shown and labeled.

Regarding the access, Mr. Rossi and Mr. Allen will confirm that Chestnut Hill is a public road. They will contact Ridgefield to obtain confirmation. There is discussion about circulating a set of Plans to the Town of Ridgefield for comment.

Regarding the signature block, both partners will be added.

Mr. Allen talks about the two variances and states that the ZBA will not be able to vote until the Planning Board has given their approval for the subdivision. Mr. Allen requests the Planning Board declare themselves as Lead Agency in order for the circulation to take place. Mr. Allen will turn around revised sets of the Plan quickly. Mr. Rossi requests the Planning Board make a referral to the Zoning Board of Appeals. Cynthia states that she would feel comfortable doing that once the Board has verbal confirmation from the Town of Ridgefield regarding the access road. Mr. Rossi requests the Board grant their notice of intent to declare.

Chairwoman motions that the Planning Board Declare Their Intent to be Lead Agency for a Two-Lot Minor Subdivision for LP Partners. Robert Tompkins seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Authorizes her to Send a Favorable Recommendation Memo to the Zoning Board of Appeals Regarding the two Variances Required. Charlotte Harris seconds. All in favor. No opposed.

4. **Salem Golf Club:** Todd Zorn (owner – Salem Golf)
Waiver of Site Development Plan (location – Bloomer Road)

Consider Waiver of Site Plan for Lighting Change.

Cynthia states that at the last Meeting she mentioned receiving a request for a Waiver of Site Development Plan for a change in outdoor lighting in the vicinity of an outdoor patio area. Cynthia states she visited the Site today. Cynthia clarifies with Mr. Zorn which lights they do not want to install. Cynthia confirms that low-wattage lighting will be installed under four trees. The wattage shall be limited to 20 watts each. Cynthia confirms a maximum of three lights shall be installed per tree. Cynthia states that this request does qualify for a Waiver of Site Development Plan. The lights shall be turned off at closing in accordance with the previously agreed upon timing. Cynthia confirms the Board is comfortable with the Draft Resolution.

Chairwoman motions that the Planning Board Adopt the Draft Resolution of Site Development Plan Waiver for the Salem Golf Club. Bernard Sweeney seconds. All in favor. No opposed.

5. **T-Mobile Northeast, LLC:** Cara Bonomolo (owner – Pasquale Carrozza)
Site Development Plan (location – 509 Route 22)

Completeness Review of Application; discuss radio frequency consultant.

Cynthia requests that the individuals speaking identify themselves.

Cynthia states that a Memo has been circulated from MDRA. Cara Bonomolo states that she received a copy this morning.

Ms. Bonomolo refers to the MDRA Memo and states she has two items of concern to discuss with the Board.

The first item would be to ask if the Board has proceeded with retaining a radio frequency consultant. The second item would be in regards to the visual impacts. Ms. Bonomolo talks about scheduling a balloon test. A lot of the Memo focuses on the fact that the Applicant hasn't adequately addressed the potential visual impacts. In order to do that we would need to prepare a visual analysis which would involve a balloon test. Cynthia states that there will be discussion tonight regarding the hiring of a radio frequency specialist, and materials will be forwarded to that individual. Cynthia states that when she reviewed the Plans, she was bothered by the fact that the specialist for the Applicant is talking about heights that were not correct for the Site. It has been stated in materials from the Applicant that the tower has to be 150 feet. Cynthia has concerns with that. Ms. Bonomolo states that after reviewing the MDRA Memo, they will clarify the height proposed.

Ms. Bonomolo states that issue might be moot because we have had discussions with Metro North and they have stated they are not interested in T-Mobile locating a wireless communications facility on their property. Cynthia states concerns about the proposed site as it doesn't qualify for any of the provisions in the Town Ordinance, such as size, setbacks, etc. Cynthia mentions that Ms Bonomolo has stated the visual impacts will be significant. Ms. Bonomolo states she did not say the visual impacts will be significant. Cynthia states that the visual impacts will be significant for the Board to deal with. Cynthia states this is the entrance to our Town and a very important area to us. Cynthia wishes the Applicant would continue looking for an alternate site.

Cynthia inquires if technology is such that telephone poles could be utilized. Ms. Bonomolo states that if Cynthia is referring to a distributed antenna system, that has been looked at, and has been determined that it is not feasible. Cynthia states that the Board will ask their Radio Frequency Specialist about it. Cynthia asks that Sprint can come in and quickly build extensions on rooftops, why do other people have to erect towers over 100 feet high? Ms. Bonomolo states that she was involved with the Sprint Application before this Town quite some time ago. She does not remember what their radio frequency needs were at that time. T-Mobile has submitted a report demonstrating what their needs are. We did submit a map showing that antennas on this building would not satisfy the gap area. Cynthia wonders if smaller items closer to the neighborhood the Applicant is proposing to provide service to would be an alternative. Ms. Bonomolo states that in with their analysis, they show in addition to the neighborhoods previously referred to, that they are proposing coverage along Routes I-684, 22, and 116. It is not just one neighborhood, it is a broad area. In order to cover a broad area, the facility needs to be at a certain height, for which our radio frequency engineer has provided. Cynthia states that may be sufficient for a tower, but the Applicant may utilize smaller facilities, which is her suggestion. Ms. Bonomolo states she will have their radio frequency engineer prepare a written analysis. Ms. Bonomolo asks who the Town will be using as their consultant. Cynthia states that the Town will be utilizing the services of Ronald Graiff. Cynthia states that it is important to do the visual analysis. Cynthia talks about forwarding materials to Mr. Graiff this week, and allowing a three-week turnaround for his review. Cynthia would like to make sure that the visual is not just for the proposed site, but for alternate sites, other than Metro North. Contact information will be provided to Ms. Bonomolo. Ms. Bonomolo talks about having reached out to the DOT, and states they are waiting for a response. Ms. Bonomolo states that if the DOT would allow a facility, T-Mobile would be happy to go there, because they would not have to go before this Board. Roland refers to utilizing the rooftops at the nursing homes on Route 22. Ms. Bonomolo states that they were escorted off the nursing home property. Robert asks if Mr. Reisler has been spoken to, and states he owns Seven Springs Farm located next to the nursing homes on Route 22. Cynthia states that the Seven Springs Farm property is all wooded, versus the current proposal which is right on the road. Cynthia asks Ms. Bonomolo to contact her tomorrow to obtain contact information for the nursing homes, as well as Mr. Reisler.

The Board discusses moving forward with a balloon test during the winter before the trees leaf out. The Board did not agree to a time, as they still would like confirmation that all potential alternate sites have been exhausted. The Board will ask Mr. Graiff to provide them with his Report before the February 3rd Meeting.

This Application will be back on that Agenda to discuss his Report and possibly scheduling a balloon test.

Cynthia asks Ms. Bonomolo to provide her with documentation to forward to Mr. Graiff. Ms. Bonomolo asks if she should mail directly to Mr. Graiff, or submit it to the Planning Board Office. Cynthia asks Ms. Bonomolo to coordinate the submittal through Dawn.

Ms. Bonomolo refers to Page 2, Item 1(a) in the MDRA Memo which talks about providing an analysis of alternative structural options such as installation mounting on the building or roof top utilizing stealth antennas, and states that they did address that in their original submission. Ed Yorke, in his Radio Frequency Report, provided Exhibits D-1 and D-2 which showed the coverage that would be provided from that building, and how it does not provide the necessary coverage. The MDRA Memo talked about the possibility of a larger combined light pole/monopole structure at the property. Ms. Bonomolo states that they will look into it.

Ms. Bonomolo refers to Page 2, Item 1(b) in the MDRA Memo regarding why we are proposing a tower of 110 feet, and states that was also explained in the September 2, 2009 Report from Mr. Yorke. Cynthia talks about the need for a variance. Ms. Bonomolo does not agree with that interpretation. There is discussion about showing space for future additional carriers. Ms. Bonomolo states that the Code contemplates showing spaces for future co-location. Ms. Bonomolo thinks that if the tower is built for co-location, they are entitled to 110 feet. Cynthia states that the Applicant has stated that there will be no co-location. Ms. Bonomolo stated that two carriers are not interested at this time. There may be a need down the road. It is short-sighted to think that no one is going to be interested ever, and require us to have a co-applicant in order to have the 110 foot height. Cynthia states that the Comprehensive Plan Committee is coming forth with a new Plan. They are taking a different position than the prior administrative. They are not interested in co-location which means higher towers. They would much rather see single users and smaller towers. Ms. Bonomolo states that is not what the Code currently states. Cynthia states that is not what it states now, but it is what is coming. Cynthia states that the way the Code is currently written, it is stated that a single user is only supposed to be at 100 feet. Ms. Bonomolo states that they are not proposing the tower to be built for a single user. Ms. Bonomolo asks if the Town wants the tower to be built for a single user, or do you want it built so that no one could co-locate on it. Cynthia states that if someone wants to co-locate they will come back for an amendment to raise it higher. Ms. Bonomolo states that they would have to build a new structure. Cynthia would rather see a tower at 100 feet, if that is what it has to be, rather than building it higher in case someone wants to co-locate. Ms. Bonomolo states that is not why they are proposing 110 feet. They are proposing 110 feet because they need that height. Ms. Bonomolo states that they will go for a height variance if they need to. At that time we would ask for an interpretation from the Zoning Board of Appeals that a height variance isn't necessary because the Code allows us to build at 110 feet if it is built for additional users. Roland states that Ms. Bonomolo is reading into the Code. He does not know if that is the way it would be interpreted. Internal antennas versus external antennas are discussed.

Ms. Bonomolo refers to Page 2, Item 2, and states they will clarify the height difference.

Ms. Bonomolo refers to Page 2, Item 3 and states that if the Town is interested in emergency radio services, that is something T-Mobile would be open to. One item to point out is that with the internal mounting being proposed, typically town emergency services use wic type antennas which may not be utilized in the pole, they would be externally mounted off the side.

Ms. Bonomolo clarifies Item 5 on Page 3 and states that the tower itself is not being placed on the platform. It is being placed at actual grade. The height above ground level that is shown on the Plan is actually above ground level. The Board takes a look at the proposed Plans to see the grade level versus the ground level. Cynthia inquires if the grade the Applicant is measuring from is above the retaining wall. Ms. Bonomolo

states yes, it is at the base of the proposed tower. Ms. Bonomolo talks about providing an elevation from the North.

Ms. Bonomolo refers to Item 6 on Page 3 and states that the landlord is working through the Building Inspector and the Town Attorney. Ms. Bonomolo states that they show the house as a two-story frame house in an existing residential structure. Roland states this has not been resolved.

Ms. Bonomolo refers to Pages 3 and 4 and states that Items 7 through 11 deal with the balloon test and visual impacts. Cynthia asks Ms. Bonomolo how long it takes to get ready for a visual test. Ms. Bonomolo states that it is a matter of making sure we have a contractor available to take the photos as well as perform the balloon test. Cynthia asks if it is possible to get the DOT to cooperate with a balloon test at one of their sites. Cynthia asks Ms. Bonomolo if they would do a balloon test at an alternate site on the same day. Ms. Bonomolo states that if they go to the DOT property, it doesn't require zoning. There is no reason for us to do a balloon test there to assess the visual impacts.

Ms. Bonomolo refers to Item 8 on Page 5 and states that their engineer could not be here tonight. Ms. Bonomolo discussed this with him earlier and confirmed that they are proposing four piers that are two feet in diameter, supporting a graded platform. Any water is going to flow through the platform. A minimal area of impervious surface will be created. There will not be any stormwater runoff increase. Ms. Bonomolo does not know what other information they need to put on the Plans in order to show that. Ms. Bonomolo asks if their Engineer may discuss this item with the Planner directly, unless we can agree that the information we have provided is sufficient. Cynthia talks about the Plan being forwarded to the Town Engineer for his review. Ms. Bonomolo asks at what point that would happen. Cynthia states the Plan could go over now. The Plan will also go to the Radio Frequency Specialist. Ms. Bonomolo will provide an additional copy for the Town Engineer.

Ms. Bonomolo refers to Item 9(d)(11) on Page 5 regarding Site Layout, and states that they have a note on Plan Sheet EC-1 regarding access by revocable permit. Sonja states that is not what they are referring to. Ms. Bonomolo states that she is referring to Item (d)(11), not Item (d)(9). Roland inquires about the revocable permit. Ms. Bonomolo states that is what the owners have. We provided a copy of it with our latest submission.

Ms. Bonomolo refers to Item (j) on Page 5 and asks the Board to look at Plan Sheet R-1. This sheet shows the 100 foot radius. Sonja confirms the structures shown are the only structures within 100 feet. Cynthia asks why the Applicant has asked for the Waiver. Ms. Bonomolo states that they had asked for the Waiver initially, and then came back and added the information on the Plan.

Ms. Bonomolo refers to Item (o) on Page 5, and states that they will require a variance for the fence height.

Ms. Bonomolo refers to Item (dd) on Page 5, and states they will revise the typo.

Ms. Bonomolo refers to Item (cc) on Page 5, and would like clarification as to exactly what is being requested. Sonja points out the wooded buffer area that should be revised.

Cynthia talks about visual screening to offset the base of the tower, and states there are two parking spaces in front of the wall. Cynthia asks Ms. Bonomolo if she will work with the owner to move the parking spaces. Ms. Bonomolo will ask them.

Ms. Bonomolo refers to Item (ee) on Page 5, and shows where the well is shown on the Plan. Sonja asks if that is the only well. Ms. Bonomolo will have the Engineer confirm whether there is another well.

Ms. Bonomolo asks if it would be appropriate to discuss the balloon test, and how to proceed.

Cynthia would like to discuss to what extent the Board may push for alternative sites, especially since so many variances are needed. Cynthia is not satisfied that the Applicant has exhausted all of the possible alternatives in the area, even if it means two smaller towers. Bernard agrees with Cynthia. Bernard refers to an e-mail that had been submitted and states a concern that not much attention was given to this proposal from Metro North. Ms. Bonomolo does not know what they can do to have Metro North pay more attention. Ms. Bonomolo states that Metro North had been contacted when Sprint came in and applied for co-location on the building. Members of the Town got involved in order to communicate with Metro North, and it was unsuccessful. Ms. Bonomolo states this is a pattern with Metro North. Ms. Bonomolo states that they did reach out to Metro North several times. More information had been provided to them. When we followed up, Metro North stated they were not interested. Ms. Bonomolo does not know what the Board wants her to do. Bernard states the last response indicates that Metro North might be interested at a further date. What does that mean? Ms. Bonomolo states that maybe they want to keep their options open.

Ms. Bonomolo states that the FCC recently issued an order regarding timeframes that are put on Applications to municipalities. It has been determined that a reasonable timeframe is 150 days.

Cynthia asks why the Applicant initially proposed a 90 to 100 foot tower. Ms. Bonomolo states that at the time, we were considering a comparable structure. Cynthia states that the submittal came in November 5, 2009. That is only a couple of months ago. Now the Applicant is stating that the tower has to be 150 feet if it goes there. Ms. Bonomolo states that is what we said based on the heights that we looked at. We can clarify that. Cynthia states that pops a hole in the Report which states the tower has to be 150 feet. Ms. Bonomolo states that they will clarify the height discrepancies that were mentioned earlier. The issue is moot if Metro North is not interested in leasing the property. Roland states that the Board has to be careful not to interfere with someone's contractual rights as well. Roland states that there are a number of alternates that have not been explored to the Board's satisfaction. Maybe in combination with help from the Applicant, some of the alternative sites may be revisited, such as the Nursing Homes, DOT, Metro North, and DEP properties. Roland states that the Board may want to delay the balloon test. Ms. Bonomolo does not believe there is any reason to delay the balloon test if the Applicant is willing to simultaneously reach out to the other alternatives to see if they work. If T-Mobile is willing to spend the money on moving forward with the balloon test in order to continue to process this Application within a reasonable timeframe, Ms. Bonomolo would think the Board would be willing to go along with that. Ms. Bonomolo talks about taking care of the issues that are raised in the MDRA Memo while simultaneously reaching out to other landlords. Roland states a concern that the client will be more fully invested in this one Site. It gets to the point where the client is concerned about changing gears because they have invested as much as they have invested. Roland states it is better for the Town and the Applicant to work through the alternates before more money is spent. Ms. Bonomolo states that the client is pretty clear they are willing to move forward with the balloon test. Ms. Bonomolo states that very often balloon tests are done before an Application is file, knowing that alternatives will have to be looked at. In this instance, we figured the Town would want to have input on the view points where the visuals are taken from, as well as participate in the balloon test. We waited to obtain Board input rather than coming in with a complete set of visuals. Ms. Bonomolo states that it is the beginning of January. By the time we get to the middle of April, the trees will leaf out. We only have about three months to work with. Cynthia states she is still reading the e-mail discussed earlier, and is surprised. Cynthia states that the Board does not know exactly what was presented to Metro North and why they declined. Roland asks if it was more than just an e-mail. Applicant's representative states that a letter was sent, as well as verbal conversations. Roland states that alternatives may be explored between now and the next Meeting. Cynthia would like the Radio Frequency Consultant the Town has hired to make suggestions. Cynthia would like to put this Application back on the next Agenda for a discussion of the Report from the Radio Frequency Consultant. Ms. Bonomolo asks if the

Board will have a Report by the next meeting. Cynthia states yes. Ms. Bonomolo talks about contacting people regarding the DEP, Nursing Homes, and Seven Springs Farm Properties. Cynthia asks Ms. Bonomolo what alternative sites in Somers have been looked at. Cynthia states that the main coverage will be provided to a neighborhood in Somers. Ms. Bonomolo states that they are also proposing coverage for I-684, Route 22, and Route 116. Roland asks if the property at the Westchester Exceptional School (WEC) which was donated to the Town has been thought about. Cynthia states they wrote to the Town Board and stated they didn't want to do that anymore. Roland thought it was done. Cynthia states the Agreement was done, but what they offered was DEP Property. Cynthia advised them to have a survey done. Cynthia states she went out there with John White. The piece which identifies where the swing set is located is not on WEC property, it is on DEP Property. They did it without a survey and the Town Board accepted it without a survey. Roland does not believe the transaction has been rescinded. Cynthia states that is a very visual Site. Possible alternative Sites along I-684 are discussed. Ms. Bonomolo states that would be DOT Property. DOT has not responded to our inquiries. Cynthia states that the day the Board does their Site Inspection; they should ride along together and see about other possible Sites. Ms. Bonomolo asks the Board to provide her with suggestions if they come up with any.

6. Minutes:

- November 4, 2009
- November 18, 2009
- December 2, 2009

Chairwoman motions that the Planning Board Approve the Minutes of November 4, 2009, November 18, 2009, and December 2, 2009. Bernard Sweeney seconds. All in favor. No opposed.

7. Financial Report:

- December, 2009

Chairwoman motions that the Planning Board Approve the December, 2009 Financial Report. Bernard Sweeney seconds. All in favor. No opposed.

8. Appointments:

- Planning Board Consultant – Sonja Teichmann, MDRA
- Planning Board Engineer – Frank Annunziata, Hahn Engineers
- Planning Board Traffic Engineer – A. Peter Russillo, John Collins Engineers, P.C.
- Planning Board Hydrogeologist – Russell Urban-Mead, The Chazen Companies
- Planning Board Secretary – Dawn Onufrik
- Planning Board Deputy – Robert Tompkins

Chairwoman motions the above-mentioned Appointments for the Year 2010. Bernard Sweeney seconds. All in favor. No opposed.

9. Next Meetings:

- Work Session – January 20, 2010
- Regular Meeting – February 3, 2010

10. Comments from the Chair:

- Hawley Woods – Request permission to meet with Town Engineer.
- LP Partners – Site Inspection

11. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney seconds. All in favor. No opposed.