

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
March 31, 2016 Meeting Minutes**

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

Present were: Chairman Thomas E. McNulty, Board Member Ron Taylor, Board Member Edward J. Brady, Jr., Board Member Robert F. Ladau, Board Member Michael Montesano, Richard Williams – Town Supervisor, Ted Kozlowski - Environmental Conservation Inspector, Ron Gainer – Town Engineer, and Shawn Rogan – Town Board Member

Mary Schartau was the secretary for this meeting and transcribed the following minutes.

Chairman McNulty called the meeting to order at 7:00 p.m.

**1. Birch Hill Associates, LLC – Wetland/Watercourse Permit (Continued Review)
180 Birch Hill Road
Tax Map #4.-1-76**

No one was present to represent the application.

Chairman McNulty acknowledged that the public hearing had been held on March 3, 2016, and that the Planning Board was ready to make a motion on the application. Supervisor Williams stated that he had given the engineer permission to begin moving the apple trees on the site.

- Chairman McNulty made a motion to approve the Wetland/Watercourse Permit with the condition that the apple trees on the site be saved. Board Member Ladau seconded the motion. *Motion passed by a vote of 5 – 0.*

**2. White Birch Realty – Site Plan & Wetland/Watercourse Permit (Continued Review)
35-37 Commerce Drive
Tax Map #23.-2-10**

Pete and Christine Monteleone were present to represent the application.

Supervisor Williams stated that though no new plans were submitted, the application was on the agenda to encourage the Planning Board to focus on Part II of the EAF; Chairman McNulty stated that he had not yet looked at it in depth, but acknowledged that the Planning Board and project engineer Ralph Alfonzetti (Alfonzetti Engineering, P.C.) had received a letter from the DEP regarding the project.

Board Member Taylor observed that in the letter, the DEP stated that a new EAF must be submitted because the incorrect form was used and requested that a completed SWPP be submitted before making a determination, which is the opposite of the order in which the Planning Board completes the SEQR process. Supervisor Williams stated that he disputes the letter. Board Member Montesano remarked that the letters received from the DEP about both the White Birch Realty and Black Birch, LLC sites are nearly identical, and that they, therefore, appear to be form letters. Supervisor Williams confirmed that Ralph Alfonzetti is responsible for responding to the DEP.

3. Black Birch, LLC – Site Plan (Continued Review)
56 Commerce Drive
Tax Map #34.-3-58

Pete and Christine Monteleone were present to represent the application.

Chairman McNulty confirmed that the Planning Board had declared themselves lead agent and received a letter from the DEP regarding this project, as well. Included in the DEP's response was commentary about the applicants' choice in planting Norway Spruce trees on the site; Ted Kozlowski questioned their jurisdiction in the matter and Supervisor Williams confirmed that the DEP does not have jurisdiction over the trees planted for projects.

Supervisor Williams stated that he has had discussions with the DEP, and confirmed that they do not consider green roofs to be impervious surfaces, nor do they constitute a disturbed area on a site; therefore, they do not have any jurisdiction over the SWPP for the site.

4. Wayne Ryder – Wetland/Watercourse Permit (Continued Review)
40 Cushman Road
Tax Map #13.-2-68

No one was present to represent the application.

Chairman McNulty confirmed that the Planning Board had conducted a site walk, after which the members of the Planning Board were in agreement that the front of the property would be better suited for a home, with the septic running toward the back of the property. Supervisor Williams confirmed that he had been in communication with project engineer Jack Karell, Jr., P.E. to let him know that he would be on the meeting agenda and that the Planning Board generally preferred a design with the dwelling situated at the front of the lot.

Board Member Taylor recommended that the Planning Board as the applicant to organize a functional analysis of the wetland so that the existing quality of the wetland can be determined. Also, if the Planning Board was going to enter into an agreement with the applicant allowing them to construct the dwelling if they restore the wetland, a threshold needs to be determined to

restore the wetland to. While out on the site, Board Member Taylor observed that the drainage pipe on the site does not have a significant amount of water running through it.

Ted Kozlowski stated that situating the house toward the front of the property will make the house less impacting to the wetland, though he also noted that he believes that the wetland buffer will be destroyed during construction. He also stated that he believes that the house's location at the front of the property will make it easier to regulate the activities of the homeowner in relation to the wetlands. Chairman McNulty confirmed that soils had been tested in the front of the property for the septic, but no testing had yet been done in the back of the property. Ron Gainer stated that he believed the septic fields and dwelling can both be located in the front of the property.

Supervisor Williams confirmed that the wetlands on the site are not regulated by the DEC or DEP, and that a permit will not be needed from the Army Corps of Engineers (ACOE); however, the applicant will have to provide notice for the amount of fill that will be used on the site. He also confirmed that the Planning Department would review the application to address Board Member Taylor's continued concern about the owner of the property being properly documented (Wayne Ryder vs. Putnam County National Bank).

5. Acme (Site Enhancement Services) – Sign Applications
3101 Route 22
Tax Map #4.-1-34

No one was present to represent the application.

Chairman McNulty stated that the three proposed signs will be replacing the signs that were located on the building when it was A & P, though they are slightly smaller. He also confirmed that the colors listed are part of the Acme brand; Board Member Brady stated that he would prefer that the freestanding sign be red letters on a white background, rather than white letters on a red background.

Supervisor Williams stated that he had reviewed the application and took no issue with it; he also confirmed that he would reach out to the Acme representatives and ask them to consider reversing the colors on the freestanding sign, per Board Member Brady's suggestion.

- Board Member Taylor made a motion to declare a negative SEQR determination for "Sign C – Freestanding Sign." Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*
- Board Member Taylor made a motion to declare a negative SEQR determination for "Signs A & B – Building Mounted Signs." Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*
- Board Member Taylor made a motion to approve the permit for "Sign C – Freestanding Sign." Board Member Brady seconded the motion. *Motion passed by a vote of 5 – 0.*
- Board Member Taylor made a motion to approve the permit for "Signs A & B – Building Mounted Signs." Board Member Brady seconded the motion. *Motion passed by a vote of 5 – 0.*

6. Villa Del Sol (Luis Morocho) – Sign Application

**3161 Route 22
Tax Map #4.-1-42**

No one was present to represent the application.

Supervisor Williams confirmed that the “Open for Lunch & Dinner” portion of the freestanding sign exceeds the size limits allowed by the Code; the applicant would, therefore, need to apply to the Zoning Board of Appeals (ZBA) for a variance to allow the excess signage, or could remove that portion of the sign entirely for a faster approval. He also stated that the application can be approved conditional upon the removal of the excess signage; however, the applicant would then need to submit a new sign application should they want to include the “Open for Lunch & Dinner” portion of the sign.

**7. Stone Field Corner Estates Subdivision – Road Name
384 Fair Street
Tax Map #34.-2-1; 45.-3-1; 45.-1-9 (Town of Southeast)**

No one was present to represent the application.

Supervisor Williams stated that though the Planning Board had already approved the name “Edward Rice Place”, the property owner would like to use a different name. The Planning Board will discuss new names with the applicant at the next meeting.

**8. RP Development – Lot Line Adjustment (Re-approval)
37 & 63 Hazel Drive
Tax Map #25.77-1-12; 25.77-1-10**

No one was present to represent the application.

Supervisor Williams stated that the Planning Board had previously approved the lot line adjustment; however, the Putnam County Health Department required the applicant to move a portion of the septic fields before the lot line adjustment could be filed. The approval, therefore, has lapsed, and Chairman McNulty must sign the plat so that it can be filed; Chairman McNulty requested that the Planning Department provide the Planning Board Members with a copy of the original approval before the next meeting.

**9. Clancy Properties, LLC – Site Plan (Initial Review)
2963 Route 22
Tax Map #14.-1-30**

No one was present to represent the application.

Supervisor Williams stated that the property in question is bisected by Stephen’s Brook, and that a “very large” warehouse currently exists on the west side of Stephen’s Brook; the proposed 50,000 square foot warehouse will be located between Route 22 and Stephen’s Brook. He also noted that the application is basically fully designed with a SWPP, and that when the original warehouse was approved in 1999, the property was located in the I Zoning District and is now, therefore, considered a pre-existing, nonconforming use. However, it is his opinion that the proposed additional building will require a special use permit to operate a warehouse because the property is now in the C-1 Zone. Additionally, both a Town of Patterson and a DEC

wetland/watercourse permit will be required because a pipe that currently runs onto the site and discharges into Stephen's Brook will need to be relocated.

Ted Kozlowski expressed significant concerns about the effects of the project on Stephen's Brook, noting that the property is not flagged. He also stated that the soil maps indicate that one of the soils on the property is a Patterson-recognized wetland soil, though it is not identified as a wetland on this plan; said soil is usually associated with disturbed property and the plans indicate that the area in question would house the stormwater treatment area or be turned into a wetland. He stated that he would like to go out to the site to ensure that any natural wetland on the site that is associated Stephen's Brook be identified and protected.

Ted Kozlowski also mentioned that the removal of the spruce trees on the Thunder Ridge site across the street will give visitors to Thunder Ridge a clear view of the warehouse, which he believes will take away from the experience of the visitors to Thunder Ridge. Therefore, he believes that the Planning Board will have the responsibility of ensuring that aesthetics are considered when reviewing the project. Supervisor Williams stated that he agrees with Ted's concern about the architectural style of the building; Chairman McNulty stated that screening will be very important due to the proposed building's proximity to Route 22, and noted that an "Attendant's Driveway" is located on the plans. Ted Kozlowski also stated that the area is prone to flooding after significant rainfall.

Board Member Taylor stated that Part I of the EAF will need to be reviewed, as the applicant checked that there are endangered species on the site, per the DEC Environmental Mapper; the Planning Board will need details about which species this is specific to. Additionally, he stated that the applicant must be required to survey and flag the wetlands and include the information on the map. The Planning Board will also be scheduling a site walk when the property has been flagged.

Supervisor Williams stated that the Army Corps of Engineers (ACOE) will not be involved with the review of the project. He also confirmed that he is currently working on a project review for the application.

**10. Patterson Auto Body (Premier Medical Transportation) – Site Plan Waiver
2597 Route 22
Tax Map #24.7-1-3**

No one was present to represent the application.

Chairman McNulty noted a discrepancy in the application: the applicant states that office space will be rented out to a medical transportation company, but, the letter received was regarding a permit from Westchester County to operate a taxi & limousine service. This will require one parking space consistently, with two spaces needed during the limited times that both the worker's vehicle and business vehicle are on the site.

Chairman McNulty made a motion to approve the application, but rescinded it in response to concerns expressed by Board Members Taylor and Montesano. Board Member Taylor questioned the size of the vehicle used, cautioning that an average-sized vehicle will take up much less space than a stretch limousine. Board Member Montesano also questioned whether the facility will be posting a sign for the new business, for which an additional permit and variance will be required.

11. Frog Hill, LLC – Amended Site Plan (Initial Review)
3161 – 3169 Route 22
Tax Map #4.-1-42

No one was present to represent the application.

Supervisor Williams confirmed that because all of the conditions imposed on a previous site plan approval issued by the Planning Board for the site had not yet been met, the plan had not been finalized, and could, therefore, still be amended. He stated that the applicant is looking to establish a retail area without erecting a retail building, and also confirmed that the use is separate from the flea market (a pre-existing, nonconforming use on the site) because it is more of a permanent operation and is located on a different area of the site. Board Member Montesano stated that the issue at hand is to determine the definition of “temporary”, and also raised the issue that a vendor located on this site would not be required to pay the taxes that other retail buildings in the Town pay; Supervisor Williams agreed that this could give the applicant an unfair advantage over legitimate retail operations in the area.

Board Member Taylor expressed his concern about how the application was filled out, stating that the applicant should not be submitting an application identical to the previous application for site plan approval, when all that the Planning Board is focusing on is the amended parts of the approval.

12. Thunder Ridge – Site Plan
30 Birch Hill Road
Tax Map #14.-1-44 > 14.-1-51

No one was present to represent the application.

Supervisor Williams acknowledged that the plans submitted did not have an application attached, and asked the Planning Board for permission to sit down with Dean and Wayne Ryder to review the plans. Ted Kozlowski expressed his continued concern for Stephen’s Brook and stated that a portion of the proposed parking area is on top of the slope that protects the brook. Additionally, he stated that he believes that the spruce trees that appear to overlap the proposed parking area on the plans add to the aesthetics on the site and will also somewhat shield the view from the mountain of the additional warehouse proposed on Clancy Properties, LLC site across the street.

Board Member Brady pointed out that Thunder Ridge is comprised of several different properties; Board Member Taylor asked whether a single site plan application can apply to more than one parcel if they are not merged. Supervisor Williams stated that the parcels have to be cleaned up and merged in order for the site plan to apply for the entire area. He also stated that though the septic on the site is supposed to be confined to a seasonal use, the site is often used year-round, which could pose a problem.

13. Patterson Crossing – Amended Site Plan (Initial Review)
NYS 311
Tax Map #22.-3-1; 22.84-2-13; 33.-2-23; 34.-2-3

No one was present to represent the application.

Supervisor Williams stated that SEQR on an amended site plan application requires the Planning Board evaluate whether there are any significant adverse impacts created by the changes to the site, and if there are, the Planning Board must look at the original EIS and decide whether these new impacts have been adequately addressed within the EIS. If they have not, a supplemental must be completed; if they have, then the Planning Board just has to confirm its original findings statement. One of the main changes being made to the site is the softening the grade of the driveway (from 8% to 7%); shifting the driveway will result in more grading associated with MS-4 projects on the site, which include stabilizing a large stream on the site that is eroding, but there will be less disturbance surrounding the driveway. The buildings have been realigned and resized, reducing the total square footage of the site by 60 square feet.

Additionally, the applicant now has to cut back into the hill in the southwest corner a little bit more, but the area is, in fact, away from the residences, allowing them to do less grading against where the residential properties are located, leading to less disturbance in that area. Changing the parking will create an increase in parking spaces and in impervious surface coverage levels, but not a significant increase; they are also now proposing pervious pavement in two locations on the site to further offset the levels of impervious surface coverage on the site. A new 50,000 square foot building has also been added, and will likely be used for a clothing store (possibly a Jos. A Banks location); Lowe's, however, will not be coming to the site.

Board Member Ladau voiced his concerns about screening the structures on the site; Supervisor Williams countered that the retailers are looking for the visibility from Interstate 84. Shawn Rogan, Town Board Member, was on the Planning Board when the project was approved and commented that the architectural elements approved were very tall to break up the façade, but the cost was very high.

14. Other Business

A. 17 Couch Road Corp. Subdivision – Bond Reduction

- Board Member Taylor motioned to make a recommendation to the Town Board to reduce the performance bond amount from \$665,000 to \$387,000 based on the recommendation from Ron Gainer. Board Member Brady seconded the motion. *Motion passed by a vote of 5 -0.*

B. Hamlet Revitalization

Supervisor Williams explained that the Town has been contacted by two students who would like to establish backgrounds in the Planning field and are interested in assisting the Town with a Planning initiative this year to gain experience. Henry O'Connor, one of the students, was present at the meeting and expressed his desire to work with the Town on any project necessary; Shawn Rogan asked him to draft an e-mail expressing his interests and the area of Planning that he would prefer to work with, in addition to discussing what he would like to get out of the project. Supervisor Williams recommended that two members of the Planning Board and two members of the Town Board (himself and Town Board Member Shawn Rogan) meet to discuss possible projects. Chairman McNulty stated that he would like to be involved; Board Member Taylor also volunteered.

Board Member Ladau stressed the importance of establishing clearly defined projects for the interns to work on; Shawn Rogan stated that he believes that a community engagement project

would be a possibility. Supervisor Williams confirmed that community-wide surveys were done in 2000 and 2012, and stated that the responses were very similar between both surveys: the effect of the economy was the primary difference, with people being more in favor of commercial growth to offset the tax burden. Shawn Rogan introduced the possibility of involving the interns in studying the future of the environmental park to address the questions of residency.

Chairman McNulty stated that the Planning Board should work on focusing on the basics for the GB Zone within the Hamlet, including water and traffic flow. Board Member Taylor urged the Planning Board to further explore the restrictions of the GB Zone, and determine whether the Town wants a village look or suburban look within that zone.

C. Pace University Letter: Fox Run

Chairman McNulty confirmed that the Planning Department had received a letter asking the Planning Board to reconsider their SEQR determination at the site. Shawn Rogan encouraged the Planning Board to ask Mike Liguori, Attorney with the Town Attorney's Office, to draft a response to the letter.

D. Training

Chairman McNulty stated that Secretary Sarah Mayes needs responses from the Planning Board members who want to attend the training seminar no later than April 8, 2016.

15. Minutes

The Planning Board will review the minutes from the February 25, 2016 and March 3, 2016 meetings at the April 7, 2016 meeting.

- Chairman McNulty motioned to adjourn the meeting. Board Member Montesano seconded the motion. *Motion passed by vote of 5 – 0.*

Meeting adjourned at 8:55 p.m.