

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
April 7, 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 Michael Liguori, Attorney with the Town Attorney's Office

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

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There were 18 audience members present.

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 SEQR had been completed. Board Member Taylor stated that he wanted it to be included in the record that the application was not being approved in order to create habitat for the eastern cottontail rabbit, as was stated in the application; the approval is based solely on the property owner's right to create the pond for aesthetic reasons, as it does not interfere with the wetlands.

- Chairman McNulty made a motion to approve the Wetland/Watercourse Permit. Board Member Montesano 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

Ralph Alfonzetti from Alfonzetti Engineering, P.C. and Pete and Christine Monteleone were present to represent the application.

Ralph Alfonzetti confirmed that the declaration of lead agency had been circulated, and that the DEP had responded. Chairman McNulty confirmed that he had reviewed Part II of the EAF; Ralph Alfonzetti confirmed that he would update the form that he used in accordance with the observation included in the DEP's letter. Ralph Alfonzetti also disputed other aspects of the DEP's letter: there are no DEC wetlands on the site, and since wetlands are not being disturbed, the Army Corps of Engineers will not need to be involved. Chairman McNulty encouraged the applicant to address every comment in the DEP letter individually; he also noted that the DEP does not seem to have a clear understanding about the project connecting to an existing septic system on the site.

Ron Gainer stated that there are outstanding comment letters from both himself and Supervisor Williams, and encouraged the Planning Board to give the engineer the opportunity to respond to them, as well as to respond to the issues raised by the DEP's letter, before formally taking an action about SEQR. Ralph Alfonzetti confirmed that he was under the impression that any issues raised would not need to be remedied until the end of the application process. Michael Liguori stated that from a legal process perspective, if the Planning Board feels comfortable making the SEQR determination now, they are allowed to.

Board Member Taylor listed the following explanations for issuing a negative SEQR declaration for the application:

“WHEREAS the application under consideration is for a lot in the Industrial Park, and many of the lots in the Industrial Park have undergone SEQRA review in the past which resulted in negative determinations, therefore, an exhaustive, comprehensive SEQRA review is not necessary for this lot and application. Rather, past reviews, and the Town's experience with years of operations in the Industrial Park, have shown that the following general areas may be of environmental concern for potential significant adverse impacts, and therefore have been especially evaluated in this application review:

1. **Wetland Buffers:** The wetland buffers in the Industrial Park, because of the severe constraints of the lots within the Park, are being intruded upon for construction and operations, and, consequently, the functions served by wetland buffers of stormwater control and filtering must be supplied onsite through other means. Stormwater must be contained and treated on site, before discharge into adjacent wetlands or otherwise offsite, in accordance with the latest DEC and DEP stormwater prevention practices. *The applicant has submitted a SWPP that meets requirements and provides mitigations so that adverse impacts will not be large or significant.*
2. **Wetland Protection:** Wetland protection requires that physical barriers as appropriate to each site must be provided to prevent intrusion

and dumping into wetlands within or adjacent to the site. *Three-foot high stone walls are being provided on the site to protect the wetlands from intrusion and prevent adverse impacts.*

3. **View Shed From Interstate 84:** For those portions of the Industrial Park visible from that vantage must be taken into consideration, including signs on applicant's buildings or property; colors of the buildings; lighting so that it does not shine toward Interstate 84; overall appearance of the finished lot including vegetative screening if necessary. *This site is not visible from Interstate 84, so there will be no impacts to the view shed.*
4. **Traffic:** Traffic generated by this application has been evaluated for adverse impacts during construction and after occupancy. *Of particular concern is the amount of rock that may be moved offsite during construction. Evaluation of the amounts of material showed that an average of 7 truckloads would be transported offsite each day of construction over a three-month period. These amounts will not have a large or significant impact on area traffic.*

Additionally, for this particular site and application, no other special areas of environmental concern existed.

Therefore the Planning Board issues a negative declaration of SEQR.”

- Board Member Taylor made a motion to issue a negative SEQR declaration. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty made a motion to schedule a public hearing. Board Member Ladau seconded the motion. *Motion passed by a vote of 5 – 0.*

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

Ralph Alfonzetti from Alfonzetti Engineering, P.C. and Pete and Christine Monteleone were present to represent the application.

Chairman McNulty confirmed that the declaration of lead agency had been circulated, and that the DEP had responded with a letter citing many of the same issues as the White Birch Realty site. Ralph Alfonzetti, again, pointed out the inaccuracies in this letter; in particular, he questioned the DEP's awareness about the green roof on the site, which greatly mitigates the impervious surface coverage levels on the site (he agreed to forward a copy of a letter that he had previously received addressing the function of green roofs as pervious surfaces to the Planning Board). Additionally, Ralph Alfonzetti stated that the DEC does not need to come out and verify the wetland boundaries because the wetland line shown on the plan was already flagged by the DEC and is, therefore, accurate.

Ron Gainer stated that Ralph Alfonzetti is in receipt of comments from both himself and Supervisor Williams and will respond to them.

Supervisor Williams questioned whether Part II of the EAF was completed for the site; Chairman McNulty confirmed that the Planning Board had received and reviewed it. Supervisor Williams stated that the Planning Department was not in receipt of the document.

Board Member Taylor listed the following explanations for issuing a negative SEQRA declaration for the application:

“WHEREAS the application under consideration is for a lot in the Industrial Park, and many of the lots in the Industrial Park have undergone SEQRA review in the past which resulted in negative determinations, therefore, an exhaustive, comprehensive SEQRA review is not necessary for this lot and application. Rather, past reviews, and the Town's experience with years of operations in the Industrial Park, have shown that the following general areas may be of environmental concern for potential significant adverse impacts, and therefore have been especially evaluated in this application review:

1. **Wetland Buffers:** The wetland buffers in the Industrial Park, because of the severe constraints of the lots within the Park, are being intruded upon for construction and operations, and, consequently, the functions served by wetland buffers of stormwater control and filtering must be supplied onsite through other means. Stormwater must be contained and treated on site, before discharge into adjacent wetlands or otherwise offsite, in accordance with the latest DEC and DEP stormwater prevention practices. *There are no intrusions into the buffer for the proposed project. The applicant has submitted a SWPP that meets requirements and provides mitigations so that adverse impacts will not be large or significant.*
2. **Wetland Protection:** Wetland protection requires that physical barriers as appropriate to each site must be provided to prevent intrusion and dumping into wetlands within or adjacent to the site. *Three-foot high stone walls are being provided on the site to protect the wetlands from intrusion and prevent adverse impacts.*
3. **View Shed From Interstate 84:** For those portions of the Industrial Park visible from that vantage must be taken into consideration, including signs on applicant's buildings or property; colors of the buildings; lighting so that it does not shine toward I84; overall appearance of the finished lot including vegetative screening if necessary. *This site is not visible from I84 so there will be no impacts to the view shed.*
4. **Traffic:** Traffic generated by this application has been evaluated for adverse impacts during construction and after occupancy. *No large impacts are anticipated.*

Additionally, for this particular site and application, two special areas of potential environmental concern were evaluated:

- a. No washing or servicing of vehicles on the premises will occur; all vehicles will be stored and transported within impermeable containers so leakage or spills of automobile fluids will be contained; therefore no large or significant adverse impacts will occur as a result of the storage of automobiles at the site.
- b. The possibility of excess groundwater at the site, has not been borne up by tests; should excessive groundwater be encountered standard construction measures for amelioration of its effects and disposal of the water can reduce adverse impacts so they will not be large or significant.

Therefore the Planning Board issues a negative declaration of SEQR.”

- Board Member Taylor made a motion to issue a negative SEQR declaration. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty made a motion to schedule a public hearing. Board Member Ladau seconded the motion. *Motion passed by a vote of 5 – 0.*

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

Jack Karell, Jr. P.E. was present to represent the application.

Chairman McNulty confirmed that the Planning Board had conducted a site walk, and that they were in unanimous agreement that the house would be better suited toward the front of the property. Jack Karell stated that he had discussed the matter with the applicant, who had agreed to move the house to the front of the property; therefore, new plans would be submitted showing the house relocated to the front of the property.

Chairman McNulty also stated that the Planning Board would like to see a demarcation on the site to prevent intrusion into the wetlands. Ted Kozlowski confirmed that a functional analysis will not be necessary on the site now that the house has been moved to the front of the property.

**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 sign applications had been approved at the March 31, 2016 meeting, but that the changes in color to the building’s façade must also be approved.

- Chairman McNulty made a motion to accept the aesthetic change to the building’s façade, per the submitted plans. Board Member Ladau 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**

Luis Morocho was present to represent the application.

Luis Morocho stated that he does not want to include the lower portion of the sign as shown in the submitted design that says “Open for Lunch & Dinner.” Chairman McNulty confirmed that the Planning Board would not object to incorporating that text to the top portion of the sign in order to keep it under 25 square feet in size.

- Chairman McNulty made a motion to declare a negative SEQR declaration. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty made a motion to approve the sign application per the plans submitted without the lower portion of the sign (however, the applicant can incorporate the additional text at the bottom of the approved sign). Board Member Brady seconded the motion. *Motion passed by a vote of 5 – 0.*

**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)**

Allan Rothman of Unicorn Contracting was present to represent the application.

Allan Rothman stated that the developers would prefer Stone Field Court as a road name, as they feel that it would be easier to market than Edward Rice Place (the name that was initially approved). Chairman McNulty stated that stone must somehow be incorporated into the aesthetics of the neighborhood. Supervisor Williams cautioned Allan Rothman to be in contact with him before making anything official with the street name, as he will have to ensure its availability for E-911 purposes.

- Chairman McNulty made a motion to approve the road name as Stone Field Court. Board Member Brady seconded the motion. *Motion passed by a vote of 4 – 1.*

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

Joe Reilly of RP Development was present to represent the application.

Joe Reilly confirmed that preliminary approval had been granted, and that the applicant then had to work with the Putnam County Health Department, who now wants the map to be prepared and signed. Supervisor Williams confirmed that the Planning Board needs to redo the resolution because the previous approval expired.

- Board Member Taylor made a motion to approve the lot line adjustment with the same conditions included in the previous approval. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*

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

Joe Buschynski of Bibbo Associates LLP and John Clancy were present to represent the application.

Joe Buschynski confirmed that the proposed second building will be toward the front of the site for the purpose of creating warehouse space with an office component, a location which will allow the building to avoid the 100 foot wetland buffer along Stephen's Brook. He also confirmed that the white pines would be removed from the site, and that lighting and architectural details are underway. The height of the building would be around 35 feet.

Supervisor Williams confirmed that when the first warehouse was constructed on the site, warehouses were a permitted use; the use is now a nonconforming use in the C-1 District, and the applicant will, therefore, be required to obtain a special use permit from the Zoning Board of Appeals in order to construct a second warehouse on the site.

Chairman McNulty questioned whether it would be possible to rotate the building so that the shorter side would be parallel to Route 22; Joe Buschynski stated that this would give a clear view of the loading area from Route 22. Supervisor Williams also confirmed that doing so would put a portion of the building within the 100-foot wetland buffer around Stephen's Brook, which the DEC and DEP would not permit.

Ted Kozlowski voiced his concerns about a lack of flagging on the site; he stated that the boundary for the wetland buffer as shown in the submitted plans is just a measurement of 100 feet from the brook itself, even though there are hydric soils through that entire area; he believes that the wetland line as shown on the plans is too conservative. Joe Buschynski countered that a walk was recently completed by Beth Evans in order to delineate the wetlands on the site and that the area behind the proposed second building was not flagged because there were no wetlands found there.

Board Member Taylor reiterated the Planning Board's concern about the façade of the building, as it will be so close to Route 22. Additionally, removing the pine trees from the area will provide a clear view from the Thunder Ridge site, which Chairman McNulty stated could take away from the "alpine-look" of the skiing area. He stressed the importance of submitting a rendering of the façade of the building as soon as possible.

Chairman McNulty confirmed that the Planning Board will need to conduct a site walk, and asked Joe Buschynski to stake out the building, the center of the driveway, and the corners of the parking area.

Supervisor Williams had submitted a memo that the Planning Board had not yet reviewed; he also commended the completeness and accuracy of the submitted plans.

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 tabled the application, and returned to it at the end of the meeting. Board Member Taylor stated that within the application, the vehicle is listed as a “car” rather than a limousine, and confirmed that he has no objections to the application as long as the resolution specifies the type of vehicle allowed. Board Member Montesano questioned whether this added use would be advertised by a sign on the site; Chairman McNulty confirmed that a new sign application has not been submitted.

- Chairman McNulty made a motion to approve the application. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*

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

Harry Nichols, P.E., Erina Ponzini of Gugliotta & Ponzini, P.C., and Jay Maxwell were present to represent the application.

Harry Nichols confirmed that after the initial site plan approval, it was brought to his attention that there were several items that were not included in the original submission, including the location of the flea market and tents, the carport, and the septic system.

Chairman McNulty stated that he would consider the tent on the site to be a building, requiring it to meet certain setbacks, as the Town Code does not address the subject of tents on commercial sites. Supervisor Williams countered that he would not consider a tent to be a building because it is not a permanent structure. Supervisor Williams argued that he does not consider the retail tool sales on the site as being a part of the flea market, due to the duration; the sales operation functions daily for weeks at a time. Board Member Taylor compared the review of this site to the previous review of the proposed site plan at Clancy Properties, LLC and commented on the lack of equality between what is required of the respective applicants.

Michael Liguori pointed to the importance of having an accurate site plan in place to ensure public safety on the site; Chairman McNulty echoed these sentiments and stated that existing safety issues on the site must be addressed: the setbacks must be met, aisle ways must meet the code, and there must be bathroom facilities. Supervisor Williams stated that the larger issue on the site is establishing whether the use is permitted; the use proposed is retail. Board Member Brady stated that the flea markets that are conducted on the site have always been conducted on the weekends; the tool sales, however, occur daily for weeks at a time, and have become an “eyesore.”

Jay Maxwell confirmed that the sales area under the tent could be repositioned to another area of the site. Chairman McNulty stated that it would have to meet setbacks and the Planning Board would need to be provided with the dimensions of the tented area; he also questioned whether the hours of operation could be monitored. He questioned the definition of “temporary”, and stated that the Planning Board must determine what the time frame for the project would be.

Jay Maxwell asked if the Planning Board would consider conducting a site walk; the Planning Board agreed to do so. Chairman McNulty asked Jay Maxwell to stake out the property with locations for parking, the entrance, and the tent itself prior to the site walk.

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

Jeff Contelmo of Insite Engineering and Dean Ryder were present to represent the application.

Jeff Contelmo confirmed that the plans submitted represent the current conditions on the site, and that the applicant would like to garner a better understanding of what the Planning Board would like to see on the site. He detailed the layout of parking on the site, which includes both paved and unpaved areas.

Chairman McNulty asked if any of the spruce trees along Old Route 22 can be retained; Jeff Contelmo confirmed that the submitted design does allow for the trees to remain. Ted Kozlowski stated the importance of moving the parking back from behind the old restaurant on the site to avoid mud and sediment running into Stephen's Brook in the springtime. Dean Ryder also acknowledged the aesthetic importance of the trees in maintaining the "alpine feel" on the site.

Supervisor Williams confirmed that though the property is made up of different parcels, some of which are zoned C-1 and some of which are zoned CR, a single site plan may be approved for the site. Dean Ryder discussed possibilities currently being explored for warm-weather activities on the site, with the focus primarily on adventure parks and zip lining. He also stated that he has been approached about conducting concerts on the property.

Supervisor Williams recommended that the Planning Board conduct a site walk to review the submitted plan and formulate their recommendations before requiring the applicant to submit a completed application.

**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**

Jeff Contelmo of Insite Engineering was present to represent the application.

Jeff Contelmo explained the proposed amendments to be made to the approved site plan, which included the following:

1. The grade of the driveway was approved at 7.96%; the proposed amendments will see a reduction in the grade to 6.99%.
2. The building area was approved as 410,560 square feet; the proposed amendments will see the removal of 60 square feet of building area, for a total of 410,500 square feet.
3. The area of disturbance on the site was approved at 63.2 acres; the proposed amendments will see a slight increase in this number of <1.6%, for a total area of <64.2 acres.
4. The level of impervious surface coverage was approved at 31 acres; the proposed amendments will see a 3% increase in this number to 32 acres, offset by one acre of pervious pavement.
5. The number of parking spaces was approved at 1,704 spaces; the proposed amendments will add 49 parking spaces, for a total of 1,753 parking spaces.

Jeff Contelmo also confirmed the slight reorientation of "Building A", the slight increase in size of "Building B" (due, in part, to the lack of the previously-proposed home improvement center

on the site, and, in turn, the removal of the garden center area), and the addition of “Building C” (a 5,000 retail building to be located between “Building A” and “Building B.” The architectural theme will remain the same, as will the perimeter landscape and interior treatment of the interior islands and lighting. Additionally, it was noted that the Town of Kent Planning Board has already granted their approval for the changes to the site plan.

Board Member Taylor asked Jeff Contelmo to create an overlay of the proposed amendments on the approved site plan to enable the Planning Board to better locate the changes. Supervisor Williams stated that if the Planning Board compares the impacts that were evaluated when approving the initial application to the impacts shown on the amended plans and find that there are no significant adverse impacts associated with the change, then the Planning Board simply needs to acknowledge that by motion and reaffirm the prior Findings Statement in order to complete SEQR. He also stated that he is of the opinion that there are no significant adverse changes with the proposed amendments that were not addressed within the Environmental Impact Statement (EIS) or the Findings Statement.

Chairman McNulty also addressed the memo received from Tim Miller Associates, Inc., which cited a decrease in traffic in the area since the 2006 traffic study that was initially conducted. Board Member Taylor stated that he was not yet ready to make a SEQR determination on the application.

- Chairman McNulty made a motion to schedule a public hearing. Board Member Ladau seconded the motion. *Motion passed by a vote of 5 – 0.*

14. Other Business

A. 17 Couch Road Corp. Subdivision – Bond Reduction

Chairman McNulty confirmed that the Planning Board had made their recommendation to the Town Board at the prior meeting.

B. Hamlet Revitalization

Chairman McNulty confirmed that he, Board Member Taylor, Supervisor Williams, and Town Board Member Shawn Rogan had met to discuss the possibility of the Town utilizing two interns in assessing areas of the Town and possible projects where they could be of service. Supervisor Williams confirmed that he has drafted a memo discussing some of the ideas discussed at said meeting and stated that he would circulate it to the entire Planning Board once he had received comment from the board members who had been present at the meeting.

C. Pace University Letter: Fox Run

Michael Liguori confirmed that he strongly disagrees with the contents of the letter received from Pace University by the Planning Department challenging the Planning Board’s application review process regarding SEQR. He stated that the Planning Board does not have to respond to the letter, but if they would like, he can draft a response memo refuting the letter received, because he believes that the information in the letter is not an accurate depiction of what had occurred.

Supervisor Williams stated that the Watershed Inspector General’s office insisted on doing an

independent review of the site. The applicant did meet with the Watershed Inspector General at the site, and has since addressed the issues on the site to the satisfaction of the Watershed Inspector General.

Board Member Taylor stated that a letter simply stating that the Planning Board disagrees with Pace's University's assessment of the situation is all that is needed. Supervisor Williams agreed.

15. Minutes

- Chairman McNulty made a motion to approve the minutes from the February 25, 2016 and March 3, 2016 meetings, with the two changes to be made to pages 1 and 3 on the March minutes, as noted by Board Member Taylor. Board Member Ladau seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty motioned to adjourn the meeting. Board Member Brady seconded the motion. *Motion passed by vote of 5 – 0.*

Meeting adjourned at 9:25 p.m.