

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
April 28, 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, and Ron Gainer – Town Engineer

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

Pete and Christine Monteleone were present to represent the application.

Chairman McNulty questioned why a new Part I of the Short EAF form was submitted; Board Member Taylor confirmed that it was intended to replace the initial Part I form that was submitted in the wrong format, and that the answers remained consistent between the two. Ron Gainer confirmed that the second dry hydrant proposed for the site was removed from the plans because it was unnecessary. Chairman McNulty stated that once the public hearing is held at the May 5, 2016 meeting, the applicant will be able to finalize details about the architectural design of the building, while also working out any outstanding SWPP details.

**2. Black Birch, LLC – Site Plan – Public Hearing
56 Commerce Drive
Tax Map #34.-3-58**

Pete and Christine Monteleone were present to represent the application.

Chairman McNulty confirmed that revised comments were again received from the applicants' engineer; Board Member Taylor confirmed that he had signed Part II of the Short EAF form. Supervisor Williams confirmed that the DEP likely asked to visit the site to be present for any infiltration on the site; he also stated that the Planning Board has historically implemented a policy discouraging rooftop equipment due to the aesthetic affect it tends to have; however, proper screening could mitigate those effects, as long as the building does not exceed the 35 feet in height allowed by the Patterson Town Code.

Board Member Taylor questioned whether a waiver would be required to ensure that the applicants do not have to meet the loading bay requirements imposed on warehouses. Supervisor Williams cautioned that Planning Board that if they were going to do so, they should be specific to this proposed building in the event that the proposed business fails. Pete Monteleone confirmed that the Commerce Drive Road Maintenance Agreement has been completed, and that the final step is to get the property owners' signatures. Board Member Brady noted that some work on the road had already started.

3. Patterson Crossing – Amended Site Plan – Public Hearing
NYS 311
Tax Map Nos. 22.-3-1, 22.84-2-13, 33.-2-23; 34.-2-3

No one was present to represent the application.

Chairman McNulty noted that a plan showing the proposed changes overlaid with the original plan had been submitted; Board Member Taylor remarked about the format highlighting how few changes were actually being proposed. Chairman McNulty also stated that the changes to the entry drive appear to straighten it out; he did, however, question how the figure of 1 acre of additional impervious surface coverage was calculated, because it did not appear to be that large according to the plans. Board Member Taylor stated that he would like for the engineer to clarify the exact figure if he did round the number up. Ron Gainer also reminded the Secretary to submit a 239M to the county; the Secretary confirmed that it would be emailed to Barbara Barosa the next morning.

4. Tractor Supply – Site Plan Waiver – Initial Review
1253 Route 311
Tax Map #4.-1-1.1

No one was present to represent the application.

Supervisor Williams confirmed that the tank has already been in existence for some time and that the Town is now trying to get the site into compliance, with Fire Inspector Dave Raines in contact with the property owners to ensure that the site meets all fire safety requirements. Chairman McNulty stated that he did not think a site walk was necessary, as the Board Members were all familiar with the site and the propane tank is located in a paved yard with a chain link fence.

Board Member Taylor questioned how thoroughly and correctly the application was completed; Supervisor Williams stated that he would review the application and clean it up.

5. 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 a revised plan had been submitted via e-mail; Ted Kozlowski stated that subsequent to the Planning Board's site walk, he had met with Jack Karell, Jr. P.E. at the site to review the new proposal, and confirmed that he does not have any issue with the new orientation of the site. Board Member Taylor questioned whether a trade-off could be made, where the backyard would be made larger and extend further into the wetlands if the very rear of the property was excavated in order to become a functional wetland.

Ted Kozlowski acknowledged that part of the yard would project into the wetlands with the plans currently being proposed, but it is an area that has already been disturbed and the concession is being made contingent upon the restoration of other areas of wetlands on the property; he stressed his concerns about extending the yard any further into the wetlands because of the importance of the upland in the rear of the property.

Supervisor Williams explained that because he does not consider the wetlands on this property to be pristine wetlands, he does not object to activity on the site that could enhance the functional value of the ecology in the area, as opposed to leaving the land the way that it is. Ted Kozlowski stated that he did not believe that a property owner would work to maintain the wetlands if they were allowed to utilize them; Supervisor Williams argued that if the area were turned into a pond and was, therefore, considered to be an asset to the property, the property owner would be more inclined to care for it. Ted Kozlowski confirmed his belief that any property owner would turn the backyard into horse paddocks; Supervisor Williams stated that the wetland is a degraded wetland that will not improve on its own, and that even if the developer clears the invasive species from the property during construction, the homeowner will not continue to do so if the land is not usable to him.

Board Member Taylor questioned the addition of a split-rail fence around the wetlands on the property, because the wood will rot out; Chairman McNulty introduced the concept of a vinyl post-and-rail fence, to be lasting and still maintain the aesthetics of the area.

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

No one was present to represent the application.

Chairman McNulty confirmed that a site walk had been conducted on the property; he also introduced the idea of incorporating faux storefronts into the side of the building parallel to Route 22 with the addition of a sidewalk in order to create a streetscape, rather than attempting to mask the building. He also stated that the construction will be primarily outside of the wetland buffer; Supervisor Williams confirmed that nothing new had been submitted, and encouraged the Planning Board to start reviewing the EAF.

Board Member Taylor confirmed that he had drafted a list of questions for the applicant regarding information contained in the EAF; both Chairman McNulty and Board Member Brady

confirmed that they had not yet reviewed the document. Board Member Taylor pointed out that the EAF states that there are endangered species in the area, according to the mapper; Supervisor Williams stated that any endangered species on the site would be toward the wetlands, though the DEC had not disclosed what specific species were in the area. Ted Kozlowski and Board Member Taylor stated that they would like for the applicant to contact the DEC about what the specific endangered species on the site are.

**7. Michael Vance, Ozz Solar (Clancy Properties, LLC) – Site Plan Waiver Application (Initial Review)
2963 Route 22
Tax Map #24.7-1-3**

No one was present to represent the application.

Supervisor Williams confirmed that the solar panels would be applied to the roof; Chairman McNulty expressed his concerns about the ground equipment affecting the levels of impervious surface coverage on the site, as well as the effect of glare off of the panels. Board Member Taylor also stated that the height of the building must be taken into account when placing the panels on the roof. Supervisor Williams confirmed that the building is a North-South facing building and the solar panels, therefore, will be on the East and West sides of the roof (either side of the peak); solar glare, therefore, should not be a problem.

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

No one was present to represent the application.

Chairman McNulty confirmed that a site walk had been conducted on the property; he also stated that the property owner had introduced the idea of moving the tent and tool sales to the lower area of the property behind the restaurant on the site.

Board Member Taylor revisited the discussion about whether a tent can be considered a building, confirming that the adjectives used to describe tents in the dictionary are “portable” and “temporary”; he stated that the property owner had stated that the tent would be on the site for two months at a time, two times each year, a time period which he does not consider to be “temporary”. Additionally, Board Member Taylor pointed out that there were pallets covered in tarps stored on the site which the property owner said he was storing for the tool sale business; this could be considered a form of warehousing without a warehouse.

Supervisor Williams stated that the use is clearly not an extension of the flea market; rather, it is a separate retail business operating on the site, which is a permitted use in the C-1 Zone; however, site plan approval is still required to ensure that the appropriate amenities exist on the property to support that use, including a building. Board Members Taylor, Ladau, and Montesano argued that it is not fair to other businesses in the Town to allow this retail operation to operate out of a tent without the overhead costs (including the cost of property taxes on a building) incurred by other retail businesses within the Town; Supervisor Williams confirmed that the Planning Board had approved tents on commercial sites in the past as accessory uses to the operations conducted within a building.

Supervisor Williams reminded the Planning Board that the original site plan approval for the site to the rear of the property was for a two-year duration as long as there was no additional use on the site; if there was, the driveway would have to be improved. The application currently before the Planning Board asks for approval for the locations of the tent, car port (which the Planning Board members want the applicant to provide the dimensions on), and septic system (which was inadvertently omitted from the previous submission; the Planning Board remains unclear about which septic system the application is referencing). Board Member Montesano also pointed out that auto sales are also occurring on the site; Board Member Taylor stated that it would need to be an approved use on the site, as well.

- Board Member Taylor made a motion that, in this case, the Planning Board not consider a tent to be a substitute for a building when conducting a retail operation. Board Member Brady seconded the motion. *Motion passed by a vote of 4 – 1, with Chairman McNulty voting “No”.*

9. Thunder Ridge – Site Plan (Continued Review)
30 Birch Hill Road
Tax Map #14.-1-44 > 14.-1-51

No one was present to represent the application.

Supervisor Williams encouraged the Planning Board to detail some suggestions about improving the parking area to present to the applicant so that it can support the level of activity on the site; Ron Gainer introduced the possibility that if all of the parcels in question are not merged, accessory uses will be occurring on lots without primary uses.

Board Member Taylor stated several of the parking spaces on the submitted plan appear to be located within the street and right-of-way, which will need to be remedied. Board Member Brady stated that the parking attributed to the restaurant should need to be paved for the convenience and safety of restaurant patrons.

Ted Kozlowski stated that he would prefer for a berm to be around the area in the Stephens’s Brook corridor, and to be planted with Eastern Red Cedar trees, in order to protect the area from the effects of the parking area. Additionally, the trees would prevent some screening along Route 22 for the patrons of Thunder Ridge.

10. Rosemary Costello – Sign Application (Initial Review)
2180 Route 22
Tax Map #35.-5-28

No one was present to represent the application.

Supervisor Williams stated that he has no issue with this application for a freestanding sign and a window-mounted sign for a business in the primary building; however, he anticipates application submissions for businesses in other buildings on the site, which he considers to be accessory warehouse space. Board Member Taylor asked if there were still outstanding violations on the site; Supervisor Williams confirmed that there were outstanding violations and fees. Board Member Brady stated that he did not think that the Planning Board should be reviewing an application for a business to be conducted on the site until the outstanding issues are remedied. Supervisor Williams confirmed that he had been in contact with the Town Attorney about

continuing to pursue the property-owner regarding the outstanding fees; the Planning Board members were in unanimous agreement about having the existing violations on the site and outstanding fees due to the Town cleared up before allowing the applicant to move forward with the application.

11. Other Business

A. General Business (GB-Zone) Revitalization

Chairman McNulty confirmed that he had met with Board Member Taylor and Town Board Member Shawn Rogan and Supervisor Williams about projects within the Town that interns could work on; these included projects to assess the Town's needs by reviewing vacant lots in the Town to determine which are useable. Supervisor Williams stated that he had not yet received any feedback from the prospective interns and confirmed that he was hopeful that there would be some money available within the budget to pay two interns; he also confirmed that he would circulate a memo to the Planning Board summarizing the ideas that were discussed.

Board Member Taylor pointed out that the current applications before the Planning Board for the Thunder Ridge and Clancy's sites brings the discussion about development within the Town beyond the GB-Zone that the discussion had been focusing on; he also stated that details about designing a streetscape (including the installation of sidewalks) will now extend to Route 22, as well.

Chairman McNulty confirmed that Board Members Brady, Ladau, and Montesano were going to be attending a training seminar on Tuesday, May 3, 2016. Supervisor Williams stated that he would pass along any information on upcoming sessions that he receives; he reiterated that all Planning Board members are required to attend 4 hours of training each year.

12. Minutes

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

Meeting adjourned at 8:55 p.m.