

**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Mary Bodor, Vice Chair  
Marianne Burdick  
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**PLANNING BOARD**

Thomas E. McNulty, Chairman  
Ron Taylor, Vice Chair  
Michael Montesano  
Edward J. Brady, Jr.  
Robert F. Ladau

**Planning Board  
May 5, 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.

There were approximately 25 audience members present.

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**

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

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, May 5, 2016 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“White Birch Realty, LLC Site Plan Application” for the construction of a 33,390 square foot building which will be used for light manufacturing and/or a warehouse.** Presently, there is a 38,440 square foot building constructed on the site used for a vehicle repair facility. The property is located at 35-37

Commerce Drive (I Zoning District) Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

No public comment was made on the application.

Chairman McNulty reiterated to Ralph Alfonzetti that the Planning Board was still looking for elevations and architectural plans on the building; Supervisor Williams added that the application was still waiting on other agency approvals. Ralph Alfonzetti confirmed that Health Department approval had been obtained.

- Board Member Montesano made a motion to close the public hearing. Board Member Taylor seconded the motion. *Motion passed by a vote of 5 – 0.*

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

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

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, May 5, 2016 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Black Birch, LLC Site Plan Application” for the construction of a 29,929 square foot commercial building for the warehousing of cars.** The property is located at 56 Commerce Drive (I Zoning District) Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

No public comment was made on the application.

Chairman McNulty reminded the applicant to be aware of the height of the building with regard to the addition of rooftop equipment, as discussed in previous meetings; he also confirmed that the elevations and architectural plans are needed, as well as the other agency approvals.

- Chairman McNulty made a motion to close the public hearing. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty made a motion to waive the requirement of a loading space on the commercial property. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*

**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**

Jeff Contelmo of Insite Engineering, Surveying, and Landscape Architecture was present to represent the application.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN** by the Town of Patterson Planning Board of a public hearing to be held on Thursday, May 5, 2016 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“Patterson Crossing Amended Site Plan Application” for the construction of a retail center.** Original conditional final approval of a 410,560 square foot retail center was granted on October 4, 2009. The Applicant wishes to revise the approved plans with the following changes: Updating of the stormwater treatment system, reducing the grade of the driveway and also by the reorientation of the anchor buildings and redistribution of the retail square footage, which will reduce the new total square footage from the approved total square footage. The properties are located at the intersection of NYS Route 311 (I Zoning District) and Interstate 84 Exit 18, Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Audience Member Elisabeth Cafiero asked Jeff Contelmo to clarify how much smaller the proposed buildings would be than the previously approved site plan; Jeff Contelmo confirmed that the new plan would consist of 500 sq. ft. less of retail space than the previous plan. Chairman McNulty stated that the proposal stated that there will be approximately an acre of increased impervious surface coverage, however, it looked like less on the plans. Jeff Contelmo confirmed that the figure was correct and that an acre of pervious paving was incorporated into the design to offset those numbers.

- Board Member Montesano made a motion to close the public hearing. Chairman McNulty seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty made a motion to reaffirm the Planning Board’s previously approved SEQR findings statement. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty made a motion to approve the amended site plan application. Board Member Taylor seconded the motion. *Motion passed by a vote of 5 – 0.*

**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 application constitutes a Type II action under SEQR, and stated that the station is 25 ft. away from the building and 7 ft. from the fence, keeping it in conformance with the Zoning Code, and is protected by bollards and a fence.

- Chairman McNulty made a motion to approve the application for a site plan waiver. Board Member Brady seconded the motion. *Motion passed by a vote of 5 – 0.*

**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 the house had been moved to the front of the property, per the applicant's most recent submission (Scenario "A"); the Planning Board also discussed the need for ongoing maintenance on the site to control invasive species, as well as the possibility of incorporating a vinyl post-and-rail fence along the wetlands. Supervisor Williams confirmed that he had looked into the discrepancy between the property owner listed on the application and the one listed in Town Records.

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

Joe Buschynski of Bibbo was present.

Chairman McNulty confirmed that a site walk had been conducted on the property; Board Member Taylor reviewed some outstanding issues on the EAF for, which included incomplete questions and inconsistent answers. Board Member Taylor also pointed out that the application stated that the mapper had located endangered and rare species in the area; he asked that those species be identified and located – Ted Kozlowski clarified that the resource mapper is not site specific. Chairman McNulty asked that Joe Buschynski correct the EAF and resubmit it, so that the Planning Board can begin reviewing Part II.

Chairman McNulty also reiterated the Planning Board's concern about the aesthetics of the building due to its proximity to Route 22 – namely the use of curbing to create a streetscape and avoid giving the structure a "warehouse" look. Board Member Ladau questioned whether the new building could be constructed as an addition to the existing building to avoid the proximity to Route 22; Joe Buschynski confirmed that there is no way to orient an addition that would keep it out of the wetlands or wetland buffer. Joe Buschynski assured the Planning Board that the property owner is aware of the sensitivity of the design of the façade of the building; Chairman McNulty reminded Joe Buschynski that wetlands application will also need to be submitted for disturbance to the wetland buffer for grading.

- Chairman McNulty made a motion to declare the Patterson Planning Board Lead Agency on the project, subject to the changes that must be made to the EAF. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*

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

Chris Mulligan of Ozz Solar was present to represent the application.

Chairman McNulty informed Chris Mulligan about the Planning Board's concern about sun glare off of the solar panels; Chris Mulligan assured him that the solar panels should not be visible from the street and that any glare would be minimal. Chairman McNulty stated that the concern is in relation to the homes situated above the building to the east; Chris Mulligan stated that these panels have been installed in areas where glare is a large concern (including airports) and that

glare has never been an issue. He also confirmed that the structural engineers are reviewing the existing loads on the buildings to ensure safety prior to the installation.

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

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

Harry Nichols and Jay Maxwell were present to represent the application.

Jay Maxwell confirmed that the application was to allow the carport to remain on the site and to relocate/install a tent; Chairman McNulty confirmed that the Town Code does not address tents on commercial sites unless they are accessory structures, and the tool sales are not an extension of any other use on the site (as opposed to events like book sales at the library, where books are sold outside in tents that function as accessory uses to the primary operation on the site). He encouraged the applicant to divide up the property with all of the proposed operations on the site (including the heavy equipment sales now occurring) for the Planning Board to review; Board Member Taylor stated that the proposed retail operation will be expected to meet the requirements of a retail operation located in a commercial zone.

Board Member Brady confirmed that the boulders intended to be moved to protect the wetlands on the site as included in the previous site plan approval should be moved into position. Additionally, Board Member Taylor asked that the applicant furnish the Planning Board with the dimensions of the carport.

Chairman McNulty encouraged the Planning Board to work with the Town Board to incorporate flea markets into the Town Code.

**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.

Chairman McNulty again spoke about the importance of creating a streetscape along Route 22, and introduced the idea of incorporating turning lanes along the entrance to the property from both the North and Southbound lanes of Route 22. He questioned whether the properties that constitute the site would now be merged under Operation of Law since they are contiguous; the easement itself is a separate parcel. Supervisor Williams confirmed that if the parcel is merged with the parcel to the south, it would be possible to abandon the right-of-way and shift it southerly to gain more access into the site - the ideal change, however, would be to shift the entrance to the north, which would not be possible due to the existence of Stephen's Brook. Chairman McNulty questioned whether a single site plan could apply to several unmerged lots; Supervisor Williams stated that in order for the site plan to be approved, the lots would have to be merged.

Chairman McNulty also stressed the importance of Stephen's Brook and protective measures that would need to be taken, including installing a berm or fence. Board Member Taylor stated that

the applicant will need to submit a more accurate, realistic parking plan.

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

Rosemary Costello and David Pierro were present to represent the application.

Chairman McNulty informed the applicant that the property owner owes the Town fees and has ongoing violations on the site, which prevents the Board from acting on the application; Board Member Taylor stated that if the action taken helps to resolve the violation, it may be approved. Board Member Brady questioned whether approvals can be granted conditionally to allow the application to move along. David Pierro stated that he had advised the property owner, Anthony Boniello, to remove the temporary sign on the site and encouraged the Town to again reach out to the property owner to collect the unpaid fees; Michael Liguori clarified that there is a judgement against Anthony Boniello for the fees owed to the Town and confirmed that the Town will not reach out to him further regarding the matter, as it is his responsibility to ensure that his fees are paid. Board Member Taylor suggested that any rent a tenant pays on the property could be paid to the Town; Michael Liguori stated that if the Town Board is willing to accept that, then the property owner may do so.

Supervisor Williams confirmed that he had no issue with the freestanding sign; however, he did not the discrepancy between the dimensions of the 6 ft. window sign proposed and the way that it is shown filling the 10 ft. window – the applicant confirmed that the sign would, in fact, be 6 ft. wide. Chairman McNulty informed the applicant that the building could still operate, but a sign could not be installed yet.

- Chairman McNulty made a motion to issue a negative SEQR determination for both signs. Board Member Brady seconded the motion. *Motion passed by a vote of 5 – 0.*
- Chairman McNulty made a motion to approve both signs, with the condition that Anthony Boniello must pay all fees due to the Town and remove the existing illegal sign on the site. Board Member Brady seconded the motion. *Motion passed by a vote of 5 – 0.*

**11. Other Business**

**A. General Business (GB-Zone) Revitalization**

Supervisor Williams confirmed that he had circulated notes from his meeting with Chairman McNulty, Board Member Taylor, and Town Board Member Shawn Rogan regarding the possibility of developing projects within the Town for interns to work on; he stated that one of the interns is due to graduate in May, after which Rich would like to meet with him, as he would be taking the lead on any project.

Chairman McNulty confirmed that he had been invited to meet with Supervisor Williams and Town Board Member Shawn Rogan and the Putnam County E.D.C., Jill Varricchio, and the subject of Bed & Breakfasts came up. He continued that she stated that she is aware of people interested in Bed & Breakfasts, and Board Member Taylor confirmed that when the subject of floating zones was last discussed in order to incorporate Bed & Breakfasts into the Town Code, the Town Board had requested a meeting with the Planning Board. Supervisor Williams stated

that he would work to move the Town Board along on the issue.

Chairman McNulty also confirmed that Jill Varricchio had suggested the Town develop a marketing plan; he reiterated the importance of recreation and outdoor activities within the Town. Supervisor Williams stated that while he agrees that the Town needs to develop a marketing plan, the recreation plan must be formalized first; he also reiterated the challenges faced by the Town in marketing light industrial and office properties, due to the lack of infrastructure (market, sewer, fiber optic, etc.). Chairman McNulty stated that the focus on this development should focus on the Route 22 corridor, the Hamlet, and the Fair Street industrial area.

Board Member Ladau stated that if the Planning Board is going to begin working to define a “flea market” in the Town Code, craft markets and farmers’ markets (along with other types of markets) should also be addressed. Supervisor Williams stated that flea markets can often be difficult for a town to manage, citing the Stormville Flea market as an example, because roads often have to be closed to manage the traffic. Chairman McNulty continued to question whether flea markets could be incorporated into the ongoing discussion about floating zones; Supervisor Williams stated that it will be the Town’s responsibility to determine whether it will be supportive of the idea, and that safety is the number one concern, which means that events would have to be organized properly with the proper permits obtained. He did clarify that there is a Public Assembly Permit that may be obtained for special events, which he is currently working on editing.

Chairman McNulty also addressed a letter that the Town had received from NYCDEP regarding the Carriage House restaurant, which stated that to expand their septic systems, they will need a wetlands permit. Board Member Brady stated that he was under the impression that the restaurant was expanding; Michael Liguori informed the Planning Board that it is possible that the restaurant will not actually move forward with expansion plans.

## 12. Minutes

- Chairman McNulty made a motion to approve the March 31, 2016 and April 7, 2016 meeting minutes as submitted. Board Member Ladau seconded the motion. Motion passed by a vote of 5 – 0.
- Chairman McNulty made a motion to close the meeting. Board Member Ladau seconded the motion. *Motion passed by a vote of 5 – 0.*

Meeting adjourned at 8:45 p.m.