

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
*May 25, 2006 WORK SESSION*  
**AGENDA & MINUTES**

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**ZONING BOARD OF APPEALS**

Howard Buzzutto, Chairman  
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**PLANNING BOARD**

Herb Schech, Chairman  
Michael Montesano  
David Pierro  
Shawn Rogan  
Maria Di Salvo

**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
May 25, 2006 Work Session Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria DiSalvo, Rich Williams, Town Planner, Ted Kozlowski, ECI and Paul Piazza, Building Inspector.

Meeting called to order at 7:30 p.m.

9 Members in the audience

Vice Chairman Montesano took the seat of the Chairman in his absence.

**This meeting was not recorded due to technical difficulties.**

**These minutes are summarized from notes taken.**

**1) MACAL/DEW SIGN APPLICATION**

Rich Williams stated that previously the Board had approved two commercial sites that shared a common driveway along Route 22 near the Haviland Hollow Intersection. The application represents a request by these two commercial property owners to erect a single sign for both sites. While he supports using a single sign because it will minimize the visual impact of having two signs, the single sign is larger than the maximum 25 square feet allowed by code. Shawn stated that the single sign is less in area than the two individual signs would be. Rich Williams stated that because the single sign is larger than the code allows they would need a variance. Melissa suggested that if the Board makes a recommendation now the Applicant could make the June ZBA meeting. Dave Pierro stated he was concerned that the sign might affect the sight distance of people leaving the site. Rich Williams explained that he had gone to the site with the two principals of the businesses to discuss changes with regards to the trees that were to be planted. While he was there, he also looked at the location proposed for the sign. The location was on a hill and would not affect sight distance for individuals entering or exiting the site. The Owners would have to remove a couple of low branches on a Sugar Maple and a shrub so that the sign would be visible. Board members suggested that if they acted on a recommendation tonight it would relieve the Applicant of coming to the regular meeting. The Board made a motion to recommend to the Zoning Board of Appeals to consider favorably the request for an area variance for the sign.

## 2) PATTERSON COMMONS CHASE BANK SIGN APPLICATION

Melissa stated that she had received a call from Saxton Signs asking if they needed to attend the meeting. Shawn suggested that the board review the application before they decided. Rich Williams explained that this is really two separate sign applications. The first sign application proposes to replace the existing signs on the building from the red and green the currently exists to a blue and gray sign. The proposed building mounted sign is in compliance with the ZBA variance that was issued for the building mounted signs. The second application is for the freestanding pylon sign. The Application suggests that they are proposing to replace the existing Chase signs in the pylon sign. Rich Williams stated that there is no sign application approved for Chase to be in the pylon sign and that as of today there is no Chase sign in the freestanding sign. Further the size of the sign proposed by Saxton Signs would make the total sign area for the pylon sign slightly larger than the ZBA variance. However, if the Board looks at the actual sign being proposed it is actually half of the sign area and that would result in a total sign area just under the ZBA variance. Rich Williams also stated that the sign application proposes changing the sign on the plaza side of the sign. Board members suggested that this issue be brought to the attention of Saxton Signs. They also suggested that a copy of the review memo be provided to Saxton Signs and that it be left up to Saxton Signs as to whether they felt they should be at the meeting.

## 3) NYSEG SITE PLAN REQUEST FOR A WAIVER OF SITE PLAN

Rich Williams explained that this was an application requesting a waiver of site plan for a NYSEG electric transmission station located at the intersection of Fair Street and Terry Hill Road. NYSEG was proposing to double the size of the fenced in area in order to make room for additional transformers, including a mobile transformer. Board members asked if the mobile transformer would be taken to other sites when there was a power outage. Rich Williams stated that he believed that it would be used just for this station. Mike Montesano stated then it isn't so mobile. Mike Montesano stated that the plans did not show any of the surrounding properties and that he was concerned about the impact this proposal would have on the adjacent properties. The Board decided to do a site walk before any decision was made concerning whether to grant a waiver.

## 4) CLOVER LAKE SITE PLAN

Rich Williams explained that this was a request for an amended site plan for an existing 120 unit senior citizen congregate care facility. The Applicant was proposing to install a series of sidewalks for the purposed of providing egress from the building during an emergency. However, in fact the sidewalks had already been installed. Mr. Williams stated that he had identified a couple of issues that may need to be addressed by the Building Inspector. Shawn Rogan asked Paul Piazza if the sidewalks needed a building permit before they were installed. Paul responded that they did not. Paul further stated that he had received a call from a resident informing him that the sidewalks were going in and that by the time he got there the sidewalks had been installed except for the railing. Paul stated that he and Dave Raines had visited the site and provided the Board a memo stating that the sidewalks were okay. Rich Williams asked if Paul knew what the slope of the ramp was. Paul responded that he did not have any information on the slope of the ramp but that it had to meet ADA requirements. The Board stated that they would like to do a site walk to the site.

**5) BURDICK FARMS SUBDIVISION**

Rich Williams explained that Burdick Farms was on the agenda at the Applicant's request to seek a determination on how to proceed with the intersection improvements. Rich Williams further stated that in his opinion that the only way to address the problem is with a supplemental EIS with a narrowly defined scope, and a new finding statement. He believes that the Attorney concurs with this opinion and the attorney had sent Mr. Williams an e-mail giving his opinion, which has been provided to the Board. Mr. Pierro stated that he was reluctant to discuss this issue with Mr. Conditto at the regular meeting if the Board's Attorney was not going to be present (Mr. Molé had notified the Board that he could not make the next meeting). Rich Williams stated that this is really engineering issues regarding how to address the intersection. Shawn Rogan stated that he agrees that the way to address the Applicant's not being able to complete the improvements in the finding statement is to do a new EIS and find an acceptable way to address the intersection improvements or reduce number of lots to a level that won't impact the intersection or deny the project. The Board directed the Mr. Conditto be notified of there feelings and that he decide whether he should attend the next Planning Board meeting.

**6) D'OTTAVIO SITE PLAN**

Rich Williams explained that he had not yet had an opportunity to review the material submitted for this meeting, but that the Town Engineer had. Most of the remaining issues had been addressed, but there were a few new issues that came up as a result of the changes and the Town Engineer is working directly with the Applicant's engineer to resolve these issues.

**7) BEAR HILL SUBDIVISION**

Rich Williams explained that a final subdivision plat had not yet been submitted for this subdivision and that there were a few items that needed to be addressed by the Applicant identified in his review memo.

**8) FIELD & FOREST SITE PLAN**

Rich Williams stated that the Town Engineer will have a recommendation on the bond for the regular meeting.

**9) EASTERN JUNGLE GYM SITE PLAN**

Rich Williams explained that there are still a number of issues with the site that concern him. The Applicant has revised the plans to show the restoration that he and Ted Kozlowski had agreed to, rip rap along the bank with plants interspersed. However, the landscaping plan for the stream buffer needs to be changed. Ted Kozlowski stated that this should be easily corrected. Rich Williams stated that he is again requesting that the fuel tank needs to be placed in a concrete bunker or dike. He was out to the site recently

and again the fuel nozzle used to fill the trucks and equipment was just thrown up on the tank and was leaking down the side of the tank and onto the parking lot. During a storm this will all be washed off into the stream. Ted Kozlowski asked if placing the tank in a secondary containment system isn't a DEC requirement. Rich Williams stated that he was not sure of the size of the tank, but he thought it was larger than 1,000 gallons. Paul Piazza stated the tank was 1,100 gallons. Rich Williams stated that DEC requirements are that it have a secondary containment system, but the DEC regulations are such that they require the owner to evaluate whether a secondary containment system is required. Rich Williams stated that he was also concerned that the lumber storage area, which was required to have an aisle, which is not shown..., along with the fuel tank, the roll off container, and the eleven trucks that will be parked against the rear of the building, constitutes a fire hazard. That if a night there is a fire, there is no way you can get to the rear of the building, and that since the manufacturing operation is in the rear of the building that is where it is likely to have the fire. Mr. Williams stated that there are other issues identified in his memo and he requests that the Board carefully review the memo so that decisions could be reached on these issues.

#### **10) PORTO SITE PLAN**

Rich Williams explain that this is an application for a dog kennel that was initially submitted quite some time ago which has now resubmitted. In addition to the site plan it will require a special use permit

Special use permit requirement were discussed. Board members asked if the special use permit requirements restricted where a dog kennel could be sited or limited the number of dogs. Rich Williams stated that there were no specific limitations on the number of dogs but that there were other criteria that needed to be met such as setback from property lines. Rich Williams stated that he believed there were five basic criteria and that the applicant did not meet three of the criteria.

Shawn was concerned about the increase in traffic over an easement and asked if the increase was more than was permitted by the easement. Rich Williams responded that this was an issue that came up early in the Budakowski Subdivision; at what point does an increase in the traffic overburden an easement which provides access to a lot. Shawn asked that the Town Attorney review the present application to see if the easement would be overburdened. Board members asked if there were any deed restrictions on the property. An audience member (Peter O'Hara) responded that there were.

Board members questions at what time in the process the application should be handled by the Zoning Board of Appeals. Shawn felt that the biggest concern with the project is the impact on the community character. As this is one of the criteria that is reviewed by the ZBA, that the ZBA should review the project before the Planning Board. Rich Williams said that the issues can go either way. The Planning Board has more experience dealing with issues of traffic, driveway width, stormwater and wetlands. Each of these issues will affect where the buildings and driveways go, and how much disturbance occurs on the site, which also will affect the community character. It might be better to have the Planning Board conduct the initial review so that these issues will be fully developed so that the ZBA can properly evaluate the impact on the community character.

Mike Montesano states that the road should be constructed to the Town's road standards. Rich Williams explained that this is no longer a subdivision but a private commercial site. The Town has established standards for commercial driveways and parking lots in the Zoning Code which are different from road standards. Mike asked where the standards came from. Rich Williams replied that they were reviewed by the Town Engineer when the Zoning changes were made.

Board members as Rich Williams to explain to the public when they could provide comments to the Board. Mr. Williams stated that there will be times in the review of the application when a public hearing will be held at which time the public can speak. Individual notice will be provided by mail to any property within 500 feet of the application. Rich Williams also stated that the public could provide written comments any time which would become part of the permanent record.

**11) Other Business**

**a. Paddock View Estates**

Rich Williams stated that he had finally gone to NYS DOT in Poughkeepsie to review the Cultural Resource Study for the Route 292/311 improvements. He had provided the Board with a memo that was not recommending that a Cultural Resource Study be completed for the Paddock View Estates subdivision.

**b. Frantell Site Plan – Request for an extension**

Rich Williams stated that Frantell had received a conditional approval in which they had a specific number of days to address the conditions. They were still working towards receiving approvals from other agencies and was requesting an extension on the time needed to meet the conditions of the site plan.

**c. Putnam County National Bank Request for an extension**

Rich Williams stated that Putnam County National Bank was also requesting an extension on their site plan. Further he stated that he had discussed the architecture of the building with the architect the Town had retained to review the architectural design who did not find the architectural design proposed by the applicant acceptable. The proposed building will have only a partial second story and he suggested that a full second story be constructed. This block style of building will mirror the style of the other buildings on the street. The Applicant had indicated that they were not changing the design of the building. Shawn Rogan requested that the Town's Architect provide a picture of a building that represents the type of design he is looking for.

**d. Patterson Garden Center**

Rich Williams updated the Board on the status of the site plan. Mr. Parenti had addressed a number of the outstanding issues, but in doing so had exposed new problems with the site. Ted Kozlowski, Rich Williams and Theresa Ryan had met on the site and reviewed the outstanding issues. As a result Rich Williams was asking for an as-built survey to compare what was done with the approved site plan. It was Rich's recommendation that the Board continue to grant a month to month extension on the site plan providing the Applicant continues to show that they are working towards complying with the site plan.

Board Member Pierro made a motion to adjourn the meeting. Board Member Rogan seconded the motion. All in favor and meeting adjourned at 9:00 p.m.