

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
May 26, 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, and Ted Kozlowski - Environmental Conservation Inspector

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. Carino Holdings LLC (Con-Tech Construction) – Site Plan App. – Cont. Review
97 Commerce Drive
Tax Map #34.-3-51**

No one was present to represent the application.

Supervisor Williams confirmed that he was working on a review of the application for the Planning Board. Chairman McNulty noted that the DEP response requested the arrangement of a site walk on the property, though the response by the project engineer stated that a site walk is not required. Supervisor Williams stated that because the site will be operating with a commercial septic system, the DEP does have jurisdiction; he also confirmed that the application would have to be filed by the engineer, rather than the Town.

Chairman McNulty confirmed that Short Form EAF had been submitted; Board Member Taylor stated that there did not appear to be any problems with it. He did note that a correction needed to be made to Part I: Question #14 should have “wetland” checked as the type of habitat. Ted Kozlowski stated that he did have concerns about installing a gravel driveway on the site for maintenance reasons, but had no problem with the planting of red maple trees on the site.

- Chairman McNulty made a motion to waive the requirement to install a paved driveway per the plans submitted on April 20, 2016, as it reduces the pervious surface coverage on the site. Board Member Montesano seconded the motion. *Motion passed by a vote of 5 – 0.*

2. Patterson Crossing Retail Center – 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 confirmed that he was going to be preparing a short review on the application; the developer is now proposing to remove the 5,000 building that had been approved at the May 5, 2016 Planning Board meeting; a gas island will also be installed. Chairman McNulty observed that the changes to be made are minimal, though Board Member Taylor stated that there may be concern over the addition of gasoline to the site and the possibility of spills.

Chairman McNulty stated that the review that was conducted was very extensive; Supervisor Williams stated that Costco imposes the California restrictions on gas stations nationwide, which include the most severe restrictions on gas stations within the United States. Chairman McNulty questioned whether the lights over the fueling stations would be dimmed or turned off during off-hours to prevent light pollution.

Board Member Taylor asked whether the applicant provided statistics about spill occurrences; Supervisor Williams confirmed that they had not done so. Chairman McNulty questioned whether the public hearing could be waived for the application; Supervisor Williams confirmed that there is a provision in the Town Code that states that applications involving less than a 10% expansion, the Planning Board has the ability to waive the requirement of a public hearing. Chairman McNulty noted that the applicant had listed the area of change as being approximately 1%. Board Member Taylor voiced his concerns about waiving the public hearing, stating that members of the public may be displeased if the Planning Board decides to do so; Supervisor Williams countered that members of the public can submit comments about the application whether a public hearing is held or not. Board Member Montesano stated that no new points will be raised should a public hearing be held because several public hearings had already been held and the changes are minimal; he also pointed out that the Town of Kent had already granted the project all of the necessary approvals. Chairman McNulty confirmed that the Board Members will take a vote at their regular meeting about waiving the public hearing requirement.

Supervisor Williams confirmed that an approved sign schedule had not been submitted because the businesses that would be located on the site had not yet been finalized; Chairman McNulty pointed out that the canopy as shown on the plans had signage on it. Supervisor Williams confirmed that the Planning Board can require the applicant to submit a separate sign application for the building-mounted signs; a monument sign has already been approved with the required variances.

Chairman McNulty questioned how the traffic was intended to flow around the gas pumps; Supervisor Williams confirmed that the submitted plans show one way in and out of that area. Board Member Taylor asked the Secretary to request the plans as PDF files so that they can be enlarged and reviewed more closely.

and that it has since been reconfigured to an L-shaped commercial building to avoid the wetlands and maintain a 300 ft. buffer. He also confirmed that SEQR was completed in 2010, and does not need to be readdressed unless the Planning Board feels that significant changes have been made to the plans. Board Member Taylor questioned whether the proposed plantings would provide enough screening for the site; Ted Kozlowski recommended Eastern Red Cedar.

Supervisor Williams confirmed that he had done a preliminary review of the site; both Lead Agency and SEQR were complete. He stated that the only difference between the new plans and the previous plans is that 668 square feet of the building were removed, and a portion of the parking lot is now pervious pavement. Board Member Ladau questioned why the parking area was in the front of the building; Supervisor Williams stated that because the wetland area is the Bog Brook area, a 300 foot wetland buffer is being maintained. Chairman McNulty asked the Secretary to e-mail the EAF out to the Board Members; Supervisor Williams confirmed that the site had received a variance from the Zoning Board of Appeals for the size of the warehouse space within the building.

**6. Jillian Martin, Chestnut Petroleum (Mobil) – Sign Application – Initial Review
3081 Route 22
Tax Map #4.-1-37**

No one was present to represent the application.

Supervisor Williams confirmed that in the 1980s, the site had applied to install a large sign, and were then told to apply for a variance from the Zoning Board of Appeals. The Planning Board then approved the sign without the applicant ever receiving the necessary variances from the ZBA. The Board Members were in agreement that the proposed sign was larger than would be preferred, especially in comparison to other signs that had been approved for similar businesses along Route 22.

**7. East Putnam Development Corp. – Site Plan Approval – Extension Request
2665 Route 22
Tax Map #14.19-1-3**

No one was present to represent the application.

Chairman McNulty recused himself from the application and left the room. Board Member Taylor confirmed that there was an interim approval that was not obtained by the applicant, and therefore any approval granted would have to be retroactive, as well.

- Board Member Taylor made a motion to approve the application for two years, effective retroactively until January 4, 2017. Board Member Brady seconded the motion. *Motion passed by a vote of 4 – 0.*

Chairman McNulty returned to the meeting.

8. Other Business

A. Mancon LLC: Hydrology Report

Ted Kozlowski stated that the proposed site is the former home to the Well House; two sites south of the parcel is the Telecom property, behind which is a wetland system that parallels Route 22, draining underneath the road and running directly into the Great Swamp. Last year, Ted Kozlowski met with the Applicant and Robert Cameron (the engineer) and told them that he believed that there were Town-regulated wetlands on the site, after which the applicant stripped the land and dug a trench, which Ted Kozlowski believes was an attempt to increase water flow from the site to the Great Swamp. The wetland consultant that the Applicant then hired to flag the wetlands was flagging the already-stripped site, which Ted Kozlowski believes to be inaccurate, as he believes that the wetland area is, in fact, much larger than what was flagged because he saw what he believes to be hydric soils in areas that were outside of the flagged boundaries. He also asserted that the wetlands on the site serve to filter water flowing into the Great Swamp from an industrial area and, therefore, does not believe that any part of the wetlands should be filled in in order to construct a building.

Supervisor Williams stated that, in his report, the soil scientist acknowledged that there is a stream running through the property; this would, therefore, mean that the property is regulated. Ted Kozlowski confirmed that was attempting to organize a time to walk the site with the project engineer and consultant; Chairman McNulty questioned why the property was being considered without the submission of wetlands permit application, and stated that the Planning Board would like for the applicant to submit an application.

B. General Business (GB-Zone) Revitalization

Chairman McNulty asked Supervisor Williams if the Town has the money to research the technical equipment requirements to install a public water service in the Town; he replied that developing a concept plan alone would cost approximately \$80,000 and that the grant program directed by the state is primarily structured to fund projects within cities, rather than rural areas, making it very difficult to secure grants. Additionally, there are significant difficulties with the budget, with large parcels being acquired by nonprofit organizations and, therefore, removed from the tax rolls; insurance costs for Town employees have also soared. Board Member Taylor stated that without the time, money, or developers in place to focus on revitalizing the hamlet, it will be extremely difficult to do so at the current time; Supervisor Williams confirmed that he is actively seeking grant money to utilize in the development of the Hamlet.

Board Member Taylor stated that the Town Board had not yet responded to the Planning Board's memo about incorporating Bed & Breakfasts into the Code; Board Member Montesano stated that the addition of Costco and other stores at the Patterson Crossing Retail Center will draw significant traffic through the Hamlet, with Supervisor Williams pointing to the tax money that the site will generate, as well. Chairman McNulty discussed meeting with the Putnam County Board of Tourism to garner interest in the Town; Board Member Brady introduced the idea of drafting fliers for the train station for promotion, as well. Supervisor Williams stated that the amount of vacant parcels within the Hamlet gives the Planning Board the power to control how the land is developed in order to create a downtown area that suits their vision.

C. Flea Markets

Supervisor Williams stated that Henry O'Connor would be starting as an intern with the Town on Monday, June 6th.

Chairman McNulty discussed the Town Code differentiating between various types of markets, including flea markets, farmers markets, and craft markets, and drafting requirements for each. Board Member Taylor suggested that the Secretary change the heading on the agenda from “Flea Markets” to “Open-Air Markets” on future agendas.

Board Member Taylor changed the subject to the current Site Plan Application before the Planning Board for Clancy Properties, LLC, and asked whether it would be prudent of the Board to refer the endangered species issue on the site to FROGS and ask for a comment back about the sensitivity of the site; Ted Kozlowski stated that the Natural Heritage program will have further information about specific species on the site.

9. 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 9:15 p.m.