

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
July 7, 2016 Meeting Minutes**

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

Present were: Chairman Thomas E. McNulty, Board Member Edward J. Brady, Jr., Board Member Michael Montesano, Richard Williams – Town Supervisor, Michael Liguori – Attorney with the Town Attorney’s Office, 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. Patterson Crossing Retail Center – Amended Site Plan App. – Public Hearing
NYS Route 311
Tax Map #22.-3-1, 22.84-2-13, 33.-2-23, 34.-2-3**

Jeff Contelmo from Insite Engineering, Surveying, and Landscape Architecture, P.C. and Tim Miller and Jon Dahlgren from Tim Miller Associates 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, July 7, 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 for amended site plan approval entitled **“Patterson Crossing Amended Site Plan Application.”** Approval of a site plan for a 410,560 square foot retail center was granted on October 4, 2009. Modifications to the site plan were approved by the Planning Board on May 5, 2016. The Applicant wishes to revise the approved plans to adjust the building layout on the site and to provide for an additional use of the site. This will affect approximately 1% of the project’s development area with no increase in retail space. 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.”

Chairman McNulty informed the audience that audience speaking times would initially be limited to two minutes, with people being invited to speak again after everyone who wants to has been given the opportunity to speak.

Jeff Contelmo explained that the current application before the Planning Board is to amend the project's site plan to eliminate a 5,000 sq. ft. stand-alone retail building and replace it with a Costco members-only fueling station; he also confirmed that the change is being proposed by the applicant to accommodate Costco's request. He stated that the site is approximately 90 acres in its entirety, with about 60 acres of improvement on the site, 30 acres of which consists of buildings and parking; the area that would be affected by the addition of a fueling station on the site represents 0.5 acres.

The fueling station will consist of four filling aisles, with 8 pumps and a 32 ft. x 120 ft. canopy; a small attendant and controller enclosure will also be included, and will be approximately 75 sq. ft. The fueling facility will be shifted to the extreme east side of the site to push it along Interstate 84 and maximize the separation to the residential community located to the west; it will be approximately 650 ft. from the closest westerly property line, and approximately 700 ft. to the nearest residence. Substantial measures will also be taken for screening, consisting of a fence and triple-row evergreen trees running along the entire westerly side, with a 25 ft. reservation strip.

Jeff Contelmo also discussed the drainage on the site; the area to the west of the town line on the site drains back to Lake Carmel, with the area to the east where the primarily development will occur draining to the east to a wetland across Route 84; he also clarified that done of the drainage will be going into the Lake Carmel drainage basin. The stormwater mitigation system will remain unchanged, with no increase in impervious surface coverage labels and no increase in the area of disturbance; a hydrodynamic separator will be added to the site as a pretreatment device in an area where runoff can be picked off and shut off if there were to be any minor spills associated with the fueling facility. He also confirmed that Costco maintains a rigorous in-house standard for all of their fueling facilities that exceeds the New York State requirements; they conform to the California standard in order to maintain a consistent standard for all 500 facilities, and to create a comfortable environment for their members.

Tim Miller, President of Tim Miller Associates, confirmed that his company had conducted a detailed review of the circumstances associated with the proposed modifications to the site plan; he acknowledged that the visual impact of the project would change with the replacement of a 30 ft. high, 5,000 sq. ft. building with a fueling facility that includes a 3,800 sq. ft. canopy which will be approximately 12 ft. lower in elevation than the previously-approved building. He confirmed that the residential neighborhood to the west of the site is about 55 ft. higher in elevation than the site, and reiterated that the fueling facility will be sited as far away from the residential neighborhood as possible, though it will be visible from two public locations: there will be scattered views in the neighborhood to the west, as well as scattered view from Interstate-84. The canopy will be lit under the canopy with direct LED lighting, and there will be a fence and trees separating the residential area, which they believe will reduce or eliminate views into the area of the proposed fueling facility.

Tim Miller confirmed that their study indicated that there will likely be a very modest increase in noise generated within the facility of about 1 decibel, which would not be a perceivable change in noise, thereby indicating that the findings that the Planning Board adopted for the prior work remain accurate and applicable. He stated that any increase in volume at the site driveway would not create a measurable change in localized air quality; the fueling operation will have multiple, state-of-the-art vapor recovery systems, which capture vapors during fuel-transfer operation and exceed the regulations imposed by both New York State and the EPA. Additionally, he stated that because the fueling facility will operate as a members-only station and is located deep within the site, it will not be attracting drive-by traffic, and also will not have a convenience store component. The closest fueling facility is about 2 miles away, with other facilities being located between 3 and 3.5 miles from the Patterson Crossing site; the facility is not expected to have a significant economic impact on other nearby gas stations.

Tim Miller stated that the previous traffic study was conducted before the late 2000s and the start of the recession and assumed annual growth of 1.5% per year for several years; new traffic counts were conducted in 2013 and 2015 and were then compared to 24-hour counts that were collected by the State. Counts taken in 2015 at the intersection of the Interstate-84 ramps and Route 311 indicated that traffic volumes had declined during peak P.M. hours, and increased by about 95 more trips during the weekend, with intersection delays increasing by about 1 second per vehicle during the weekend, indicating that the network will continue to function as had been projected in the 2009 study.

The following audience members commented on the project:

1. Jim Byron, Owner of Patterson Auto Body (2597 Route 22) – expressed concern that the Patterson Crossing site will not add revenue to the town and that gasoline usage is declining
2. Harry Berletos, 60 Vernon Drive – expressed concern about how blasting could affect the well water for houses in Lake Carmel
3. Jack Jesty, 172 Somerset Drive – expressed support for the project, stating that he is able to purchase gasoline at Costco in Connecticut with a credit card without having to pay additional fees; stated that lower prices at Costco will, in turn, cause other local gas stations to lower their prices
4. Jenna Imuschuck, Lake Carmel – expressed concern about the project affecting her well and septic in Lake Carmel, as well as concern about the project lowering the value of her home
5. Ed Durky, Lake Carmel – expressed concern about the traffic impact, citing the original traffic study from 2006; arguing that even with the decline in traffic in the area, the peak hour traffic would still be significant

Tim Miller responded that the traffic study from 2009 was rigorously reviewed by the Patterson Planning Board, NYSDOT, Putnam County, and various consultants, and that the improvements proposed were done to respond to the increased volume from the project.

6. Glenna Write, 7 East Croton Drive (Former Kent Town Board Member) – expressed concern about the project, stating that the project came before the Kent Town Board

twice when she was seated with no mention of a fueling facility; additionally, she stated that the SEQR process requires towns to find that there are no negative impacts on neighboring areas, and expressed her belief that locating a gas station within 750 ft. of a fueling facility will have a negative impact on surrounding homes

7. Philip Ferris, 64 Vernon Drive – expressed concern about any runoff from the site infiltrating his leach fields, which are located directly behind his home; he also questioned the necessity of a gas station in the area
8. James Bacon, Attorney – expressed concern about the project, questioning the legality of a gas station as an amenity to the retailer, rather than a stand-alone operation; additionally, he stated that a leakage-surplus analysis that was conducted (*Fairweather Consulting; July 7, 2016*) confirms that that the fueling station proposed for the site will draw money away from other local gas stations, and also stated that he believes the stormwater impacts on Lake Carmel must be reviewed again

Jim Bacon asked the Board to establish a two-week period for comment; Chairman McNulty stated that the Board will “probably have a one-week period for comment.”

9. Michael Maris, Michael Maris Associates – expressed concern about the traffic impacts on local areas, stating that the actual change on the site is from a retail building to a discount club, and discount clubs generate more traffic than a typical retailer (*Michael Maris Associated, Inc.; July 6, 2016*)
10. Ann Fanizzi, 2505 Morgan Drive – expressed concern about the accuracy of the legal notice, accusing it of being deceptive and questioning why the legal notice mailed to residents was identical to copy published in the newspapers and online; additionally, she stated that a supplemental EIS should be conducted, as the proposed project has changed significantly from the project analyzed in the original DEIS and FEIS
11. Frank Boluzia, Town of Patterson – expressed support for the project, stating that Costco provides good jobs and will likely move to a different area if they are unable to secure approval for the gas station on the site; he also stated that retail development is needed in the area
12. Robert Buckley, Town of Carmel – expressed support for the project, stating that revenue from sales tax will support Putnam County, and, in turn, services to the towns in the area; he stated that Costco is a top retailer with high standards and will bring revenue to the county
13. Ginny Nacerino, Putnam County Legislator: District 4 – expressed support for the project, stating that the project has been before the Planning Board for a long time, and that population and home values are both declining in Putnam County; a business like Costco, therefore, will function to revitalize economic development in the County
14. Carl Albano, Putnam County Legislator: District 5 – expressed support for the project, stating that he understands that people do not want retail development to occur in their backyard; however the project is located along the Interstate-84 corridor, where development should occur, and will bring important sales tax revenue to the County

15. Tom Maxon, Town of Kent – expressed concern about the project, stating that he does not believe that stormwater flow will go away from Lake Carmel, stating that air quality, noise levels, property values in Lake Carmel, and the local gas stations will all be negatively affected by the project
16. Noel, 61 Vernon Drive – expressed concern about the project, stating that she lives adjacent to the site and enjoys the woods currently located behind her home adjacent to Interstate-84
17. John Mulvihill, 84 Concord Road – questioned whether the fueling facility will be available to over-the-road trucks to attract drugs and prostitution
18. Anthony A. Sclafani, Town of Kent – expressed support for the project, stating that Costco gas stations have lower prices, run a clean operation, and create competition, which is a good thing
19. Bruce Major, 166 Somerset Drive – expressed support for the project, stating that hours of operation will be limited, and the impacts will be negligible

Chairman McNulty instructed members of the audience who wished to submit a written comment about the project to “get it in” so that all comments can be taken into consideration by the Board before a decision on the application is made; he also informed the crowd of the special meeting to be held next Thursday, July 14, 2016.

- Board Member Montesano made a motion to close the public hearing. Board Member Brady seconded the motion. *Motion passed by a vote of 3 – 0.*
- Chairman McNulty made a motion to take a 5 minute recess at 8:15 p.m. Board Member Brady seconded the motion. *Motion passed by a vote of 3 – 0.*

**2. Carino Holdings LCC (Con-Tech Construction) – Site Plan App. – Public Hearing
97 Commerce Drive
Tax Map #34.-3-51**

Ralph Alfonzetti of Alfonzetti Engineering, P.C. and Anthony Carino 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, July 7, 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 two applications entitled **“Carino Holdings LLC (Con-Tech Construction) Site Plan Application”** and **“Carino Holdings LLC (Con-Tech Construction) Wetland/Watercourse Permit Application”** for the construction of a **6,000 square foot building within the Town-regulated wetland buffer, which will be used for a contractor’s yard with office and warehouse space.** The property is located at 97 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.”

Ralph Alfonzetti confirmed that the applicant is proposing a 6,000 sq. ft. building for a contractor's office on the site, and stated that he has addressed most of the comments received from Ron Gainer and Richard Williams; he also confirmed that the application to install a septic system and well has been submitted to the Putnam County Department of Health.

Chairman McNulty confirmed that the Planning Board was waiting to receive renderings, architectural plans, and a lighting plan for the building; Ralph Alfonzetti confirmed that signage specs had been included on his most recent set of plans, while also stating that he will response to the DEP comments, stating that they have jurisdiction over the septic and well, but not over the stormwater approval. Michael Liguori stated that he would look into whether a stormwater maintenance situation with the Town would have to be put in place.

Anthony Carino confirmed that he is in contact with Pete Monteleone and that they are discussing the road maintenance agreement for the businesses located on Commerce Drive; he confirmed that he currently does not see any issues with the agreement as it has been drafted.

No audience members commented on the application.

- Board Member Brady made a motion to close the public hearing. Board Member Montesano seconded the motion. *Motion passed by a vote of 3 – 0.*

**3. Putnam County National Bank – Wetland/Watercourse Permit App. – Public Hearing
40 Cushman Road
Tax Map #13.-2-68**

Jack Karell, Jr. P.E. 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, July 7, 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 **“Putnam County National Bank Wetland/Watercourse Permit Application”** for the construction of a proposed **4-bedroom, single-family dwelling, approximately 1,071 sq. ft. in size, within the wetland and wetland buffer.** The property is located at 40 Cushman Road (R-4 Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.”

Jack Karell confirmed that the applicant is proposing to build a single-family house served by a septic system to the front of the property, though it had previously been proposed at the rear of the property; it was moved in response to comments received from Ted Kozlowski and the Planning Board to minimize the impact on the wetlands. He stated that he had sent a letter to the Planning Board earlier in the week confirming that the applicant wished to do either a concrete post-and-rail fence or a composite post-and-rail fence around the wetlands, rather than a chain-link fence (Chairman McNulty stated that the Board was not yet in receipt of this document).

Ted Kozlowski confirmed that he was happy with the positioning of the house to the front of the lot and that the large tree on the property was going to be saved. Jack Karell stated that he considers the most recent set of plans to be the final set; Supervisor Williams confirmed that if

Ted Kozlowski is okay with the application, it can be approved at this meeting. However, Ted Kozlowski stated that he does want conditions placed in the resolution to save the tree on the property.

Jonathan Lepler of 24 Cushman Road questioned whether the limit of disturbance would change once the project has been approved; Chairman McNulty stated that it should not, and Supervisor Williams confirmed that if it did, it would extend toward the rear of the property, not the side.

Supervisor Williams confirmed that he would draft a resolution with the appropriate conditions to be made at the next Planning Board meeting.

No other audience members commented on the application.

- Board Member Brady made a motion to close the public hearing. Board Member Montesano seconded the motion. *Motion passed by a vote of 3 – 0.*

**4. South Patterson Business Park West – Site Plan Application – Public Hearing
2067 Route 22
Tax Map #35.-4-63.2**

Robert Cameron of Putnam Engineering 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, July 7, 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 **“South Patterson Business Park West Site Plan Application”** for the construction of a 36,000 square foot building which will be used for office space and a warehouse. The property is located at 2067 Route 22 (C-1 Zoning District) Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.”

Robert Cameron explained that the application is to construct an office/warehouse on a 39 acre parcel, with the front portion of about 4 acres being located in the C-1 Zone; he also confirmed that revised elevation plans had been submitted in response to the Planning Board’s concerns about the height of the building and the screening of any rooftop equipment, noting that the height of the building is now in conformance with the Town Zoning Code and that rooftop equipment will only be placed toward the front of the building over the office area behind mansard, with other equipment going on the ground behind the building.

Robert Cameron also clarified that “Parcel A” as discussed in the DEP letter dated June 15, 2016 is the rear area of the property consisting of approximately 35 acres that is being proposed as a “no-development area”; Supervisor Williams confirmed that DEP was looking to deed restrict the use of Parcel A; Robert Cameron stated that he was not in receipt of said DEP letter. He also confirmed that the trees shown in the south elevation plan are shown to scale.

No audience members commented on the application.

- Board Member Montesano made a motion to close the public hearing. Board Member Brady seconded the motion. *Motion passed by a vote of 3 – 0.*

5. Frog Hill, LLC – Amended Site Plan Application – Continued Review
3161 - 3169 Route 22
Tax Map #4.-1-42

No one was present to represent the application.

6. Haviland Hollow Wine & Spirits – Sign Application – Initial Review
2588 Route 22
Tax Map #24.7-1-24

Application was approved at the June 30, 2016 Work Session.

7. Ice Pond Estates – Approved Final Subdivision – Request for Extension of Approval
Ice Pond Road
Tax Map #34.-5-9, 34.-5-10, 34.-5-12

A 180-day extension was granted at the June 30, 2016 Work Session.

8. Other Business

A. Mancon LLC: Wetland Determination

Robert Cameron of Putnam Engineering confirmed that Michael Caruso sent a letter to the Planning Department asking to postpone the topic until the August Planning Board meeting and requesting that Ted Kozlowski meet Putnam Engineering at the site to resolve the issues about the wetlands delineation on the site. Supervisor Williams confirmed that it had subsequently been determined that there is a regulated stream running through the site and across Route 22; Ted Kozlowski also stated that the wetland on the property has been altered, but, nonetheless, remains a regulated wetland.

B. General Business (GB) Revitalization

The Board had no additional comments.

C. Open-Air Markets

The Board had no additional comments.

D. Minutes: May 26, 2016 & June 2, 2016

- Chairman McNulty made a motion to approve the May 26, 2016 and June 2, 2016 Planning Board meeting minutes. Board Member Montesano seconded the motion.
- Chairman McNulty made a motion to adjourn. Board Member Brady seconded the motion. *Motion passed by a vote of 3 – 0.*

Meeting adjourned at 9:00 p.m.