

Village of Walden
Planning Board Meeting
June 17, 2019

Chairman:	Stan Plato	Absent
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Absent
	Zac Pearson	Present
Alternate:	John Thompson	Present
Building Inspector:	Dean Stickles	Absent
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Gina Somma	Present

Chairman Plato - Called the meeting to order at 7:30pm.

1. APPROVAL OF MINUTES:

May 20th, 2019

Tabled

2. BOARD BUSINESS

A. PUBLIC HEARINGS: None

B. FORMAL APPLICATIONS:

B.1 Overlook at Kidd Farm, Site Plan/Subdivision

Jerry Jacobowitz: 2 things I want to bring to the board's attention. One is the Orange County Planning Department reviewed and sent a letter of no objection. The second thing is, our engineer and Mr. Queenan's firm reviewed plans. Are we are waiting for more comments?

Engineer Queenan: No.

Jerry Jacobowitz: The third thing is, what we'd like to do is have a draft resolution prepared for a conditional final approval. Your attorney needs direction from the board. Reason I say conditional is because the need to put up bonds and other similar things like that which happen after the resolution. Those 2 items, one is in the works. The other one has been filed with DOT and waiting for them to respond. They had given a previous approval but they hadn't had the actual design. First they say okay, and then we'll give them the details. Then they say OK again. Those will be hopefully resolved by the time we get to the resolution.

Attorney Dickover: Jerry for clarification, are you looking for a resolution on phase one of the plan or the entire plan?

Jerry Jacobowitz: The conditional would be on the entire plan. A sub part of it would be less conditions for phase one than it would be for the overall plan. Because what happens, as I understand is that the whole plan will get filed with the Village Clerk. Then the section plan gets filed with the Village Clerk in Goshen.

Attorney Dickover: Why don't my people talk to your people?

Jerry Jacobowitz: Ok.

Attorney Dickover: Jay, do you want to give me that directive? We can get started on drafting that. It's going to take some time.

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Member Pearson made a motion for Attorney Donovan to draft the Resolution on the conditional approval. Seconded by Member Thompson. All ayes. Motion carried.

B.2 161 Millspaugh Ct, 3 Lot Subdivision

Mr. Ross: Regarding the proposed 3 lot subdivision on Millspaugh Ct. Mike was here before and said comments in design work to be done. The second is a more detailed design. Sewer main extension to service the 3 lots. Water main extension also services the lots on Jerry's side so he can connect to it in the future if he ever has to. 3 proposed home sites. First one will be serviced via gravity. Lots two and three will require a pump station. Sewer and the water will meet the DEC approval for the sewer and water main will meet the required Department of Health approval. Under the acreage for disturbance threshold.

Engineer Queenan: We did a review of this. Mostly technical in nature. Ross said he built the plans up with significant details since the last. We're down to the nitty gritty. I think at this point, the plan is implemented state. I was talking with Bob, said you really haven't done anything SEQRA wise on this and since we do have some other agencies involved. Will have to do a lead agency noticed and circulate that out. Dean did send the plan to the county and they did come back with basically just statements. But they said it was a local determination. So, I think at this point you could declare lead agency and circulate and then you would be ready probably at your next meeting to go through the SEQRA and the schedule the public hearing.

Attorney Dickover: This board has not declared its intention to be a lead agency or circulated that notice. So, need a resolution to prepare yourselves to declare your intention to lead agency, conduct and coordinate a review on this and circulate that. It is unlisted, but there are other agencies that are going to be involved in this. Department of Health for the water main.

Engineer Queenan: DEC for sewer. Public Works and County Highway.

Attorney Dickover: You've got a number of agencies and probably should do it as a coordinator review.

Member Pearson made motion to declare intent to be lead agent and circulate. Seconded by Member Thompson. All ayes. Motion carried.

B.3 Edmunds Lane, Proposed Zoning Changes

Jerry Jacobowitz: As you recall, we submitted a request to the Village Board of Trustees for a zoning change for part of the property. Under the village's code, it gets referred to the Planning Board for report. It's supposed to be 30 days, we agreed to extend your time. We have not received any comments back about anything that was submitted to you. It's a very important matter. Not just for the owner. But I think for the entire village. My suggestion is that if we can set aside some time to have a sit down across the table, public meeting, and discuss the project. The reason for it and what the benefits might be for the village. I think that would be a good use of time. You're 2 members shy tonight and so it would seem that you'd want a full board. It's a matter of getting a date that works so we could have that kind of sit down. There's a lot there to read, but the idea was to try to give you a full and complete story. There may be questions. One questions that came up, why isn't it spot zoning? And the second issue was, who's going to be living there? We got off on the issue of rent regulation. That was the wrong characterization. This rent is not regulated. The income levels of the occupancies is regulated. And there's a form that shows number of people living and what the income level has to be. It is not the low income category. There are three other categories, low incomes the lowest one. And we don't have low income. There's very low and then there's low and then there's not so low. But we're not in the very low number. A family of two would have an income of about \$45k. If they give an income above that, it's not low income. That's the suggestion I'm making. That we have more of a dialog rather than this kind of thing where you're on that side of the table I'm here and where do you start to discuss this and I think one way would be for

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everybody that has concerns or questions to speak up and let us have a chance to answer so that you are fully informed.

Member Wilkins: How long of a meeting?

Jerry Jacobowitz: It could be an hour. It would depend on you folks. I don't think you would need more than an hour, hour and a half. To really get into the level of detail that I think you should want to be able to consider.

Member Wilkins: The next meeting is July 15th.

Jerry Jacobowitz: Want to do it the night of a regular meeting? That's okay with me, too.

Member Wilkins: 7:30? 7pm?

Engineer Queenan: What exactly do you want? Do you want a separate meeting just for this?

Jerry Jacobowitz: It can be part of your meeting. It should be a public meeting.

Engineer Queenan: You want it to just be on the agenda?

Jerry Jacobowitz: We need to spend a little time.

Member Wilkins: Why don't we do it on the 15th? The time will depend on what Dean has for the meeting. We can put it on as the last item.

Jerry Jacobowitz: That's good. There are some questions that you might have or their consultants might have that if you passed on to us we would be able to you know address them and make good use of the time.

Attorney Dickover: Jerry, we have an extension from you for our report to be filed, I think its tomorrow actually. So, if you're all right we'd ask for a further extension to probably the next Village Board meeting on July 16th. Which would give us time to prepare a report?

Jerry Jacobowitz: The Village Board meeting can be whenever it is. The question is by when do you have to tell them, what you want to tell them?

Member Wilkins: We'll make it for the 15th.

Member Pearson: The report would come after the 15th.

Jerry Jacobowitz: OK.

Engineer Queenan: That will give time for the Village Board to review the report.

Jerry Jacobowitz: Makes sense. I'll send Dean an e-mail in the morning confirming the extension.

Attorney Dickover: Before Mr. Jacobowitz leaves, I'm going to ask the board to consider an executive session at the conclusion of your regular meeting night to receive legal advice on this issue and report in the form of which you should take from the Village Board.

Member Wilkins: You can do that.

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Jerry Jacobowitz: That's up to you guys to do that if you want. I have nothing to say about that.

Member Wilkins: We'll make an executive session at the end of the meeting.

B.4 Anytime Fitness, Canopy and Franco's Pizza, Proposed Exterior Changes, Architectural Review Board

John Joseph: Representative of Thruway Shopping Center, more specifically Franco's. We've got tired of Franco not finishing his application. I just want to clarify a couple things. This is the revised site plan that was approved. Show location and everything. Franco doesn't seem to want to really get it done. I want to finish.

Engineer Queenan: Franco was in here and it was going in different directions and he never came back.

John Joseph: I think it's a great idea what he wants to do, so I'm here to try to help him to facilitate it because Franco does a great job operating his restaurant but not at site plan approval and that's why we took it upon ourselves to get these permits for him. We now have another user possibly getting close to being able to clean that up. Are you looking for a site plan that shows these details?

Engineer Queenan: It's been a while. June 2018. I think Franco just came in with a sketch in the box. Just photocopy this and say that this is where it's going to be. Attach this as a site plan so it's reference.

John Joseph: Then just work on cleaning up these details and these questions. Just wanted to verify this is what you are actually looking for.

Engineer Queenan: We just want that so when the application is approved, it has a little site plan of what's going on and that ties to the structural architectural.

Attorney Dickover: When Franco came in here he was looking to relocate the dumpster. That's off at this point?

John Joseph: That's off.

Attorney Dickover: When you submit whatever you're going to submit, can you just give a written statement that prior piece of the application is withdrawn? The second piece, I think he wanted to do some screening in the back.

Engineer Queenan: Something about putting up a fence or something.

Attorney Dickover: Some sort of screening of a storage area at the back or on his side. Take a look at the application when he first came in, if you are not pursuing the items, just give us a statement that those are withdrawn.

John Joseph: This is what was originally submitted by Franco's guy. What we do is have him do a similar awning with the detail of the roof.

Engineer Queenan: Or you can just get that photocopy of the site plan and say area of proposed canopy.

John Joseph: I'll have our engineer figure out what the water discharge is going to be in.

Engineer Queenan: It's already paved. I just want them to put the roof and gutters on.

John Joseph: I'm probably going to tell him to put it into the ground somehow.

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Engineer Queenan: I just don't want it going across the entrance.

John Joseph: I'm thinking about putting something in the ground on the side.

Engineer Queenan: Or even if you had a catch basin close by.

John Joseph: I don't think there is one. There's no easy way. So, I'm going to have to put something in the ground that will manage that water.

Engineer Queenan: My main thing that I want to avoid is sheeting ice on it.

John Joseph: I agree.

Member Wilkins: Is it going to be enclosed?

John Joseph: No, he's just putting a roof over it so he can use it more seasonally. It could be like a three season kind of thing vs. right now only uses it in the fall and spring.

Attorney Dickover: He knows enough that that's going to require some architectural detail?

John Joseph: His guy is not known for his detail, so we have to help him. Anytime fitness wants to put a canopy up. I guess when their members come up to the door, it drips on them. It's a simple canopy. I guess it's really a color issue. The darker you go, the dirtier it'll look. I don't know if anybody has an idea.

Member Pearson: As far as the canopy, I think it's overdue. I think it's a good idea. That landing is wet. An icing issue in the winter.

John Joseph: It's the people tracking it in and out. I think it's a great idea. The building is kind of faded yellow. I could make it beige. I don't want to stick out.

Member Pearson: I don't have any objection on color.

John Joseph: The signs are black. The gutters are brown. Do I make it black? The building is very faded.

Attorney Dickover: At the risk of stating the obvious, whatever color you put there, the next guy who comes in, probably want some uniformity in these things. Think about what the entire building would look like with awnings and shutters and gutters and things that sort of make sense.

Engineer Queenan: Could make it the same color as the gutter.

John Joseph: That's my fear, every time I put a dark awning up, the pollen just settles on it. The camel is kind of neutral.

Member Wilkins: What about dark blue?

John Joseph: Same problem. I think the darker you go, A, it's going to fade, the sun has complete exposure there. And I think you run the risk of pollen and bird crap.

Attorney Dickover: Under advisement, maybe some kind of greyish color?

John Joseph: A light grey?

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Member Pearson: That will match the steps. The steps are grey. You have the exposed concrete, which is grey.

John Joseph: I can do a grey to match the concrete color.

Member Pearson: That doesn't look right with the black signs. Grey might look ok with a black sign on either side of it.

John Joseph: Do you want me to come as close to the concrete?

Member Wilkins: I will go along with the grey.

John Joseph: Ok. And I will work on Franco's.

Member Wilkins: Anything on the bank?

John Joseph: We have like three tenants, qualified people, that are we're working through the internal needs, some changes they want to make on the outside. They're minor in nature. And coming up with a plan, so hopefully I can come back with a solid idea.

Member Pearson: July 15th, you'll come back to us with Franco's?

John Joseph: I don't know. I'm handcuffed by Franco's guy. I don't know how fast he can turn that around. But I'll have the civil engineer get the drainage calculations and figured that part out. And then I'll see how fast he can get a drawing for me. And then I'll call Dean.

B.5 Walden Glen, Conceptual Drainage Plan

David Zigler: Basically, this is Walden Glen. And this is a little bit like locusts that come out of the ground and every four or five years. I think I was approved about eight years ago and we needed an easement from Winding Brook for drainage. About three years ago and we thought we had a verbal so we come back to the board. We still don't have an easement. Well, we never really got the easement. So, this house sold last year and during the winter we met with the owner. And he said he would give an easement along the back of his property. The problem is we can't go in the street right way, because we have telephone poles, sewer, water and gas. We're kind of stuck getting the easement from somebody. Both of these people verbally agreed to give us an easement. We also found the original approval. These units were perpendicular and there were more units along here. Now we made it parallel. So there's that there's I think there's two less. With that being set up, we're going to put the drainage in the back and then whatever water was going to the rear would pick up also. That plan that you're looking at here eliminates all the drainage we were going to do on the back of the Winding Brook, to pick up their drainage. Now we're just going to contend with ours. This pipe is going to be much smaller, maybe a 24 or 30 inch pipe. What we're going to do with this plan also is eliminate at least one unit. Maybe we might have to do two or a little bit more, because we're going to put the water quality in and retention on this side. So, whatever water we let out at the end that pipe is less than Mother Nature puts into their property. I come back with an informal on this because we would have to change the plans. I think overall we might be down three units from the approval. At least at this rate we kind of control ourselves. Both of these are ready to sign. If we can get signed agreements from easements, we'll come back and pursue this. I just didn't know how you want to do that.

Member Pearson: The easement agreement with Winding Brook basically fell through?

David Zigler: It just never was signed. That's why we changed the units. We were going to so a buffer. Verbally agreed, but never signed the agreement. This house has the same problem. It's very wet. So, they wanted the drainage to come through to dry it out.

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Engineer Queenan: Since I've been here, they've been trying to go through Winding Brook, trying to come up from agreement. I think the Winding Brook plan would have benefited Winding Brook greatly but at the end of the day, they wouldn't sign. This is being treated, catching drainage before it gets to the Winding Brook, and they're keeping their drainage on their site. They're going to treat it and they're going to discharge it to an outlet point that would be equal to what it is today. It's a viable plan in my opinion.

Attorney Dickover: First time I've seen it. I'll send you a memo on it after I get a chance to look at it.

Member Wilkins: We can put this on for July 15th.

David Zigler: We'll probably have more news on the easements and maybe it'll be signed by then.

Member Pearson made a motion to adjourn. Seconded by Member Thompson. All ayes. Motion carried.

C. DISCUSSION ITEMS

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: 8:15 pm

5. MEETING ADJOURNED at 8:15 pm

RESPECTFULLY SUBMITTED

Gina Somma

Planning Board Secretary