

Village of Walden  
Planning Board Meeting  
November 18, 2019

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

---

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

**1. APPROVAL OF MINUTES:**

Member Thompson made a motion to approve October 21, 2019 Minutes. Seconded by Member Pearson. All ayes. Motion carried

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 One American Way, Site Plan Amendment**

**Engineer Queenan:** We were holding on the air. There were too many questions that were triggered by the DEC. Then he just had to clean up the bulk table.

**Chairman Plato:** But that wasn't done.

**Engineer Queenan:** The first one I believe was that the DEC triggered that it was an archaeological sensitive area. The other one was 13A, triggered that was adjacent to a wetland area. Typically 12B, since the site's already been disturbed, it's already been developed in the areas that are being proposed. Usually once it's been disturbed, it doesn't need to go again. Second to that, SHIPPO doesn't really apply if you don't need any other state permits. Which they don't need. I think the answer is yes, but I think we could explain it by saying that the ground has already been developed and disturbed.

**Attorney Dickover:** I think that's an accurate way of stating it and dealing with the problem. We've seen this before in different places in the Village and that's the report that comes back.

**Ken Valk:** The wetlands are on the other side of the railroad tracks.

**Attorney Dickover:** Was this part of the railroad yard?

**Ken Valk:** No.

**Engineer Queenan:** The wetland question is easy. It'll trigger a response if there is a wetland near or adjacent within X number of feet. I checked the map. There is a wetland on the other side of the tracks. It has nothing to do with this site. The answer to B, we're not encroaching on anyone. I think 12B could be answered by saying that as per the DEC Mapper, it was triggered being an archeological sensitive area, but the site has been previously disturbed and is currently being used as a lumber yard. The proposed additions are going to be constructed in areas that are already active.

**Attorney Dickover:** What's going down in the ground? Concrete pad?

**Ken Valk:** It's a pad and bolts.

**Attorney Dickover:** Any disturbance that might occur in an archaeological sensitive areas can be minimal. The other thing that we were looking at were revisions on the elevations.

**Engineer Queenan:** We did review those from Dean and they're fine.

**Attorney Dickover:** Reviewed EAF Form part II and III.

Member Pearson made a motion for Negative Declaration. Seconded by Member Thompson. All ayes. Motion carried.

**Engineer Queenan:** The bulk table requirements had to be corrected. Some notes on the map were too small. It was to designate the height of the buildings and the square footage just for clarity purposes.

**Chairman Plato:** The notes have to be legible.

**Attorney Dickover:** There is a special condition of the plans to be amended to show both table corrections, including the height of the proposed additions and to enlarge the type and make it all legible. And then there's been no signage proposed. That would be the motion with conditions if there's anything further.

Member Pearson made a motion to approve with conditions. Seconded by Member Thompson. All ayes. Motion carried.

### **B.2 126 North Montgomery Street, Falcon Rest, Conceptual Plan**

**Larry Marshall:** Since the last time, the applicant has made some substantial changes. The downsizing of the overall perimeter. Reduced the size each of the proposed apartments inside. Which has effected the overall layout of the site. Substantially soften the grade along the easterly side of building. Pulled back away from North Montgomery Street to the edge of the parking area. We were able to reconfigure the access drive, pulled that further away from some residents on the south side. Softened some of the grades on the southwest side of buildings. We provided the truck turning analysis demonstrating that a 43 foot long aerial firetruck could access the site quite easily and go right around through the one way.

**Chairman Plato:** We'll still have to have the fire department approve that.

**Larry Marshall:** There were some concerns over the northeast corner of the building. But by revising the building size, reducing it, we're able to get a nice softer corner there. We've responded to all of your Engineer's comments with the exception of the storm water pollution prevention plan comments because of the substantial number of changes in the building size as well as the grading that's associated with it. When we do resubmit that we anticipate in addressing all the remaining concerns. We don't expect to get them all right in the first shot. We expect some follow up comments, but we think we addressed the majority of them. We did add the loading space that was requested. We put it towards the rear of the site, the westerly side. It's a 12 foot by 13 foot loading space. It actually fits relatively nicely back there. In addition to that, we actually flew balloons on Veterans Day. We provided the board with copies. I'd like to just go through real quick. We provided from 21 different locations around the site. Primarily focusing along North Montgomery Street and Liberty Street. We provided each of the locations that we took photographs.

**Chairman Plato:** Is there is a reason you didn't do anything along the trailer park?

Village of Walden  
Planning Board Meeting  
November 18, 2019

**Larry Marshall:** We did take some photographs and I can provide them to you. Didn't present them because it hadn't come up. We had a professional photographer take the pictures and he enhanced each one. They were basically blacked out, grayed out, everything but the red on the reverse side of the photograph. The balloons that are flying for reference are five foot diameter balloons. Each of them were adjusted in height so that the top of the plume is the top of the proposed building. Obviously, there's some spots that some film needs to be brought in. So the balloon is actually flying a little bit higher than 35 feet from the existing grade. But it does simulate what the proposed grade is. We flew it from each of the outside five corners of the building. The only corner that we didn't fly a balloon at is this center of the "L". Some of the photographs are a little bit difficult to pick out the red balloons.

**Chairman Plato:** The other question I would have is, it looks like the elevation is not really an issue from these, but what about the removing of the trees?

**Mr. Donnelly:** We're not going to take anything down that doesn't have to come down. If you're standing in their backyard, all you can see is most of that building, as you come up the road is only a couple of feet on the top floor. I would really appreciate it if you guys came out there and did a field site visit. You will see what I'm talking about.

**Member Pearson:** You're grading pretty close to that property line though.

**Mr. Donnelly:** No. That's why I would encourage a field visit.

**Member Pearson:** Gladly, but this show grading within about 10 feet of property line?

**Larry Marshall:** We are proposing a row of trees that are circulating around the entire perimeter.

**Member Pearson:** It would be interesting to see where the big trees are. These people have sheds right on the property line. So, if you're telling me the big trees are inside of that, then okay. But there are spots where the grading is 10 feet.

**Mr. Donnelly:** If you look at the way this building lays out, this three foot off the building is all you're going to see.

**Larry Marshall:** There's a balance. There are many trees on the neighbor's property and there are many trees on our property. I don't know how we would simulate what you're asking. I don't know if there's a real means in which we can do that.

**Chairman Plato:** I think a site visit it is definitely worth it.

**Mr. Donnelly:** We're willing to work with you. What kind of trees do you prefer? What species of trees?

**Chairman Plato:** This is showing new trees. Have you shown any of the old trees?

**Larry Marshall:** It's the question of what's outside that proposed grading. Lou doesn't want to take down any more trees than necessary. If there are areas that the board feels should be supplemented we certainly are amendable to that.

**Member Pearson:** How much smaller is the footprint than what was there?

**Larry Marshall:** I think it's about 3000 square feet smaller. About 10% percent smaller than it was.

**Chairman Plato:** Could you reduce the number of units?

Village of Walden  
Planning Board Meeting  
November 18, 2019

**Larry Marshall:** Each individual unit was about 1200 square feet. We reduced that down to about 1000 square feet. One other item that I failed to mention is that there was the retaining wall that was right behind the Spark's residence, that's been removed.

**Member Pearson:** What was the reason you didn't grade through that property?

**Larry Marshall:** Because it's the Sparks residence.

**Member Pearson:** But you're the owner of it.

**Larry Marshall:** Contract purchaser. Lou is the owner.

**Member Pearson:** You're going to bump out in the grading to just not grade on the property?

**Larry Marshall:** As long as the contract goes through and there's no issue with it, we'll grade right through.

**Mr. Donnelly:** I didn't buy it, but I have a signed contract. I have the funds to purchase it. But I can't force Mrs. Sparks to sell it. She signed everything, had stuff notarized. I didn't get the paperwork from her for the easement. Once this gets approved, she's ready to deal with the contract. As soon as the building is up, I will definitely do whatever it takes to make it right.

**Attorney Dickover:** I'm confused. You're saying that you have a signed contract with her, but you can't show us a plan that shows us what you're going to do after you own it?

**Mr. Donnelly:** I understand that, but what happens if at the end of the day, something happens, I can't assume that she is going to follow through with the contract.

**Attorney Dickover:** You have a signed contract for the entire property. What stops that owner from changing their mind?

**Larry Marshall:** It's not a problem.

**Attorney Dickover:** You don't have an owner's endorsement to present the plan to this board, is what you're saying.

**Larry Marshall:** Correct.

**Attorney Dickover:** OK. That I understand. Once you submit that, you could modify this drawing.

**Chairman Plato:** Have you looked at the landscape plan and all the detail?

**Engineer Queenan:** Not in detail, yet. Just received it on Thursday.

**Larry Marshall:** The landscaping plan hasn't changed substantially from the last submission. If any of the board members did review the previous submission, this submission is not substantially different than the previous one. Some of the islands have changed, but the overall number of plantings has not. We've just rearranged where they are.

**Engineer Queenan:** Do you know if there's any mature trees on that property line within the 10 feet?

**Larry Marshall:** We'd have to go and look.

**Member Pearson:** I'd rather keep the mature tree then put it in a new tree.

**Engineer Queenan:** All the proposed landscaping is within that 10 foot.

**Member Thompson:** I think that's going to be significantly thinned out.

**Chairman Plato:** Do you have it all staked out?

**Larry Marshall:** We don't have the property line staked out. There's markers on the corners. As far as the pine trees, before any added landscaping, if you want them shifted into inside the limits, that's not an issue.

**Attorney Dickover:** How is the board going to deal with the landscaping? John, is your firm going to handle that?

**Engineer Queenan:** Yes. The lighting plan?

**Larry Marshall:** I have it. I got it back a half an hour after we submitted plans. I just have to put it on one of my sheets. I'll have it over to you.

**Engineer Queenan:** I'd like to have the lighting and the landscaping go together.

**Larry Marshall:** It's two pole lights for the inside of the L. Then pole lights along the entrance drive. Everything else is on the building. We reduced it. We pulled the lights in and away from the property lines.

Member Pearson made a motion to affirm The Village of Walden Planning Board to be Lead Agent. Seconded by Member Thompson. All ayes. Motion carried.

### **B.3 Walden Baptist Church, Lot Line Change**

**Engineer Queenan:** Looks like there is 2 existing parcels at the corner of Bergen and Bank. One is an existing 2-story dwelling and the other is the church property. Lot line change between the two. Put the sidewalk wholly on the church's property and not on the residential property.

**Ken Valk:** The problem is when they built it, it was built like a foot off of the property line, in 1904.

**Chairman Plato:** What about the shed?

**Engineer Queenan:** It says the shed would be moved. They should just note where.

**Ken Valk:** It's going to be the same place, just pick it up and move it over a couple feet on the church property.

**Engineer Queenan:** Just show that. You have to be five feet off the property lines. The other issue was the bulk table is not correct. On the original map, you had the bulk table with both as lot 10. There was no difference between the two lots. Looks like he fixed that. One is 9 and one is 10, but all the values are still incorrect. They are all the same values. There's a lot of mismatch and errors. The biggest issue that I see is that the side setback looks like it's getting smaller for a lot 10. It's at 7.3 feet. Prior was larger. The house to the new property line.

**Ken Valk:** It is getting smaller and the church is getting bigger.

**Engineer Queenan:** That's the thing. You're making one better and one worse.

**Ken Valk:** The one by the church is too close to the church.

**Engineer Queenan:** I don't disagree with you. I would refer to the attorney on this.

**Attorney Dickover:** What we ask you to have done was to show in this bulk table a column that would tell us what the existing areas are. Then we can compare them to what you're proposing and identify whether or not variances are going to be required or not. We understand that you're making one of them that less nonconforming, but you are reducing, making worse or greater the nonconformity for the two story dwelling. We need to see that here, so that if in fact, you apply for a variance, we know what the variance is that's being asked for and perhaps granted. We need to have the existing distance, which isn't shown in the survey, to the existing line. Then what the new distance would be to the proposed line. You need to do that both ways. So, this board and perhaps the Zoning Board can see exactly what the differences are.

**Engineer Queenan:** For tax lot 10, he has proposed 7.3 feet. He's labeling that as a preexisting nonconforming.

**Member Pearson:** It was more than that.

**Engineer Queenan:** Correct.

**Attorney Dickover:** It's the only way you can compare what's happening. The ZBA, if it goes there, can make an appropriate determination. Otherwise, it's all guesswork.

**Engineer Queenan:** The other item, the zone is listed incorrectly. You have it as MX, it's R5. The areas for the proposed lots don't match the areas in the table. Looks like you have 400 square feet.

**Attorney Dickover:** We need the distance as it currently exists from the church to that existing property line. And then for the same location that proposed. Same thing for the other 2-story frame dwelling. You're going to show us the distance to the current line and then the proposed distance if the lines move the way you're asking for. That gives us a complete bulk table.

**Ken Valk:** What is the zoning on the outside lots?

**Attorney Dickover:** The bulk table, if it's accurate, tells us that the front yard needs to be 25 feet. One side yard needs to be 10 feet. Both side yards together have to be in excess of 18 feet. For the corner lot, the side yard needs to be 25. Rear yards need to be 25. That corner lot, we need to take a look at how do we define front yards and may be that they're both measured using 2 front yards

**Engineer Queenan:** Yes, there's 2 front yards and the primary front yards is Bank St. Then one is a rear one is a side.

**Attorney Dickover:** The other one is a side yard with a front yard requirement. Looks like those are all going to be preexisting nonconforming. I don't know that we're headed for a variance because of them, but this side yards between the two buildings is going to be an issue.

**Chairman Plato:** There's going to be variance. If these are correct.

**Engineer Queenan:** The only other issue is you list the height at 30 feet, but you also note that that's not conforming. The zone allows 35. Have Howard go back through the bulk table again. I did review the EAF again. It wasn't put through the automatic mapper. Have the same comments that came up, so have Howard be prepared to answer those. Archeological, wetlands.

#### **B.4 78 Oak St, Proposed Salt Storage**

**John Joseph:** Our landscaper wants to put a small metal storage for salt. It would be temporary, just to store salt for the winter.

**Chairman Plato:** I would ask Dean.

**John Joseph:** I did ask Dean and he said to ask you.

**Attorney Dickover:** Don't you have a maintenance shed or facility?

**John Joseph:** No. I hire a third party. The guy that's doing the landscaping, does the snow removal, does everything.

**Member Thompson:** I don't know about a metal container holding salt.

**John Joseph:** I think he just wants a place to store it.

**Attorney Dickover:** There probably is something in the code about temporary structures. They're probably not permitted.

**Engineer Queenan:** What size?

**John Joseph:** Minimal. It's a fairly large lot so it's so he doesn't have to run and get salt.

**Chairman Plato:** I don't think it's an issue, but we've got to go by what the code is.

**Attorney Dickover:** I think the Chairman's suggestion is to take it up with the Building Inspector and see what his determination is.

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

**B.5 123 East Main St, Building #1, Architectural Review Board, Sign**

**Chairman Plato:** No external or internal illumination.

**Christopher Hauser:** Correct.

Member Thompson made a motion to approve sign for 123 East Main St Building #1. Seconded by Member Pearson. All ayes. Motion carried.

**B.6 76 Oak Street, Suite #2, Architectural Review Board, Exterior Changes**

**John Joseph:** What it is, we're thinking that the red that's on Franco's, is Country on Red. This is what's on Hannaford and the Plaza, which is Woodland Cream.

**Chairman Plato:** What's going in here.

**John Joseph:** Orange County Bagel. The color is going to be black and gold like the other signs. I told them I would ask about their standard sign. It's orange and black. I think if the sign is the same size and the formats the same, I don't mind a little different color. No illumination. The Woodland Cream and the red, matches Franco's.

**Chairman Plato:** One comment. I'm a little disappointed, left space open for the Historical Society, at the entrance to the liquor store and the sporting goods store to put up pictures of the what used to be there.

Village of Walden  
Planning Board Meeting  
November 18, 2019

**John Joseph:** They did a great job in the liquor store. All that's in the liquor store. That shows the knife factory.

Member Thompson made a motion to approve color scheme and sign their logo. Seconded by Member Pearson. All ayes. Motion carried.

**B.7 150 Coldenham Road, Architectural Review Board, Sign**

Applicant did not appear

Member Thompson made a motion to close the meeting. Seconded by Member Pearson. All ayes. Motion carried.

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:**

**5. MEETING ADJOURNED at 8:32pm**

RESPECTFULLY SUBMITTED  
Marisa Kraus, Village Clerk  
Planning Board Secretary