

Village of Walden
Planning Board Meeting
July 20, 2020

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| Chairman: | Stan Plato | Present |
| Members: | Jay Wilkins | Present |
| | Lisa Dore | Present |
| | Jason Trafton | Absent |
| | Zac Pearson | Present |
| Alternate: | John Thompson | Present |
| | | 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 6:00pm.

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 Falcon Rest, Site Plan/Special Exception Use, Conception

Attorney Dickover: Last month, I think we opened the public hearing, carried it over till tonight. I don't think you've received any further written comment except from the fire department, which was an email. I know there was a question that we asked Larry Marshall to follow up on and he did so. Fire Department doesn't seem to have any real complaints except relocating the two hydrants. And their e-mail says that Larry will attend to that. They also had a specification issue that Larry told them they would attend to as well. We'll have to hear from Mr. Marshall on that.

Chairman Plato: Any fire suppression systems?

Attorney Dickover: Their letter talks about two issues. Fire hydrants specifications and incorrect discharge sizes and threads. The hydrants installed in the Village should have *inaudible* specs it out, agreed to make changes. And fire hydrant number two located the corner the building closest to the entrances. Any use would block the *inaudible* entrance and exit. Requested that it be relocated to the opposite end of the building. Mr. Marshall was unable to give an exact location during our last conversation. However, he understands our intent to agree to a relocation *inaudible* these items and further issues with the site plan as proposed. As the project moves further along, we would like the ability to comment on fire suppression and standpipe design as previously requested.

Engineer Queenan: That fire suppression system typically happens during the Building Department review, the building permit. So, at the time when they're ready to come in for a building permit, that would be reviewed with Dean, myself and Fred. We'll include the fire department at this point for that.

Attorney Dickover: *inaudible* still has the variance application pending before it. They held their meeting. They held their public hearing. I was directed to prepare a decision. Both granting the request and denying the request. At this point, the Zoning Board is scheduled to take up a decision on the application this week.

Chairman Plato: Am I right to say, if there is a site plan approval, then it has to go before the Architecture Review Board.

Attorney Dickover: Yes. You can request whatever elevations or design you're looking for.

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Member Pearson: Are we not granting an approval though? Only taking it to a certain point and then the Village Board needs to act?

Attorney Dickover: There's a zoning change required here. You're right. Yes. And I think a Neg Dec was adopted by this board back in May. I think John drafted a Neg Dec for the boards review some weeks ago. That may be something we might want to take up tonight.

Engineer Queenan: I thought the board had already done the Negative Declaration.

Attorney Dickover: Stan, have you seen that and signed the document? Because the Village Board will need that as well.

Chairman Plato: I don't think I have seen that.

Engineer Queenan: We had sent it over to Dean. He's got an on file. I will talk with him and see where it's at. I think I did that back in May or June.

Attorney Dickover: I think it was after the June meeting I saw it.

Chairman Plato: We had to do a Negative Dec to be able to have a public hearing, correct?

Attorney Dickover: Yes. The written version of it might not have been ready.

Chairman Plato: Unless any board member or our professionals see definitely I see nothing in the public hearing that would change anything in that Negative Dec.

Engineer Queenan: I would agree.

Attorney Dickover: John, the Neg Dec that you forward was on June 15th. Stan, the public hearing needs to be continued this evening for public comment. We need to have a motion to continue the public hearing this evening to see if there's any members of the public present. I see we have some viewers on the Facebook page and solicit comments from the public if there are any.

Member Pearson made a motion to continue the public hearing. Seconded by Member Thompson. All ayes. Motion carried.

Attorney Dickover: Presently we have people were indicating that they're watching the meeting, but I don't see any public comments at this point, Mr. Chair. John, should we ask Larry about the fire department response?

Engineer Queenan: Sure. I think Larry's got it covered, but I'd also want to ask him about how he's making out with the DOT.

Larry Marshall: I'll start with the fire department. I spoke to one of the members, Michael MacNamee. I spoke to him last week and then again today. He would like to change out the fire hydrant that we had specified to the standard fire hydrant that they utilize. We just need to know the make and the model. Basically as soon as we know that we can switch out the note on the plans. Very, very simple. Not a problem at all to do. The other comment that he had is we have a hydrant at the right hand corner of the building and then right near where the access drive comes up into the parking area. The bottom left hand corner of the building. What he'd like to do is keep the one on the right side of the building in that location. He'd like to move the hydrant that's on the front left corner to the back left corner. Basically, we would have hydrants catty corner on both ends as opposed to near the bottom corners. Won't be a problem. It'll be more pipe to run it up to that corner. But otherwise, there are no issues as far as physical construction of that. We'll make that change in the next submission. When we get a few answers from DOT. Regarding

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the fire department. Very simple. Easy to accommodate their requests. The requests are not by any means outrageous or insurmountable. DOT has several comments regarding our entrances and the sidewalks and drainage along North Montgomery Street. I'll start with the entrances. The main entrance, the proposed entrance is not a problem at all. We finally clarified to them that the site distances that we measured and had on the plans were adequate all along. We showed that to them and they did agree for the proposed entrance, which is exactly in the same location as the entrance currently is to the Sparks residents. The entrance to what will be the existing single family residence that's on the parcel that will end up being the office and the maintenance building for this facility. They have allowed us to have a second entrance. We just have to provide them with a letter for justifying that. The only modification that we have to make is we have to make that a full commercial entrance. So, rather than being 12 feet wide, it has to be 22 feet wide and it has to meet the specifications for that. The north entrance that will service the office building will have to be a commercial entrance. There was no leeway with that. They did not allow it. The main issue that I'm running into now is with the sidewalks along the frontage. As you've seen on the site plan we had sidewalks inside of our property, outside of the ditch line. That section of North Montgomery Street is extremely flat along the longitudinally, along parallel with the road. There's very little vertical elevation change along the frontage of the property so that the drainage on that roadway primarily drains laterally. The ditch line is graded to pick up all the drainage in that area. DOT has looked at our plans regarding the proposed sidewalk on our property and leaving, basically just improving the ditch line. They've denied that and asked for us to put sidewalks along North Montgomery Street. They would like the curtain on the edge of the pavement, 5 foot grass strip and then the sidewalk to be installed after that. That obviously with the narrowness of the state right away, requires a state taking or granting the donation of land. With DOT, granting land to DOT takes about 18 months in time. They do allow you to proceed with all your approvals and your construction to proceed while that is going on. But it is a lengthy process. The other option that the state has given us is to grant the land either via easement or fee title to the Village of Walden if they would be so inclined to it. It's DOT's requirement that if there is a sidewalk along a state highway that it be publicly owned. So, it has to be either owned by the state, by the town or by the village. It cannot be retained by the property owner. That's what we're running into with DOT. It does not appear to be any sort of question as to viability of the entrance, safety of the entrances to and from the site. It's more of how they want it constructed and how we proceed in that manner. I do have to get clarification on how do they want to handle the drainage along North Montgomery Street. And the physical offsets to the sidewalk. Given where the utility poles are, we're gonna have to offset the sidewalk a little bit more than the 5 feet that they're asking for, to avoid conflicts with the utility poles.

Chairman Plato: This is a second entrance to the facility?

Larry Marshall: No. We have the only entrance to the proposed building. But on the north side of the property, there is the existing house with the garage. That's proposed to be changed into an office and a maintenance garage. That entrance right now is considered a residential entrance. So, it's only 8-10 feet wide. What the state has mandated is that we improve that to minor commercial standards. Which means that has to be a full width with the radii and it'll be 22 feet wide with 34 foot radii on the on the flairs. We've done our best to just keep it the way that it was.

Chairman Plato: I know it wasn't mentioned in the letter from the fire department, but they don't have a concern about only having one entrance into the facility?

Larry Marshall: No. *lost audio* the only option that would even potentially be possible would be some sort of interconnection with the neighboring trailer park. But that would mandate some sort of easement to be worked out with the neighbor. I'll say that a fire department certainly could go up into the neighboring trailer park and fight a fire or respond to a call. They would just have to walk through the grass to get there.

Chairman Plato: How long is the entrance to the apartment?

Attorney Dickover: Can we can check on that and come back to you.

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Chairman Plato: That's fine. I just want to make sure we don't miss anything.

Attorney Dickover: Larry, you want to comment on the question about where the DOT's requirement sidewalk be owned by the municipality? That may be an issue for the Village as to whether or not they want to take ownership of this sidewalk.

Larry Marshall: I've dealt with this in other municipalities and other regions of NYS DOT. Their feeling is that if it is a commercial facility, whether it be a retail facility or a multifamily facility, if it's not a single family residential facility, basically they mandate any sidewalks to be within a public right of way or easement area. I'm not sure the reasoning, why. Because I even asked them, if it's in your right away, do you maintain it? If you're mandating it that it be in your right away, then you should maintain the sidewalk. You should replace it if it gets damaged and remove the snow and everything else that they would be responsible for. They responded with no, we won't maintain any of it. We'll just mandate that you have it in our right away. I'm not sure how much leeway we would have with that. I don't know.

Attorney Dickover: You're saying the sidewalk would be *inaudible* right of way and in order to do that, it's a lengthy process to get them to accept that?

Larry Marshall: What ends up happening is if the Village didn't want to accept an easement for the sidewalk or whatever other options you may have, then we would offer the land to the state as a granting. We would donate it to them. In my experience and DOT's own admission. That takes about 18 months. We prepare all the documentation that has to be provided for the donation and that has to be provided precisely in their exact *lost audio* to the level that they want. Usually takes about 3-4 months and then the attorneys take over. The state just can't accept it. It has to be voted on and then accepted.

Attorney Dickover: The alternative is to leave the sidewalk where it is on private property but to grant the Village of Walden an easement for that area for purposes of the sidewalk. Be offered to the Village and the Village would take. The ask is whether or not the Village would take ownership of the sidewalk.

Larry Marshall: Yes. Rob, I have to get a 100 percent clarification on that. That's been accepted in other regions of the state. I just need to confirm that with Mary on Thursday that that would be an acceptable means.

Attorney Dickover: The other question is grant an easement to the Village for the land underneath the sidewalk, but it's just an easement for access purposes and ownership of the sidewalk would remain with the developer.

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Larry Marshall: To be completely honest with you, I don't believe that is the case. I believe that it is just an easement. They're just looking for a physical easement over the property.

Lou Donnelley: The rest of the sidewalks in the Village in front of all the other commercial spaces, are they owned by the Village?

Attorney Dickover: The Village Manager responded to an e-mail on this today, indicated that he thought, though he wasn't sure and was going to ask the Village Attorney, that the Village owned those sidewalks. I don't know whether that's correct or not. I don't have the resources to answer it.

Engineer Queenan: The experience we had on Ulster Avenue. Those sidewalks are maintained by the Village, but they are within the state right away lands.

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Chairman Plato: They're not maintained necessarily by the Village. If you consider snow removal
inaudible

Engineer Queenan: Homeowners are responsible for snow removal and I'll say upkeep of the sidewalk. But major repairs, the Village has the right. But in that case, the state owns the land under it. But the state does not take any responsibility for the maintenance, upkeep and/or repair of the sidewalks.

Attorney Dickover: The Village does have a code provision that imposes upon the property owners that front sidewalks to remove snow and ice.

Lou Donnelley: I know that, because I have the other properties in the Village. I just wasn't sure if the Village owned those.

Engineer Queenan: I did pull up your plan, Larry. It looks like the road is 450 feet to the intersection. I took it to the intersection. To the center is 475.

Larry Marshall: Ok, so it's about 425.

Engineer Queenan: Roughly.

Chairman Plato: I thought it was a 400 limit so that you may require a variance for that, I'm not sure.

Larry Marshall: Is that in the subdivision code or in the zoning code?

Engineer Queenan: That would most likely be either in subdivision or could be in the streets and sidewalks.

Larry Marshall: Subdivision of land section 260-15n. It says "dead end streets designed to be so permanently shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having a minimum outside roadway diameter of 100 feet." As this is not a subdivision, I'm not sure about the applicability of that of the subdivision code.

Chairman Plato: I would say if there's no objection from any of the board members, I have no problem closing the public hearing.

Member Thompson made a motion to close public hearing. Seconded by Member Dore. All ayes. Motion carried.

Attorney Dickover: For purposes of this evening, I don't know what more there is to be discussed. We have a couple of open items. One is the variance application in front of the Zoning Board. The second one is the sidewalk issue. The third, I suppose, now is the length of the driveway and you still need a zone change. We may be close to the time where a recommendation would come from your board back to the Village Board that the project as design is ready for their action on a zone change. The plans at this point are sufficiently complete, I would think. Not for me to say, but may be time to refer back for their consideration on the zone change.

Chairman Plato: You're saying we could make a recommendation, but with stipulations? I don't know if we want to do that with stipulations. We have to clarify the 400 foot, we have to clarify the easement for the sidewalk. Or is that something we could get answered very quickly.

Attorney Dickover: Those would be conditions on an approval. The zone change that affects this project simply is the amenities and the unit count. The other issues aren't really germane to that issue.

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Chairman Plato: I'm trying to get a straight, if we make a recommendation to the Zoning Board that we think that it may be appropriate that this could be rezoned. But then the applicant would have to come back to clarify these items for final approval?

Attorney Dickover: I don't know if you want to include a recommendation one way or the other, you certainly can. I think if I were asked to draft the letter, I would simply write it in the way of a report to the Village Board. Report the negative declaration and then inform the Village Board that the Planning Board can't proceed with any final decision on the matter until the Village Board rules on zone change. Certainly could write in what we think might be the conditions or those open items. At least might get the Village Board moving forward on that while other things are being done.

Member Thompson: I think we should move forward.

Chairman Plato: I have no problem moving it forward with an opinion or not. Pretty neutral on it.

Lou Donnelley: Whatever comes out with the garage, if you decide that you want to keep it, I'll make it beautiful or I'll tear it down and we'll figure out something else for the time being.

Chairman Plato: I don't think that's an issue. I don't know how we send it out without some type of recommendation. We're reviewing it and sending it to them, I almost think that is the implied recommendation for a zoning change.

Attorney Dickover: The zone change was sent to your board some number of months ago for comments on the proposed rezoning law. You've commented back to the Village board on that already. Again, whether you include a recommendation or not, totally up to your board. You're simply reporting back to the Village Board the status of this application and you can't move forward without a zone change.

Member Thompson made a motion to advise the Village Board the site plan is ready for their decision on zone change. Seconded by member Pearson. All ayes. Motion carried.

Engineer Queenan: Larry, did you make an application to the health department for the water main hydrants?

Larry Marshall: No, we did not, yet. Technically, we're not supposed to make those applications until we receive *inaudible* approval.

A.2 Orange County Transit, LLC, Bus Storage, Site Plan/Special Exception Use

Larry Marshall: This is the old Amthor facility that was *lost audio* just outside the Village adjacent to the road. They are in the process of finalizing that and please, Rob, if I am stating anything wrong, correct me.

Chairman Plato: You're saying the Town of Montgomery has approved, has a Village of Walden approved to take it in?

Larry Marshall: Yes. I believe it's been approved by both boards. The filing of the documents of the annexation that haven't yet been completed. That's my understanding based upon conversations with Brian Amthor's attorney Marissa Weiss and the Village's attorney, Dave Donovan. So, this is the existing Amthor facility. The applicant is Orange County Transit. They are the current bus company for the Valley Central School District, as well as, Wallkill Central School District. They are operating out of this facility currently in conjunction with a facility over in the Village of Maybrook. What they're looking to do is expand their utilization of the Village of Walden facility to include the easterly most gravel parking area to expand their storage facility. They've been operating out of here. They have a substantial number of busses already stored here. They are maintaining their busses in this facility. But they expect an expansion in the number of busses that are going to be needed for the two school districts that they

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currently serve. The total expansion would be 19 additional small busses on the facility and 75 larger busses. The standard sized busses would be 75 and a smaller van sized would be 19. They're looking to add 91 passenger car parking spaces for their employees. The employee parking area would be near 52. The bus parking would be towards the rear of the property towards the southwest, behind the passenger vehicles. There is a little bit of clearing of overgrown areas that needs to be done. A minor little mound of debris that needs to be removed and regraveled. But otherwise, the facility is ready to use. They intend to only use the westerly entrance to the facility for busses. They would utilize the east entrance for passenger vehicles only. In addition to the expansion of the parking facility, they do have two existing trailers on the site that they would like to utilize for a dispatch center and an employee lounge on the site. They didn't receive approval from the Town of Montgomery before the annexation occurred. So they have to formalize that approval with this board.

Member Thompson: I have to apologize. I don't have the plans in front of me. But how close is this going to be coming to the walking trail on Tom Olley Park?

Larry Marshall: There's no expansion of the existing fenced in area. The entire facility is within a chain link fence and there's no proposed expansion beyond that fence area.

Member Thompson: Even with the cleaning out, it's not going to be an eyesore for the people that use it?

Larry Marshall: I haven't walked the walking trail, so I can't speak firsthand hand on the visual impact of it. But if anybody that frequents the walking path now would not see any significant difference in what they see now versus what they would after. Any sort of brush and clearing is within inside of the fenced in area. This is our very first presentation with this project to this board. But one of the main items with this is time frame. The applicant is very conscious of timing with this. Ideally, if everything goes well, he would love to be able to occupy the eastern half of this facility when the schools were to reopen. Just being forward with his concerns.

Chairman Plato: John, you haven't looked at any of this, yet?

Engineer Queenan: We just started to and I wanted to hear the presentation. I know you're proposing to keep the entire lot as gravel. Kind of as it is today. With some minor clearing here or there. What you're showing basically everything to be striped, parking space wise. If you're keeping it gravel, how does this all work if it's gravel? The striping will go away.

Larry Marshall: The striping is primarily for demonstration purposes, that we could actually physically fit those vehicles there. There is no intention to actually stripe the gravel parking area.

Engineer Queenan: So, how do we know what the orientation is going to be? For emergency services or access or any sort of order going on throughout the whole parking lot there.

Larry Marshall: In terms of access in between any of the busses. The busses have to get in and out. The larger busses have a natural 40 foot in between the busses, which far exceeds what any fire truck would need. Then as far as the employee spaces, we can work on that. I can talk to the applicant on how to delineate those in a permanent manner or see if he'd be interested in surfacing with a hard surface.

Engineer Queenan: The chain link fence that goes, parallel with the lot there, that's being removed?

Larry Marshall: Portions are.

Engineer Queenan: Because you have some of the bus spaces that are literally right on that chain link fence. The gate doesn't seem to lineup.

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Larry Marshall: There's going to be a realignment of a decent amount of those or a removal of a decent amount of that chain link fence.

Engineer Queenan: The existing bus parking area and storage area, is there a plan that was approved that the Town or a layout that you have of what's going on in the existing area to make sure that this all kind of blends together?

Larry Marshall: No, there is no other plan. There was never any plan prepared. There was a preliminary presentation of a plan. When John originally made the application to the Town of Montgomery. But after that plan was presented, the Town of Montgomery Building Inspector, he made a determination that utilizing the area that is currently being used as bus storage was consistent with the preexisting use for the facility and required no further site plan. So, the preliminary plan that had been put together was abandoned and is no longer valid. If the board would like to see how everything leads, we can certainly work with the applicant on it.

Member Pearson: I think we need to see what's going on in the vacant piece. How they intend to really put the busses in there. Without something on the ground, it's kind of going to be a free for all. They're going to make it work for them. I get that. They're going to park the busses and this is how they fit them in and this is how we're gonna fit them all in there. But without anything on the ground, that could change daily.

Engineer Queenan: My other more significant concern is with emergency access. I'd like to see a continuous emergency exit. You're going to have close to 200 busses and vehicles in this area and I want to see each entrance kind of linked in some orderly fashion. If none of these spaces are striped, I guarantee you that the employee parking is going to be everywhere. You're going to end up with some aisles that are passable, other aisles that aren't, because there's always going to be one or two guys who just park wherever they park. I think emergency access through the property, linking the two entrances is critical. Maybe the board wants to consider landscaping, lighting. There is no lighting. There's only one proposed floodlight in the rear corner next to Olley Park. I don't know if there are any other spotlights out there that can get the employees from their parking in the front to the garage, dispatch or break room throughout the site.

Chairman Plato: Larry, on this proposal, how many busses, parking spaces and how many employee parking spaces?

Larry Marshall: The proposed expansion, the increase is for 19 van size spaces and 75 conventional bus spaces and then 91 employee spaces. A total of 94 spaces. What ends up happening with these types of facilities to reduce the amount of impervious surface and overall space that they require, a large bus is typically pulled out of the space. They'll use the employee spaces that they have. Then once those are used, they will begin parking in the bus spaces with their passenger vehicles.

Chairman Plato: Would there have to be a traffic study?

Larry Marshall: Actually, the spacing, the timing of it, is relatively drawn out. I'm hoping that John Mench is on here to speak to this, but depending upon the route that they're running and where they have to drive, each bus start time is relatively staggered to one another. You may have one or two busses leave at one time in the morning and then maybe five or 10 minutes later, you'll have a couple more leave because they all have to time it and arrive back to the school at the same time. It also depends on how many kids are being picked up at every bus stop.

John Mench: A couple of things, one is schools have different tiers and not every bus does a tier. For instance, a tier means, high school tier. So, you have some high school busses that leave the lot early. Then you have busses that just do a middle school tier. They leave later. Then you have some busses

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that do an elementary tier, which leave the yard extremely later. In addition to that, this year we have social distancing so we cannot transport 100 percent of the school enrollment to the school.

Chairman Plato: But you don't want to plan on COVID being here for the next 10 years.

John Mench: No, but the first example of doing a three tier system, not every bus is lined up at the driveway waiting to get out on 52. You got to remember that three quarters of the fleet is already there on the site that we have been leaving the site and entering 52 and exiting 52 into the site for the past three years already. I don't think there's been any, that I remember, any accidents or any issues getting busses in and out of 52 at that site.

Member Pearson: The site plan amendment doesn't preclude us from looking at it.

Larry Marshall: One thing that we did when we did the application for the Village of Maybrook was we provided a timing chart. Basically how many vehicles were exiting and entering at given intervals to try to answer your question. Obviously, in terms of what John is going through now with the potential COVID adjustments, we don't know what the upcoming year is going to bring. But I think that John and I can give you what would have been for 2020.

Chairman Plato: I think that would be good.

Attorney Dickover: Can you tell us what the current counts are for small busses, large busses and passenger parking?

Larry Marshall: We did provide that in the narrative, but it's currently 80 large busses, 100 van sized busses and approximately 40 passenger vehicle parking spaces. About 180 busses right now with 40 passenger vehicles.

Chairman Plato: With Overlook we were concerned about traffic and everything and it's no where's near about this amount of traffic. I think, Larry, what you said, putting something together to show that would be very helpful.

Larry Marshall: It won't be a problem. I just want to clarify that what we put together would be an estimate.

Engineer Queenan: As part of this site plan, we're going to be required to send this to the DOT, because it is an expansion of use along state highway. So, they will also probably more than likely be looking at these numbers as well.

Larry Marshall: When would it be appropriate to send it to DOT? Not to pressure the board, but I would prefer if the board was comfortable getting them involved earlier in the process. *lost audio* we would really appreciate that.

Engineer Queenan: The only other question I had, I just want to make the board aware, the two trailers, are proposed for the office and employee lounge, they actually sit right on the property line. The property line goes through the trailers. I know everything's under common ownership, but I don't know if that poses a problem. That has to be cleaned up, because you could sell one lot and keep another and these trailers are basically divided in half. The other thing that the trailers are proposed is to be on a well and they are proposed to have septic holding tanks that will be pumped periodically for sewage. That's a problem. We normally in the Village do not allow septic, either by waiver or you have to connect to the municipal system within a certain amount of time. I know that there was some language in the annexation documents that require the property owner extend water and sewer services to the site. I believe it was in 12 months of approval of the annexation. I don't know when that clock starts to tick because the

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annexation is completed, but not formally finished. However, it would be my recommendation that these trailers get on public water and sewer before being used as basically space.

Larry Marshall: Regarding the timing of the water and sewer, John has requested and we've begun the work on putting together the plans for those water and sewer connections for the various buildings. He's fully aware of the other requirement from the annexation that all these buildings be connected to the water and sewer. He's been pressuring me to get that plan done. We are working on that. What we felt was that while we're working on that, we put a temporary in place and if the board is not acceptable, then we'll do our best to accommodate it. But we would like to figure out some sort of temporary means of having water and sewer for the trailers.

Engineer Queenan: We'll have to talk further and I'll advise the board. At this point, I couldn't recommend the board to approve an amended site plan that didn't have sewer system.

Larry Marshall: Understood.

Chairman Plato: John, can you prepare your comments for the next meeting?

Engineer Queenan: Yes, I'll have them out probably by Wednesday this week so he can start working on it.

Attorney Dickover: Larry, is there any thought to illuminating the lot lines here? Because you do have some structures that are straddling lot line. You've got a unified site plan. Some cross easements going back and forth.

Larry Marshall: The bus parking is on three of the lots. John Mench, do you have any opinion on doing a lot combination?

John Mench: I don't have anything against it. But I will look into it and see what the benefit and disadvantage to it. I got to be careful because how are we going to go future into the sewer? Because all the buildings are to the west.

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Larry Marshall: Would the board like to see landscaping and lighting?

Chairman Plato: Yes, I think we would want to see that.

Larry Marshall: We'll put something together.

Attorney Dickover: Any reason not to get the SEQRA process started with a declaration of intent to be lead agency and get a notice circulated?

Chairman Plato: I have no problem with that. I think we can do that.

Attorney Dickover: Right. We have other involved agencies here. This is going to be an unlisted type action.

Member Pearson made a motion to adopt intent to be lead agency. Seconded by Member Thompson. All ayes. Motion carried.

Attorney Dickover: John, do we have a plan to make the 239 referrals?

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Engineer Queenan: I think at this point, I'd like to see it a little further developed specifically with the lighting and landscaping and then resolve the trailers with water and sewer before we submit to the county planning.

John Mench: The trailers around the grandfathered lots, which are the western part, the site plan is for the additional lot of parking on the eastern side. Town of Montgomery issued me permits for those two trailers. Because those limits were, as Larry said, they're still open and we still actually use those. Was that part of the annexation? Because those are grandfathered in. The site plan is for the eastern part, not the whole lot.

Member Pearson: How do the eastern lots work with the entire site? That's what we're here to review.

John Mench: It all comes together as a bus yard.

Engineer Queenan: The application states that it's for the conversion of the trailers to office space. That's on your application.

John Mench: So basically, I need to close out the permit with Montgomery first on the trailers on the grandfathered lot. Correct?

Engineer Queenan: If Montgomery will issue you a permit, provide that to the Village and we'll talk to the Building Inspector.

Chairman Plato: I'm not sure if that would hold.

John Mench: I don't know. That's what I'm trying to find out. That's the issue, because the trailers were on that lot when that Village approved the annexation. So, I'm grandfathered in those lots. Now I understand about the sewer. We'll get back to you on that. I just want understand where the trailers fit.

Engineer Queenan: Do you actually have a CO from the Town for those trailers?

John Mench: I don't have the CO. I have the permit and the application from those trailers.

Engineer Queenan: I would say forward that information to Dean. Now, ultimately, Dean is the person who has to follow through and review that, issue a CO and see what his take on it is. We contacted the Town and they said that they had never really done too much on it and the annexation started and they just put it to the side and that they weren't moving any farther on it. Forward what you have on it to Dean and we'll take a look at it.

Chairman Plato: We'll wait to hear back from you, John. And also, Robert, if you could look into that situation with trailers.

Attorney Dickover: There is a written annexation agreement that was entered into by the Village and the Town. I don't know that it perfectly speaks to the sewer and water with these trailers. I have to read it a little more. I will prepare a memo.

B. FORMAL APPLICATIONS:

B.1 LP Builders, Three Lot Subdivision, 52 Oak St

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Ross Winglovitz: The applicant, LP Builders is proposing a three lot subdivision of existing parcel. That's approximately about a half an acre or a little more on 52 Oak Street. It's currently vacant. There's a little stone road along the front. New water and sewer service connections as well to the existing water and sewer on Oak Street. This is the initial application. There's a three sheet set that you have. One is the

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signed, sealed set by the licensed surveyor. Our subdivisions sheet, which will show the grading, water and sewer, service connections and the details on sheet 3. There's a short EAF that was submitted. There was a hit on archeology. I don't know why, because there are no historic structures nearby. There are a couple of ineligible structures. But we did send off a request to SHIPPO to get a letter back. Hopefully no impact. We're not near any municipal boundaries, state highway, so we don't have any 239 review. And I believe it's an unlisted action. I'll be glad to answer any questions I can.

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Engineer Queenan: We have to get that on there, because look like Howard had some grades referenced on his map. Get that off and put your proposed contours on there. The sidewalk along Oak Street, I would recommend that along the front property that it would be replaced in its entirety. I think it's not in very good shape right now and it's going to be beaten up by another three driveway cuts. The other item on concerned with is drainage. We have swales going around the rear and down the sides of each lot, just heading towards Oak Street. Come up with something to catch that I don't want that water just piling over the sidewalk, over the curb and into Oak. I don't know if there's something we can do to add some smaller catch basins and connect into the Oak Street line to prevent that water from basically shooting across there on those three lots. The rest of them are fairly technical. Roof footing drain locations. Your construction details I'll go through with you, connected through water and sewer. Everything else seemed to be pretty standard for a three lot subdivision. Also, I see the garage unders, the houses. I don't know if you're going to add a porch or staircases or walkway, to get to the first floor. Should just note those on the plan. Make sure they reside within the setback. That's pretty much all I had for right now. Pretty straightforward. I believe this requires a public hearing. There are no outside agency permits or approvals required.

Ross Winglovitz: We would respectfully request if the board could set it. We have about three weeks to get it together, the additional information that John's looking for, I think we'd be in good shape for that.

Chairman Plato: I would think before we do SEQR, I'd like to hear John's comments back.

Engineer Queenan: We can get that ready for next month. Have the plan revised, and then the board can move from there.

Attorney Dickover: 2 items for action first would be the board to classify this application as a minor subdivision. It's a code requirement that you have. So a motion to that effect would be in order and you could combine it with a motion to declare yourselves lead agency for SEQR purposes and type the action as unlisted.

Member Pearson made a motion to classify this application as a minor subdivision and declare lead agency. Seconded by Member Thompson. All ayes. Motion carried.

B.2 Overlook at Kidd Farm, Resolution of Conditional Final Subdivision Approval

Jerry Jacobowitz: The draft of the final approval resolution for subdivision and site plan. Most of the items that are in the resolution have been taken care of. That will get confirmed by the attorney and the engineer. On that assumption, I tried to divide into three sections, what is still to be addressed in some way. One is gathering together all the evidences of all the approvals. Over the period of time, many of them got to Dean, but there may be some that didn't get to him or didn't get to the engineer and the attorney. So I'm going to put together a complete set of all of the documents to establish we've achieved the things we say we have. The second category are items that no matter what I do, are not going to be able to be completed by the time we would like the board to take action on the final resolution. There are five of those things. One is architectural review. We don't have the renderings yet of the buildings to be constructed and we need to have those. That is most likely going to have to be a condition of the final approval. The second is, you have a requirement that the utility plans for electric and gas and TV cable, have to be approved by the three utility companies. We can't get them to do that. We discussed it with

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Ross Winglovitz, figuring he's dealt with this in other developments and he says no. He said they won't do it until after there's a final approval and the developer is known to them and they deal with the developer. Ross said that was confirmed by John Queenan. So that's an item that is in your requirements. It's in the conditions. I don't know how we're going to get it done in time. So it would have to be a condition subsequent. The third is the acceptance by the attorney general of the offering plan. That isn't going to be able to be submitted until you have a conditional final approval. We have done the HOA incorporation. We've done the bylaws. We've done the certificate of incorporation. And we've done the rules and regulations. Those were all given to Bob to review. He made comments on a number of them, which we changed. So we believe all those documents are done and are ready, but it's not going to get the stamp from the attorney general by the time of the final approval action. The fourth is a very technical one. We have to make offers of dedication to the Village of the areas that are going to be easements or owned by the Village. We can do the offers of dedication, but the deeds are most likely going to have to come from the actual developer of the property because the Village isn't going to take the deeds unless all the work is finished and completed and signed, sealed and delivered, they're not taking a deed to an easement because they don't want to have to deal with something that wasn't done. We can do offers of dedication that are binding and the Village can receive and file and accept. The fifth item we can do and I think we had done it about a year or two ago, we have to update it. That is a title report insuring the Village of good title to the easement they're going to have for the water line and for the 500 feet of street that's in the commercial section. We will get that title report to Bob so that he can take a look at it and make sure that the title is going to be okay. The last category is a longer list, but it's not foreboding. One of your rules is that we have to give the DPW of the Village, the plans and they have the right to review them and say yes or no. We don't control that. We've done that. And we need the Village to respond that, yes; those plans and specs are okay. Now it's the same people representing Village, representing the Planning Board. So if the engineer says yes, they're fine, DPW is going to say they're fine. But the language of your rules is we have to have an approval from the DPW department. The second item is SHIPPO. That's the cultural and archeological resource report approved by the state parks and historic preservation. The report is on its way to SHIPPO. We hired a consultant. They've done all the field work. They've done all the laboratory work. And the report is being written as we talk. That has to go up to SHIPPO. We hope they're going to have it accepted by the time of your next meeting. The next item is we need the Village Board to say, Amen, to the affordable housing decisions your board made. We put some units in practically every building and they're all the same in appearance. That's all part of the plans. But the conditions said the Village Board has to approve that. I emailed John Revella the other day about it. I didn't hear back yet, but I'll pursue him. It was as to location, uniformity and quantity and I think we satisfied what they want. The bonding we're in the midst of getting that taken care of and it's delayed a little bit because it's very possible that we're going to build two sections at once. We've got all the data on one section and I believe they went to John Queenan, previously and it was for section one. We may do section two or three at the same time. We're waiting to get a decision on that. If we are we have to do a workup similar to the one we've done and we have to get that to John Queenan and approve the numbers and the quantities and the whole thing. I'm hopeful that'll be resolved the next couple weeks. Then there are the inspection fees, which is usually a percentage of the estimated costs. We can't do the arithmetic till we know what the improvement costs are. The general condition, number seven, says that we have vested rights in the plan. Bob objects to that. I'm willing to pass on it for a couple reasons. One is, I think the law is on our side. If we file a section of the map, we're protected for three years. The way you have phasing resolution, we're going to have a lot of money in the ground that will give us the vested rights that we are entitled to because of having spent the money and made the commitment. I'm not arguing about that one with you guys or him about it. I can understand that. But the next paragraph, number eight says that the approval is going to expire six months from the date of the adoption, if no complete application for final subdivision approval is submitted, unless you gave an extension of time that we request before the expiration of the approval. This is sequential. We have six sections. I don't want to lose approval because we didn't do what's in number eight. I suggested and Bob agrees that we add a little language to that. Qualify that the expiration doesn't happen, provided at least one section and construction has commenced in at least one section. *inaudible* Bob agrees to qualify it so that if we don't have at least one section and commence construction. Then that provision would be applicable. We're not taking it out. We're just qualifying it for that situation.

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Chairman Plato: What does construction mean? You dig one hole?

Jerry Jacobowitz: Why don't we say, of the homes? Construction of the homes. Not just doing dirt moving. That's the intent. The last item is one that is a special condition 14d. It says that no CO can be issued, unless all of the unbuilt public and private improvements located within the section being built and any prior phase or section are constructed to completion or performance bonds satisfactory in form and amount to the Village Board and Village Engineer had been deposited with the Village. The screen door didn't get put on unit seven. That means that we can't get a CO? The issue is, is it safe? And is there a danger to the public health? We suggest that should be the standard for the Building Inspector to use in deciding whether he's issuing a CO. Not whether we've done everything possible, because there are a million little things that possibly aren't done in any particular house or in that particular section.

Chairman Plato: I would tend to agree with you if you were dealing with single family detached dwellings. But when it's all combined, I think I could see a bunch of COs being issued at one time and still not being completed.

Jerry Jacobowitz: Actually, it makes it more difficult for the developer, because if it was a single family detached, all he's got to do is show he did one house. Now to get the COs in a building, he's got to show he did everything, in order to satisfy the Building Inspector. I don't think that it is needed. This is going to be a very difficult provision to work with because of the nature of the beast. Everything doesn't get done.

Chairman Plato: Robert, on a bond or a letter of intent, does that cover public improvement?

Attorney Dickover: I don't agree with Jerry on this request. We hammered this language out over, probably a year and a half ago or two years ago. The provision refers to public improvements within the section being built. No COs to be issued until those public improvements were built or bonded. That's a normal requirement.

Jerry Jacobowitz: I have no trouble with that. But if the language in the set in front of me says unless all of the unbuilt public and private improvements take out "and private" and I can live with it.

Attorney Dickover: That language was there because some of your sections have let's call it private amenities that are there for your buyers. If you don't provide them and they're not bonded, then what good is a site plan that calls for them? We would *inaudible* require you to complete those structures once the COs are issued. I'm certainly willing to talk to you about it.

Jerry Jacobowitz: If I got the wrong version here, I apologize.

Attorney Dickover: That's the approved version.

Chairman Plato: What's the definition of private improvements?

Jerry Jacobowitz: Everything that's not public. The public is the waterline, pump station and the public street from 208 up to section one.

Attorney Dickover: You also need to add to that the sidewalks. Probably the curbing, street design, street construction. John will probably continue on with this list.

Jerry Jacobowitz: Your suggestion is fine with me that we sit down and we try to think it through and see how to avoid that the inefficiency and the delays that are implicit in the way the language is now. Also, there are some of the other items that we need yet to talk about that.

Chairman Plato: Give me an example of a private improvement.

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Attorney Dickover: The clubhouse.

Chairman Plato: Then I think the language is fine. I think the intent is right on that.

Jerry Jacobowitz: The Building Inspector isn't going to issue a CO if the work isn't done in accordance with the terms of the Planning Board approval.

Chairman Plato: I think he's looking at that one person occupancy, the one place. Not for the private improvements concerned the whole complex. I think this wording is correct.

Jerry Jacobowitz: But it says in any other phase.

Chairman Plato: Right, because if you start a phase, we want to see it completed. Not partial, partial, partial.

Jerry Jacobowitz: But there are certain things that are going to be done in other sections that are part of the phasing plan. And if something there isn't done, because it doesn't have to be done until a date, the Building Inspector is going to be violating the terms of this approval.

Chairman Plato: Being reasonable, I think there's some things like that, that go over several phases that you have to have multiple phases done for that to be completed. We can't do that one out. But I don't know what they are.

Jerry Jacobowitz: That's kind of the thing that Bob and I have to sit down and identify and say, except for this, except for that, but it includes this, includes that. I don't know any other way of trying to do it.

Chairman Plato: I think that's a good start.

Jerry Jacobowitz: What is the schedule for your meeting in August?

Chairman Plato: The third Monday, hopefully, at 7:30 in public. And if we're not doing public then it will be at 6.

Jerry Jacobowitz: Okay. Bob, can I give you a call tomorrow morning?

Attorney Dickover: You can always call. Tomorrow morning, I may or may not be able to pick up the phone, but I should be available to your call.

Jerry Jacobowitz: I think we're getting down to the homestretch here.

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

B.3 American Petroleum & Equipment – Architectural Review, Sign

Chairman Plato: Do you know if this meets the sign specs?

Engineer Queenan: I don't have a copy of it.

Member Pearson: Didn't Dean send an e-mail that all the signs met it?

Chairman Plato: I didn't see that.

Member Thompson: He sent an e-mail out that all three signs met the requirements.

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Member Wilkins made a motion to approve sign as submitted. Seconded by Member Pearson. All ayes. Motion carried.

B.4 113 Orange Ave, Architectural Review, Sign

Member Thompson made a motion to approve sign as submitted. Seconded by Member Pearson. All ayes. Motion carried.

B.5 78 Oak Street, Suite 4A, State Farm Insurance, Architectural Review, Sign

Member Pearson made a motion to approve sign as submitted. Seconded by Member Wilkins. All ayes. Motion carried.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION:

5. MEETING ADJOURNED at 8:13pm

RESPECTFULLY SUBMITTED

Marisa Kraus, Village Clerk

Planning Board Secretary