

Village of Walden
Planning Board Meeting
October 19, 2020

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Absent
	Zac Pearson	Present
	John Thompson	Present
	Jennifer Muehlen	Present
Building Inspector:	Dean Stickles	Present
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:

Chairman Plato: I think giving the minutes to Engineer Queenan and Attorney Dickover to review is something we should do from now on.

Building Inspector Stickles: It can be forwarded.

Chairman Plato: Again, good job on the minutes. Saw some notes about inaudible, didn't seem to make a difference. I think it would be good if John and Robert review the minutes.

Member Wilkins made a motion to approve the July 20, August 17 & September 21, 2020 minutes. Seconded by Member Thompson. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 52 Oak Street, LP Builders, Three Lot Subdivision

Ross Winglovitz: We're here before you tonight for a proposed 3 lot subdivisions at 52 Oak St. It's just over a half acre parcel proposed to be subdivided into 3 lots. There were residents there that had been demolished a long time ago. The applicant is proposing 3 new driveways, 3 new water and sewer connections and drainage to connect the runoff from the house directly to the drainage on Oak Street. The plan is conforming with all the zoning requirements of the Village.

Chairman Plato: There was a question on the easement. Can we review that?

Ross Winglovitz: Subsequent to the initial meeting, there was an easement discovered on the southern property boundary, 16.5 foot wide. That provides access to the rear parcel. Also, as Dean had discovered, enclose the sewer that services 2 buildings behind us. We had Dean forward us a copy of the Village's easement. We did send that out to Howard and he has noted on his sheet those survey references for access and for sewer. When we discovered that, we had to shift everything north slightly. We made the southern lot a little larger. Lot 1. We designed a driveway to maintain access to the rear.

Chairman Plato: I think there's also a question about the setback requirements.

Building Inspector Stickles: 10 foot one side, 8 foot the other side. For 18 total.

Engineer Queenan: The main comment we had was about the easement. *inaudible* the continued use of both access of water and sewer. All of the comments have been addressed. Just one comment, just make sure there are no conflicts with the water and sewer services.

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Attorney Dickover: The easement that affects lot 1 is there for the benefit of the Village as well as for the owners of tax parcel 13.2, which I believe, is also owned by Rainbow Ridge Realty, Inc. So, it is an agreement with different parties. I had asked a question last month, the building envelope on lot 1, are you going to be able to site a house within that building envelope and not encroach on the easement area?

Ross Winglovitz: Yes. We have allotted that easement. Originally it did encroach on the easement and it has been designed so it does not.

Attorney Dickover: With the map I have it still shows that the building envelope would be within the easement area. Can a house be sited within the building envelope that does not encroach upon the easement area?

Ross Winglovitz: The house is shown within the building envelope, not within the easement.

Attorney Dickover: One other issue that came up, the proposal would appear to land lock what is shown as lot #4. Unless lot 38 is some street improvement.

Ross Winglovitz: They have separate access easements to Pleasant Ave.

Attorney Dickover: We're not seeing frontage on Pleasant Ave. So, there's going to be some sort of 7-736 issue perhaps that's being created.

Ross Winglovitz: They're currently existing lots that don't have frontage. They do have access via Pleasant Ave.

Attorney Dickover: Does your client have any more information about that?

Ross Winglovitz: We could probably get you deeds to show that.

Chairman Plato: What is their access?

Ross Winglovitz: On Pleasant Ave. It's either easements or other properties owned by Lou.

Engineer Queenan: I believe it's through lot 38.

Building Inspector Stickles: 13.2 and 4 have buildings on them right now. And 38 is the access right now to 4 and 5.

Engineer Queenan: The only thing that this easement provides access to is lot 13.2. Everyone else gets access either from Pleasant or lot 38.

Chairman Plato: Robert, did you ask for a description?

Attorney Dickover: No, because there are houses there already. There wouldn't be any building permits required. So, a 7-736 exceptions not going to arise.

Member Wilkins made a motion to close the Public Hearing 52 Oak St, LP Builders, Three Lot Subdivision. Seconded by Member Pearson. All ayes. Motion carried.

A.2 107-121 West Main Street

Larry Marshall: This application is for the approval of the use of the historic Methodist Church on Main Street. Seeking approval to reoccupy it in that manner. Due to the property and the lack of use for several

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years, we have appeared before the board for approval for special exception use. There are very little changes that are being proposed to the exterior of the building. The applicants have been working with the Building Department to fix some of the neglected items on the outside of building. There would be a potential change to the ramp and some repairs to the retaining walls. The applicant would use the gravel parking area that is on the north side of Main Street in conjunction with the street parking. We did receive several variances that were granted in August.

Engineer Queenan: We did receive the 239 from the Planning Department. The NYS DOT does not want a crosswalk. ZBA has granted all the requested variances. Historic preservation, their review is not required. I just have one last comment, it deals with the ADA space. I just want the applicant just to make sure that it meets all the current requirements where it's been proposed.

Attorney Dickover: This is a 2 part application. 1 for the site plan approval, as well as 1 for a special exception use permit. The board's decision with respect to that does have to make special findings for a church. 1 of which is the buildings and the structure should at least 50 feet from any property line. With respect to that, the applicant may ask for and did receive variances. So, that particular condition, which is number 11 has been satisfied. John mentioned that we have a 239 letter. Matter for local determination. Back in September, the board did resolve and issued a negative declaration. A public hearing is still required.

Building Inspector Stickles: There is a letter in there with the mailings and dates.

Attorney Dickover: The matter is ready to be presented for public hearing.

Member Pearson made a motion to open Public Hearing, 107-121 West Main St. Seconded by Member Thompson. All ayes. Motion carried.

Chairman Plato: I don't think there's any excavation. Also, the parking, it is within 500 feet walking distance to the municipal parking facility.

Member Thompson made the motion to waive the requirements. Seconded by Member Wilkins. All ayes. Motion carried.

Building Inspector Stickles: Rob, they're proposing a handicapped parking space on West Main Street, but it will not meet any of the ADA requirements as far as loading and unloading areas. Should this handicap slot be placed on site somewhere to meet ADA requirement?

Attorney Dickover: I don't know. John?

Engineer Queenan: I don't know. Larry should check to make sure that it meets.

Chairman Plato: How does it not fit requirements?

Engineer Queenan: It could either be too steep. handicap parking space has to be maximum of 2%. So, it could be too steep or it may not meet the loading requirements for width. A handicapped spot has that striped aisle next to it. I couldn't find anything defined in the code about parallel handicap spaces.

Member Pearson made a motion to close Public Hearing, 107-121 West Main St. Seconded by Member Wilkins. All ayes. Motion carried.

B. FORMAL APPLICATIONS:

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

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Member Thompson made a motion to grant final approval. Seconded by Member Wilkins. All ayes.
Motion carried.

Attorney Dickover: I want to note for the record that the decision and the approval will have a number of conditions, within 6 months of subdivision, needs to complete the sewer and water improvements. Post required bond through construction of public improvements. Deliver the review, approval and acceptance offers of dedication for public improvements. There will be parkland fee resolution and determination.

B.2 107-121 West Main St, Site Plan, Special Exception Use

Member Wilkins made a motion to grant site plan approval. Seconded by Member Thompson. All ayes.
Motion carried.

Member Wilkins made a motion to grant special exception. Seconded by Member Pearson. All ayes.
Motion carried.

Attorney Dickover: With respect to that motion, the applicant did prepare and submit a project narrative for this project. I will submit to you that 1 of the conditions of the approval of special use should comply with the terms of the project narrative.

B.3 Orange County Transit, Site Plan, Special Exception Use

Larry Marshall: This application is for the Orange County Transit facility. Previously, this was discussed by the board, had several comments pertaining to layout. We have revised plans to address comments to the board as well as the comments of your Engineer. We've provided the landscape buffer along the southwest side of property to buffer the proposed storage area from the neighboring residential buildings. Provided the board with truck turning diagrams for the fire trucks. Provided basically 3 different layouts, demonstrating pretty much can get anywhere with fire trucks. Provided layout of the proposed parking. Not really much of a modification to the site other than the occupancy of the buses. There are the 2 buildings that are on the site going up for approval. There are the portable restroom trailers that have been added since the last submission. That's temporary until we get that connection to the existing Village of Walden services for both water and sewer. Plans are being worked on. One of the comments that Dean had, related to the existing trailers being over property line. We do propose a lot line change associated with that location. We're just going to shift that property line to the minimum setback from the trailer. The applicant is currently working on the traffic study for this.

Member Wilkins: Will the sewer be available to them if they annexed in?

Engineer Queenan: Yes.

Larry Marshall: That will go as soon as soon as we can make that connection. The applicant is spending a great deal of money on rental on that trailer as well as pumping it out. He wants to get moving on the water and sewer.

Engineer Queenan: You're going to make it part of this site plan?

Larry Marshall: Yes.

Member Pearson: I don't see how you could amend a site plan without that.

Larry Marshall: It was part of the requirements of the annexation into the Village. There are other buildings we are having trouble getting where all the pipes are. Once we can get that, we can finalize the design.

Member Wilkins: The parking spaces by the tree line.

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Larry Marshall: Those are employee parking spaces. The buses would be located to the rear. The applicant has requested that he needs to utilize the space and is cognizant of where things are going to be. Want to make sure that there was employee parking.

Member Pearson: Is it still going to be gravel?

Larry Marshall: That's what they're proposing.

Member Pearson: How will you delineate the spots on the gravel?

Larry Marshall: The gravel wouldn't be painted. This is a schematic to demonstrate how everything would line up.

Chairman Plato: How will they follow that?

Larry Marshall: What we've provided here, obviously complies with the accessibility, but this is what the spaces in between the parking spaces are what each bus requires.

Chairman Plato: I understand. This shows that you can get that number of buses in that space. How do they know exactly where without striping?

Member Thompson: First snow storm, it gets plowed, where are the lines?

Larry Marshall: The lines are never there. It's recognition of where it is.

Member Pearson: Can 12 spaces turn into 14?

Larry Marshall: No. Everything from here *referenced map* over is currently being utilized in this fashion. Each of the buses are lined up. There are some minor modifications that we need to make. This shows how the buses and employee parking spaces are pretty much now.

Member Wilkins: Where would the snow go after being plowed?

Larry Marshall: There are some areas around some of the buildings that they can plow the snow to. Any significant snowstorm would have to be removed from the site.

Member Wilkins: I'm just concerned that the buses pick up the salt off the highways and end up on the property and in the pond.

Larry Marshall: The pond is not a very large area. There are fences around the entire pond. There is vegetation around that pond.

Member Wilkins: Dean, does that pond connect with the Olley Park?

Building Inspector Stickles: Olley Park comes through this site as a stream and ends up in the Tin Brook.

Member Pearson: Going back to the parking, if it's not striped and people could end up parking anywhere, how is the circulation through the site? It could change daily.

Larry Marshall: I can discuss it further with the applicant. He's maintained that it's not like a shopping center. These are the same people that are coming in day after day. They know where their bus is. They know where they need to park. They know the aisles that they need to maintain to make sure that each of

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the buses can leave and enter safely. The nature of the vehicle that needs to navigate through the facility, the bus, it maintains those paths for the fire truck, naturally.

Member Pearson: But what are we approving?

Chairman Plato: 3 concerns, striping, noise and traffic. I think we've asked for the traffic at every meeting, I've seen nothing, yet.

Larry Marshall: The applicant ordered it after the very first meeting you had requested it. He engaged the traffic engineer to begin the traffic study. He has not completed it, yet. I do not know what the delay is.

Chairman Plato: The noise situation. Before they take a bus, they have to do a safety test?

Larry Marshall: Yes.

Chairman Plato: Which includes backing up with the beeping.

Larry Marshall: I don't know that. I'd have to get back to you.

Chairman Plato: I am concerned about the noise. I don't know if you were here when we read that letter into the minutes.

Larry Marshall: I was not here. But I am aware of it. I can find out from the applicant whether or not you have to go through a safe check and get back to you.

Chairman Plato: Do we have sound limitations?

Building Inspector Stickles: We have a noise ordinance. I don't know what the numbers are off the top of my head.

Chairman Plato: It's probably not that good, because obviously the noise ordinance is different, should be different at 4am or middle of the night than it is in the afternoon.

Building Inspector Stickles: I think you and I did that many years ago. There's also a question of lighting. Is there going to be lighting on this site and is it going to go off site?

Larry Marshall: The applicant has proposed lighting on the property. Most of the lighting would be maintained on the facility. He is proposing one light in the corner of the property. There's other lights on the property. There are lights on stanchions, on utility poles. We discussed it with the applicant, he said he wanted one light in the corner. I didn't get any heights from him. He said it's consistent with what he has on the site.

Chairman Plato: Those are the 4 items, noise, lighting, parking and traffic.

Member Pearson: How is Dean supposed to enforce a site plan that could be changing every day?

Larry Marshall: I'll discuss it with the applicant and see what he says.

Building Inspector Stickles: The bathroom that's proposed, it's already on site and being used.

Chairman Plato: When was it put on site?

Building Inspector Stickles: 2 weeks ago.

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Chairman Plato: What did they do before the portables?

Larry Marshall: All the existing buildings, the buildings that have been had been there for 10 years, all have onsite septic systems. They're all served by their own private wells and septic systems. The 2 trailers, that were recently put there by the Orange County Transit just prior to the property being annexed into the Village, they had tanks underneath them. So, they were utilizing the tanks and then having them pumped out. I think that proved to be inadequate so they brought in the portable.

Chairman Plato: This is portable one, is that to expand the capacity for the additional employees?

Larry Marshall: It's a stopgap.

Member Pearson: They have to connect to the Village.

Larry Marshall: The permanent solution is to connect to the trailers, as well as all the existing buildings to the sewer. The trailers are a temporary fix to an issue.

Chairman Plato: The one that they just put a couple of weeks ago, they didn't have enough capacity?

Larry Marshall: I don't know.

Building Inspector Stickles: Evidently, the trailers that they were using didn't work adequately, kept overflowing. The new one that was just put in, should have had some kind of an approval or been at least connected to the Village system.

Chairman Plato: When was this annexed?

Building Inspector Stickles: Beginning of this year. That's all done except for the map being filed in the county.

Larry Marshall: Rob is it officially part of the Village?

Attorney Dickover: Not until the map is filed.

Larry Marshall: It doesn't have Village of Walden tax ID numbers. It's still identified in the Town of Montgomery until that map is filed. The annexation was approved at the beginning of the year, but the map has not been filed yet.

Chairman Plato: Who is the authority having jurisdiction over the property right now?

Larry Marshall: The Town of Montgomery says it's you. So, we've been proceeding with you with the understanding that ultimately in the very near future, the maps should be filed and they should officially be Village of Walden lots.

Chairman Plato: What's holding up the map from being filed?

Larry Marshall: I don't know the answer that. The filing of the map is all done by the previous owner.

Chairman Plato: So, Amthor's started the of annexation.

Larry Marshall: Yes and they got to go for it but then the map was never filed.

Chairman Plato: Has a time schedule been established for connecting to the sewer and water system?

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Larry Marshall: Within one year of the annexation.

Chairman Plato: Rob, is that by law?

Attorney Dickover: I don't know the answer to that either, but I think a stipulation of the annexation that it was a condition.

Engineer Queenan: The Village code requires connection to municipal sewer system.

Chairman Plato: The annexation started January 1st?

Larry Marshall: That's when it was approved.

Attorney Dickover: They have time but it may be running out.

Engineer Queenan: You can't approve the plan as it's proposed in front of you. It has to have a municipal connection or the applicant have to seek a waiver from the Village board not to have connection to the systems.

Member Wilkins: Can we approve this before the map has been filed?

Attorney Dickover: I would say no.

Larry Marshall: The intention is to try to work through the issues and try to get as far as long as we can.

Member Wilkins: Has the applicant gone before the Village board for a waiver?

Larry Marshall: No. Not yet. There were several items that they discussed with the Village Manager what they should be applying for from the Village board.

Chairman Plato: Are all of these buildings connected to sewer?

Larry Marshall: No. They all are private septic systems.

Member Thompson: The visual barrier on the fence where the employee parking is, is that for the entire length of the fence or just that portion that is marked?

Larry Marshall: That is what the applicant is proposing, between the 2 areas.

Member Thompson: It's not going the entire length of the employee parking. Those lights as they pull in first thing in the morning go into the back of the Winum house. Those lighter slots aren't used for audible.

Larry Marshall: They are not inaudible. They are reflective barrier. They will have some sound attenuation.

Member Thompson: How tall is that fence there?

Larry Marshall: I'm not sure, it is an existing fence. My recollection is 6.

Chairman Plato: John, can you give a little guidance on attenuation?

Engineer Queenan: The best way for sound attenuation is earth and berm. Then you move on from that, it's basically types of sound walls. It's difficult. They're not that far away from this house. You'd have to get

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a sizable berm. You just wouldn't want a 3 or 4 foot high berm, it's not going to do anything. You want to be at least 8 to 10 foot high with berm.

Chairman Plato: Like they do along parkways.

Engineer Queenan: Exactly. It's either a berm or you'll see the attenuated wall that basically absorbs it, bounces it back through. This would be very different application to get any sort of real sound.

Member Thompson: How tall are those trees?

Larry Marshall: The trees are 20 foot on center, but I don't have the height. I can find that out for you. We usually specify for evergreens between 6-8 feet. Is there a height the board would like to see there?

Member Thompson: If you're only going to have a 6 foot high fence with 12 foot high buses, wouldn't we like to see a higher tree?

Engineer Queenan: Replace the fence and put up something similar to a privacy fencing in combination with landscaping.

Larry Marshall: Keep in mind, the buses are tall, but the noise is not coming from the top. The noise is coming from the engine and the exhaust.

Engineer Queenan: What's the process? They come in, they clean up the bus, they start the bus and the bus idles for a certain amount of time.

Larry Marshall: These are propane powered buses. No requirement to idle. I know the applicant specifically use propane so they don't have that issue of plugging in, starting them, warming them.

Engineer Queenan: They're still going to warm them up. They're not going to just hop in the bus and drive away.

Larry Marshall: They'll probably start it when they get there, park their vehicle.

Engineer Queenan: During the winter, you have longer idling, they're going to start it up, run the heat, and take the snow off. It's tough.

Chairman Plato: How many buses are they running out on a normal day?

Engineer Queenan: And I don't know if operational wise, you can have the earlier buses farther into the site and as it gets later in the morning, use the buses closer up.

Larry Marshall: We do have the number of buses spelled out and the starting times of when they are anticipating leaving and arriving.

Chairman Plato: Total space, 122 passenger car parking, but large and small buses, there's 273. What's that mean?

Larry Marshall: What they do is, they don't need the number of passenger vehicles as many as the buses. They utilize when any bus leaves, they'll park a passenger vehicle in that space. Everyone is not showing up at once.

Chairman Plato: A rotation like that, does a driver park in the same space every day?

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Larry Marshall: Usually what ends up happening is certain drivers know have the passenger vehicle space in the employee parking spaces and others know that they have to park in the bus spot. Oftentimes what will happen is when they arrive to their bus, they pull right next to the bus, pull the bus out, and pull their vehicle in and then they take off with their bus. So, they have their vehicle in their bus spot. And when they arrive back in the afternoon, they'll do the same for their bus.

Member Wilkins: The surface of the ground is going to be shale?

Larry Marshall: It will be item 4.

Member Wilkins: My concern is when they clean off the buses in winter and plowing.

Larry Marshall: I think this kind of reiterates the board's concerns over a lack of striping as well, which I'll discuss with the applicant. The lack of striping and lack of hard surface. I understand. I'll discuss it with the applicant and see if he will commit to putting down pavement.

Member Thompson: What does the applicant use for de-icing? Road salt?

Larry Marshall: Yes.

Member Thompson: Does that go into the Tin Brook? Which obviously goes into the Wallkill. Isn't that a testing site for the DEC?

Engineer Queenan: It could be one of the sites, I'm not sure.

Larry Marshall: I have a lot of comments from the board and I do owe the board a lot of answers. I'd like to discuss a lot of these with the applicant. I'm going to request that he attend the next meeting so that he can answer better answer some of your questions.

Attorney Dickover: The annexation agreement between the Town and the Village provided the applicant here of 1 year to connect to the Village septic system. In the same agreement there is a provision for an extension of that time, if the applicant is diligently pursuing that construction. I think there is even a 3rd opportunity for further extension. It's already in the agreement. I don't think a waiver is actually required because it's already in agreement. I did send the board a memorandum dated October 8th, just to bring attention that the applicant now seeks a lot line change. Probably requires an application for subdivision with respect to that, that part of the application with the Type 2 action for SEQR purposes, so we don't need anything further. We already have a long form EAF on the site plan. This is a matter that is subject to 239 referral. I don't know that it has been made yet.

Building Inspector Stickles: I don't have an application for subdivision yet.

Attorney Dickover: You have an application to the site plan, has that been referred?

Building Inspector Stickles: No.

Attorney Dickover: Let's not lose sight of that. We need to have that referral made when you have a subdivision application. There will be a public hearing was required on a subdivision application. There is going to be a need ultimately for cross easements for access to egress and utilities on this combined site plan.

Engineer Queenan: Not to belabor the point, but Robert, on the annexation agreement, I know they gave 1 year with extensions for water and sewer, but did that include any new proposed structures that weren't there before the annexation?

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Attorney Dickover: Any new development of this lot is going to be subject to Village zoning requirements.

Member Pearson: The portable toilet that's there now.

Engineer Queenan: I think they're going to need either a waiver from the Village board to use that and those trailers or connect that to the municipal sewer.

Attorney Dickover: My position will be that the new installations are not covered by the annexation agreement.

Engineer Queenan: You have to seek that waiver for the trailers.

Larry Marshall: Yes. That's one of the items that was discussed with the Village Manager.

Member Wilkins made a motion to adjourn the Planning Board meeting. Seconded by Member Thompson. All ayes.

B.4 Architectural Review Board, 7 Main St, Sign

Building Inspector Stickles: The 1 sign does meet all the requirements.

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

B.5 Architectural Review Board, 123 East Main Street, Sign

Building Inspector Stickles: He's changing the name. This gentleman has purchased the business.

Member Thompson made a motion to approve sign as presented. 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 8:51pm

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

RESPECTFULLY SUBMITTED

Marisa Kraus, Village Clerk
Planning Board Secretary