

Village of Walden
Planning Board Meeting
December 21, 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:	Kristen O'Donnell	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 the October 19, 2020 & November 16, 2020 Minutes. Seconded by Member Wilkins. All ayes. Motion carried.

Chairman Plato: Another good job on the minutes.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B.1 Orange County Transit, LLC, Site Plan Application, Subdivision

Attorney Dickover: The application initially came in as special exception permit application. My initial memo to the board questioned whether or not it was such. I looked at it again. By my opinion, I don't see the need for that. I see that Mr. Queenan has also commented. As he's reviewing it, he's been reciting that it is a special exception use. But I don't find the requirement for it. I was just discussing it with Dean, I think we're in agreement that there is no requirement for it. Maybe the applicant wants to speak to that. But I think you're perhaps of the same opinion that you don't see the need for it. Maybe the application for the permit was put in by mistake.

Anthony Miranda: Following up on what counsel just mentioned, I took a look at it as well as I'm somewhat more new to the project. And I didn't see a need for a special session either. I did relay that to your counsel today. The use that's proposed is essentially office with parking. That's been deemed a permitted use under the schedule for this B4 district. We're in agreement with that. As part of the 2nd application we are trying to follow 2 concurrent paths with obtaining approval for improvements, but in addition, we're trying to connect this site to water and sewer with the Village. Those are the things that we are going to be talking further with outside agencies. We have been doing that for the last couple of months and have stepped up those efforts quite a bit since October. As we move forward through that process, we speak with the engineer. One of the things is the other approval that we talked about, the subdivision for the lot line. We've shown that on the plan in response to the location of the trailers with the 2 internal parcels. But one thing we wanted to touch on after this was that we spoke with the client earlier and maybe an opportunity to avoid that additional approval.

Zack Peters: I'm sure you guys remember the project when we were here last time. Did get the comments from John previously and worked on addressing the issues. The big thing, as Anthony mentioned, was the water and sewer connections. What we're proposing is basically to have sort of a centralized collection here *referred to map* for the sewer and bring everything down below to one spot and there's going to be a pump station to run up the southerly side of 52. Basically, come across as a little

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bit off this map here, tied to the last existing manhole. There's also going to be proposed water connection to bring water into the site. The water main does run across the front end of the site, on the north side of the road. Going to put a line in at the main entrance with a meter pit and then split off to serve the various buildings in this site. Those are the two main technical aspects that we're working on. We're still going to work on detail and update some of that information. The other aspect that we looked at based on comments that you guys have had last time concerned with the house to the east. What we did was we went in and looked at rearranging those passenger car parking spaces for the employees. Before we originally had this bus parking *referred to the map* going all the way up essentially to the property line and then had these spaces spread out more. We made a revision last time around to incorporate a screening buffer. We changed it up again and what we've done is we've pulled all the bus parking away from this property line towards the interior of the site, so we could accommodate passenger car parking for the employees along the area, because that's going to be a less impactful use. Then we've accommodated a proposed berm that's going to be 4 feet high and run along the property line. It's going to be 12 feet wide at the top and taper down to the existing grade. We've proposed is evergreen screening. A variety of species about 15 feet on center. The combination of the berm and the evergreen screening is intended to buffer anything from our proposed site onto this neighboring residence. There's also an existing chain link fence that runs on that property line. That has some screening slots in the first section of it. We're going to continue that all the way through that property line. That fence is probably 6 feet high. There's going to be 3 things that we're proposing there to mitigate the site's noise impacts in this area of the site.

Chairman Plato: How did you decide on the 4 foot berm?

Zack Peters: With going higher than that, it's going to take up a little bit more square footage of space on the site. We didn't want to make it too high. I wanted to make the berm wide enough to accommodate the landscaping. Also we wanted to screen the headlights of any cars. The headlights are basically going to shine into the berm. We didn't want to go any lower because I didn't think that would be as effective and I didn't really want to go any higher because I thought I was going to get a little bit too extreme.

Member Wilkins: Are all your fees been paid to the Village?

Zack Peters: My understanding is that it was all paid.

Building Inspector: The subdivision has not.

John Mensch: We can check Dean's office and I can get that in tomorrow morning. But I believe there was a check sent in the mail that Dean's office received and we got an email back from his office saying there are additional fees, but I can drop off a check in the morning to his office to make sure all fees are paid.

Member Wilkins: Last time we met, talked about lighting. We did not give approval.

John Mensch: The lights on the property were all installed by Butch from Amthor. There are light switches on each pole because this ongoing situation between the neighbor and Butch has gone back before I was even involved. Central Hudson came in and said if I switch all the interior lights and the floodlights to LEDs, they would reduce my bill and give me credit. The lights that are on the pole are in the same position, at the same height, on each pole. The only difference is an LED light. Some of the poles that are existing are still changed and turned off. Which are close to the residents of the east of the property. The lights are still there and we have pictures of it dating back from the Amthors. The lights are there and the electric is there and I can turn them on, but the only thing is anything that is close to the residents of the east, I left off and the only lights I leave on is for the employees when they walk in for the morning and late night.

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Chairman Plato: If those are from the annexation agreement, any preexisting approvals go with the property?

Attorney Dickover: I don't about preexisting approvals. But preexisting uses were deemed to be permitted uses and could continue. Bulk area requirements were deemed to have been met. Any changes to the site in the way of new construction or new facilities, would have to meet current Village of Walden's zoning. Any proposed increase in the use or expansion of use would have to be current Village zoning as well. That's why you're here.

Chairman Plato: If light poles were put up without approval, it was the Town of Montgomery's responsibility and now it's ours, what happens with that?

Attorney Dickover: I think I'll reserve my opinion on that. But I made my comment about the agreement. The agreement being the improvements that were there to be approved at the time of the annexation.

Anthony Miranda: I apologize if I'm repeating something, but the light poles that are there, have been there. Those are not new polls or new locations. They're just replacement physical lights per Central Hudson. Those conditions were all assessed as part of the annexation agreement during site visits.

Chairman Plato: I believe if there were put in and approved, then we have to accept it. But if they did not have an approval.

Anthony Miranda: So, if there was a light on the site that's been used for say, 25 years, that existed, is it the Village's position that that light should be removed?

Chairman Plato: No, it's more of a question.

Anthony Miranda: I just wanted to be clear because we just heard today that a resident nearby sent photos in. Those comments weren't factually correct. There was an insinuation that there were new installations. I just wanted to clear for the clients that that's understood. We're in the process of getting the site plan addressed with this board. We want the board to understand the applicant is trying to work with the Village. There was another comment about buses and reflection of the reflectors on the buses. Again, just to be clear that those buses aren't going to be there when the site plan is done. We're eventually removing the buses away from that property line. But in addition to that, the light that's shining on those buses is coming from the other property and triggering those reflections. It's not actually anything the bus company is doing to create that that appearance of light. I just thought that's important to point out.

Attorney Dickover: There may be some disagreement between your client's position that the polls were there at the time of their application or time of the annexation. I think the Village is of the belief that they are new installations. Anything that you have that would show the as his condition at the time of the annexation would be very helpful in resolving that concern.

Anthony Miranda: We did take a look at that today. Even as easily as looking at Google Earth from last year, you can see that the poles are there.

Member Wilkins: The property has been annexed in, John, you own the property?

John Mensch: I close in 2 weeks.

Member Wilkins: You should update the paperwork for a new section block and lot.

Anthony Miranda: We can check to see if that was done.

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Chairman Plato: I think the annexation was on or around January 1st, last year. I saw that the responsibility to the Village didn't transfer until June.

Attorney Dickover: I'll take a look and see.

Zack Peters: Mr. Plato, you asked about the height of the berm and I just wanted to reiterate with the 4 foot berm height and the plantings we're proposing it at 8 feet minimum. That's going to be a height of 12 feet. The height of the bus is approximately 10 feet. The intention is also to screen of the buses.

Chairman Plato: Let me ask you another question, what kind of reduction do you expect with the berm and plantings?

Zack Peters: We've actually reached out to a consultant that's going to complete an analysis of that for us. We should have some definitive information, hopefully in time for next meeting.

Member Pearson: Regarding the surfacing. Had mentioned it would be difficult to stripe the spaces, what is the proposed surface?

Zack Peters: We're proposing the surface is going to be refinished with item 4. One of the comments that were brought up was about the dedicated parking spaces and how those are going to be maintained and how access aisles are going to be maintained. We went through the relocation of these parking spaces, what we've done is we proposed a paved 24 foot wide access aisle. That's basically going to run from either entrance to the site and loop through to provide dedicated, no question about it, emergency access. That's going to be paved. To delineate the parking spaces, we're proposing a W Beam guiderail. We're going to install that one ahead of the spaces, stripe the edges of the spaces on the guardrail or denote them with numbers or something along that so there's a very clear indication of where the emergency access is and where all those parking spaces are. I think that's a reasonable solution to what the board was looking for and I think it works well with how the site is.

Member Pearson: How does the surface of item 4 compare to what's out there now? I drive by it every day and when it's rainy or wet, there are mud tracks in both directions for a while. Is item 4 out there now or is it just dirt?

John Mensch: Item 4 is there now. When they do the paving for the emergency loop, the driveways will be paved. So, there'll be no traction of dirt onto 52.

Zack Peters: The buses, with the exception of a couple areas, will only have to pull up and drive onto this interior paved aisle.

Member Pearson: How much item 4 is out there now?

John Mensch: Whole site is item 4.

Member Pearson: Are you adding to it?

Zack Peters: Basically, it's resurfacing what's out there. In the grand scheme of things, the overall disturbance, it's essentially going to stay the same. It's going to go down a little bit. Right now, the gravel runs right up to the fence of the property line. We're going to pull that back and make some vegetation. The total disturbance, I believe, is about half an acre. Which includes expanding some of the gravel areas and that removal of gravel along there *referred to map*.

Member Thompson: Do you plan on getting a sweeper?

John Mensch: Never thought of it. It's a good idea, I can look into it.

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Member Thompson: Only because you were very definitive when you said that no item 4 would be brought out to 52. I guarantee you, it will eventually be dragged out.

John Mensch: It's not going to be 100%. Right now there are dirt marks on 52 as buses or trucks or tenants pull out. If we paved it from 52 all the way in, yes, you're going to have some, but not like it is now.

Member Pearson: But there are puddles at the entrances too.

Member Thompson: I have almost the same setup at work and we have to have a sweeper because we get in trouble with the state for bringing debris out onto the state highway. I'm just suggesting right now.

John Mensch: I never thought of it, but it's a good idea. I do have a machine on site so I can make the attachment, the hydraulic and I can use the machine.

Member Pearson: The buses are the western entrance and the eastern entrance is just vehicle?

Zack Peters: Correct.

Member Pearson: Has the state weighed in on any of that?

Zack Peters: Not yet. We made the submission to them on this plan that we submitted to the board. Hopefully we'll get comments back on it, on everything. We did also submit to them the traffic study that was done.

Member Pearson: Out of curiosity, you have potholes in there, so how much is out there now?

John Mensch: It's probably a 3 to 4 inch base, right now. But with the plowing and the snow and stuff, it makes the potholes. As it dries up, we'll fill in the potholes with some more item 4.

Member Wilkins: Where is the water going to run off?

Zack Peters: For the drainage on site, right now everything essentially runs down to the center of the site and then comes into this area *refers to map* which is where it is discharged from the pond.

Member Wilkins: Any water running off into the pond?

John Mensch: The whole site basically slopes down to the middle. There's drainage from off site that comes back here from the pond. It comes down into this existing culvert. That's all other than this little area where the small pond is, that's all drainage passing through from off of our site. Our site comes down and basically gets pulled down through here. It doesn't enter this culvert based on the topography. Then there's another culvert over here that brings runoff from this way. They both this charge right here. There's a small section, which is sort of a deep swell that runs through there and runs into a manhole on 52 and it discharges north.

Member Thompson: Dean, is that the drains into the Tin Brook?

Building Inspector: Yes.

Member Thompson: Is that where the DEC does their samples?

Building Inspector: Yes.

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Member Thompson: Take all the chemicals and salt and put it in there, into the Tin Brook and then sewage plant is where we get a sample. Is that how it works?

Building Inspector: I believe so. I'm not really 100% sure. Any run off will end up in the Tin Brook.

Member Thompson: How many tons of salt do you buy a year?

John Mensch: Not a lot, but I can get you that number.

Member Thompson: I'm sure you start off with about 5 tons, right?

John Mensch: It's a small pickup truck that we use to drive around in the yard.

Kristen O'Donnell: Is that salt stored on site?

John Mensch: No.

Member Pearson: So, there's only 3 inch base of item 4?

John Mensch: There was item 4 there before I put the 3 inch base. I don't know how deep it is. Over the years, Amthor had put base down of item 4 there could be 8 inches, I don't know.

Member Pearson: I'd be curious to know, you've got all these sink holes. Is it just the plowing or is it something where you really don't have a solid base and it's just kind of happening.

Zack Peters: I'm confident saying there were some out there and then John put more down. The entire site has been, I'll say, gravel surface of whatever sort of whatever depth for the historical imagery. Google Earth goes back to 1994 and it's the whole site back to then. The base of what's out there has been there for a while. I'm sure they have added to it over the years. When we do the resurfacing, it'll be graded to level. Obviously, I understand that the board is concerned, but having big potholes and puddled water at the entrance doesn't serve the applicant either.

Member Wilkins: *referring to the map* Who is going to be parking there?

John Mensch: The employee's cars. No buses.

Member Wilkins: I went by today and there's a whole lot of buses parked there.

John Mensch: Yes. Those buses are all parked there, but when we get approval we'll move those buses out and put the employees there.

Chairman Plato: Why wouldn't you move them before the approval? Maybe take a little heat off of the neighbors.

John Mensch: These buses don't move every day. They are extra. It acts like more like a sound barrier for the backup beepers, which we talked about in our meeting. They're double deep.

Member Thompson: Do the buses have kill switches?

John Mensch: No. It's against the law. Even the decibel of the noise level, has to be a certain amount of notches.

Member Wilkins: Where are the buses going to be clearing off the snow?

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John Mensch: Right now, what happens is we put all of snow up against the property line. Then in another area it's up against the building where there is no entrance or driveway there.

Member Wilkins: Are they going to be clearing it off in the spaces?

John Mensch: Yes. When we plow the driveways, we then move a section and plows it and then we put the buses back and we keep doing that throughout the yard.

Member Pearson: The proposed lighting plan, can you walk us through?

Zack Peters: There's existing lighting on the site and it's pretty much, other than the polls that we were talking about earlier, we're proposing 4 poles to light this improved parking area. They're set back. These have been pushed back so they're on the easterly side of the parking spaces so that they can face to the west side, to basically shield from the residents. Then I added the levels here so the little bit of light that's going to be thrown back from the lights is going to fall on to the berm, but it's not going to spill over the property line. We didn't include the existing lights on there. They're a little bit harder to analyze just because of orientation sites and things like that. If that's something the board wants, we could probably do it. It's going to be a little bit of information to gather.

Chairman Plato: Handicap spaces, are they required? How many?

Kristen O'Donnell: Yes. It's based on the square footage of the building.

John Mensch: Those spaces will be closer to the building for the office staff.

Chairman Plato: The concerns in the beginning were noise, lighting, parking and traffic. Noise is a tough one. Lighting, I have no doubt that could be taken care of. Traffic, I saw the traffic study.

Member Pearson: Did Lanc and Tully review it?

Kristen O'Donnell: We reviewed it, but they've also sent it to the DOT for their review and comment.

Chairman Plato: Parking, how do you keep it organized? A lot of logistics.

John Mensch: Yes and no. Each bus is numbered and then each parking lot spot will be numbered. And that bus will be assigned to them.

Chairman Plato: There should be a narrative on your plans.

Zack Peters: I have all of that on the project narrative and I'm going to add a couple of details about the guardrails and the demarcation.

Member Thompson: Do you plan on doing any fence repair?

John Mensch: Yes.

Chairman Plato: Can you go through the traffic study?

Zack Peters: I will do my best. What he was looking at was the level of service at the entrances and how the timing of the employees coming to the site and the buses exiting. As it relates to the existing traffic patterns during the school year. I think the biggest thing they looked at was the level of service at the access points. From what he found, the level of services, minimal delay for people waiting to turn at the intersection. I think it's a level of service D. Was there something more specific that you were looking for?

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Chairman Plato: How did they do the study? Where did they get the information from?

Zack Peters: The information that the owner provided was number of buses and the timing of the buses that leave. We provided that to the consultant.

Chairman Plato: What about the traffic on 52?

Zack Peters: That's something that you could get from DOT. Traffic counts and they have studies. This one is from 2015. He has one that is DOT Traffic volumes 2019 during the school year.

Chairman Plato: Just wanted to make sure it was pre-covid.

Zack Peters: Yes. I'll double check that and confirm.

Building Inspector: I would ask that there is no more work done there until they get approvals.

Anthony Miranda: Yes. We haven't done anything since we met.

John Mensch: Am I allowed to fill the potholes?

Chairman Plato: I would say that's fine.

Building Inspector: That's maintenance.

Zack Peters: Was there something in particular that came up?

Building Inspector: Just the article and comments about the lighting that was put on. One pole does look brand new. If you look at the 2nd entrance, the pole to the right. That a brand new pole there. When it was put in, I don't know, but it's brand new.

John Mensch: I'll get pictures of aerials of all the poles from Amthors.

Building Inspector: My only concern is any lighting that you have on the site right now is potentially disturbing the neighbor that lives in the Town of Montgomery. If there's any way you can get the lighting plan to the board so they can look at it, so that we don't have these continuing emails and pictures.

Anthony Miranda: We'll certainly go back again to look at all the poles and lights because we want to make sure. But I think sometimes people are going to make comments with their own agendas. So, we're going to do our best to respond.

John Mensch: We're going to hire a consultant, too, so we can get a full report of what's existing and what's proposed.

Attorney Dickover: Mr. Plato, you had asked about the annexation agreement. This was a land use and zoning agreement between the Village and Town and it was made January 7, 2020. It recites the various parcels and how they were used. I don't see any further dates in here other than dates for connection of the water and sewer to the Village of systems. There's a bunch of execution dates, but it was made and the uses were effective that date.

Member Wilkins: When do you expect responses from the other agencies?

Anthony Miranda: We would be disingenuous to guess at this point when we will receive responses, but I can tell you that we're pushing very hard. I don't have a concrete answer for you, but any information we get, we'll pass along immediately.

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Chairman Plato: I think I'm satisfied with the parking now. The main part is the noise. What do you think the reduction would be?

Zack Peters: We did what we could proposing mitigation and turned it over to the consultant and get some actual numbers.

Chairman Plato: Question, would you have to go back to the Village Board to get an extension on the water and sewer connection?

Zack Peters: I'm going to be reaching out to the Village Attorney this week to have a conversation about that and talk about dates and what the most appropriate way to proceed is.

Member Wilkins made a motion to reschedule the Planning Board meeting for January 25, 2021. Seconded by Member Pearson. All ayes. Motion carried.

B.2 Overlook at Kidd Farm, Extension Request

Member Wilkins made a motion to extend to June 30, 2021. Seconded by Member Pearson. All ayes. Motion carried.

B.3 Overlook at Kidd Farm, Review Bills, Dickover & Lanc & Tully

Member Wilkins made a motion to approve invoices. Seconded by Member Thompson. All ayes. Motion carried.

B.4 Architectural Review Board, 42 S. Montgomery St, Suite 2, Sign

Building Inspector Stickles: Meets all the requirements.

Member Wilkins made a motion to approve sign. Seconded by Member Thompson. All ayes. Motion carried.

Member Wilkins made a motion to adjourn Architectural Review Board. 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 8:33pm

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

RESPECTFULLY SUBMITTED
Marisa Kraus, Village Clerk
Planning Board Secretary