

Village of Walden
Planning Board Meeting
March 15, 2021

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

Member Wilkins - Called the meeting to order at 7:30pm.

1. APPROVAL OF MINUTES:

Member Thompson made a motion to approve the January 25, 2021 Minutes. Seconded by Member Muehlen. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

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

Jerry Jacobowitz: Resolution that's been finalized, as I think everything in it that engineering team, legal consultants have reviewed and want to have it. Hopeful that you can pass the resolution so we can go to the next level.

Attorney Dickover: Since February, have gone back and revised the resolution a number of times. John and I worked at it, shared our edits with Jerry. We finalized a version today. That was given to Dean for circulation to you for this evening. Hopefully you had a chance to read it. A lot of the language should have looked very familiar. If the board is ready to act, the resolution is ready for your action.

Member Thomson: I know that Jerry had some language differences, has that been taken care of?

Attorney Dickover: It's been resolved to my satisfaction. John and I have worked extensively on the resolution at this point. We think it's an acceptable form at this time.

Building Inspector Stickles: Are all the approvals still current? Does he have to seek renewals on any of them?

Attorney Dickover: A number of the approvals that were obtained have expired, to the extent that they have expired. We've referenced that in the resolution and they are now called for as further conditions to this approval. They are spelled out as specific conditions to the approval and the time by which they are to be obtained. Whether that is prior to any site work, prior to any issuance of building permits, prior to issuance of any certificates of occupancy. They are spelled out in the conditions so that your office should know what is required before you can sign off on the project.

Member Thompson made a motion to adopt the resolution for Overlook at Kidd Farm. Seconded by Member Pearson. All ayes. Motion carried.

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B.2 Falcon's Rest, 126 North Montgomery St, Site Plan

Zach Peters: I think as far as I'm aware, we're good with everything as it stands now. I think you guys just wanted to button up the language of the resolution.

Attorney Dickover: This also goes back to the February meeting where the board directed us to prepare a resolution. Again, John and I have worked on it extensively. I did send over to Zach's office this morning, a draft of what I think you have also now seen. Is it acceptable to your office or do you need it to be tweaked?

Zach Peters: No, Larry looked at it and was good with everything.

Attorney Dickover: John, unless you can think of something that we missed, I think this would be ready for action also.

Engineer Queenan: Correct. The only outstanding item is the Architectural Review Board and an estimate for the landscaping. I think we changed the estimate just to say that approval with concurrence with myself, Village Attorney and Village Board.

Attorney Dickover: We did take out the amount and just in an amount satisfactory to the Village Board, Village Engineer and Village Attorney. That is resolved. The other issue was the Architectural Review Board, which has not been presented to you and so the resolution was drafted in the alternative. Whether it would be approved tonight and the applicant would have to come back to you sometime prior to construction to get ARB approval. Or perhaps if there was going to be a presentation to the ARB this evening, you might actually act on that tonight, which then we would accept that portion of the draft resolution. So, it was prepared in the alternative.

Lou Donnelley: I brought all the stuff, I submitted the samples to Dean last week or the week before. I brought some materials that we're using. But the rendering that I have is really close to what we're looking to build.

Member Wilkins: Back in July, you answered comments from the Fire Department. They had three comments. The hydrant, the FCC connection and second entrance.

Lou Donnelley: We worked it out with the Fire Department. What we're doing is trying to get an access gate out of the trailer park.

Engineer Queenan: The fire department followed up with some additional comments from the last meeting. They've been dressed on the current plan. The ones from July were taken care of. Fire Department reviewed that again, provided additional comments. There's interconnection between this property and the trailer park, will be provided with an emergency access and then a few of the hydrant locations were relocated to where the Fire Department would like them. Fire Department Connection, was relocated and I believe the detail of the hydrant was adjusted to their standard.

Attorney Dickover: It seems with that response, No.7 the spell of the conditions, probably cross off the second alternative if you're going to act on this, if not come back and make a change and bring it back to you. But if you're going to act on it tonight, we will strike the second alternative. I also note that the date in the next to last page is still calling for the February date. Go ahead and change that before you sign it.

Member Thomson: Any news on the state?

Zach Peters: Still waiting.

Member Wilkins: When do you expect to get a response?

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Zach Peters: It's just in terms of the land donation. Realistically, I'd say a year.

Attorney Dickover: Currently, it's written in as a condition that they have to obtain it. The changes for the Fire Department, are they shown on the plans that we reference today in the resolution?

Zach Peters: I'm not sure. I would have to check on that.

Engineer Queenan: These are from January, February. So, there's probably going to be a new set.

Attorney Dickover: I don't know what the board's going to do this evening, but we probably need to then incorporate that in our plans that are referenced.

Zach Peters: I have the latest plan set with the Fire Department comments dates 3/8/21. I can add the revision date of tomorrow.

Engineer Queenan: I think for consistency, I would just maybe just put a last revision date on all the sheets. March 8th. That way we know we have one complete set.

Member Pearson made a motion to adopt the Resolution as prepared with conditions. Seconded by Member Thompson. All ayes. Motion carried.

Member Pearson made a motion to adjourn the Planning Board meeting and open the Architectural Review Board meeting. Seconded by Member Thompson. All ayes. Motion carried.

B.3 Architectural Review Board for Exterior of the Building at Falcon's Rest

Member Thompson made a motion accept the plans and materials as presented by the applicant. Seconded by Member Muehlen. All ayes. Motion carried.

Member Pearson made a motion to adjourn the Architectural Review Board meeting and reopen the Planning Board. Seconded by Member Thompson. All ayes. Motion carried.

B.4 Orange County Transit, Site Plan

Anthony Mirando: Since February, we didn't make another submission because we are still working with staff to get formal comments back on our last revision of the plans. John was able to meet with Zach last week to go over the plans to get some initial feedback from the DPW on the sewer and water connections. We wanted to update you on the sewer water connection progress. Orange County Transit has been pursuing this connection for a while. They made filings back over 90 back in December, with a number of the outside agencies, including the DPW, Department of Health and County, the New York State Department of Transportation. We've been pestering people and following up as best we can. We actually got an update from the DOH that the project's been put in the queue for review as of March 4th. The State, we got a response back on the 5th that it's been put in the review queue as well. There's a backlog at the moment, so we don't have a tentative date to get those responses. But we know it's in the queue. We also wanted to touch on tonight on where we're going next. We plan to make another filing for the April meeting after we get some more formal comments. Before that, we also want to talk through the noise analysis that your consultants will be doing. We also wanted to offer the opportunity that our noise consultant coordinate directly with your consultant just for efficiency purposes and trying to get on the same page so we don't waste too much time going back and forth. But certainly didn't want to be presumptuous for that.

Member Wilkins: Has Orange County Transit officially closed on the property?

Anthony Mirando: No. They are under contract, but I don't have any information on closing.

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Member Wilkins: Is there a reason why they can't black top the entire property and stripe it? My concern is if you black top a portion of it and have item 4 outside. Item 4 will settle and when you plow, it's going to take up that black top. We don't have a project in the Village that hasn't been blacktopped. It identifies where the cars are parked. I've stopped by the property and I could see that there was a lot of water accumulation. This way will eliminate that.

Anthony Mirando: The design that has been put forth and the layout does address some of those concerns in terms of location of cars parked. There are markings on the rails that they're putting in. The blacktop area has been identified for purposes of emergency access and circulation. I guess it's something we can continue to look at. It didn't seem like something that was necessarily desirable to have the entire area blacktopped versus having it in somewhat impervious material. We'll look at the site plate on that. I think part of my thought is, is that the entire property is being used for parking for the generation. It wasn't completely blacktopped. So, it wasn't really part of the thought process going forward. They've had substantial vehicles on property forever. I guess it's unusual to also be asked blacktop all that. It's usually asked to not blacktop all that.

Zach Peters: Basically, you're talking about blacktopping the spaces, not the aisle, as opposed to the way we have it now. We'll continue to look at that. We originally proposed the pavement for dedicated emergency access and we'll take all that into account.

Member Thomson: It's definitely easier for striping and maintaining the parking spaces.

Anthony Mirando: We'll follow up on it coming into our next meeting.

Zach Peters: John and I met last week for a work session to review your comments from Fred Perna from DPW. We're working on those.

Member Wilkins: Is the property officially in the Village?

Anthony Mirando: The tax maps were updated.

Zach Peters: I reached out to the County directly to make sure of the new tax parcel information.

Member Thomson: The empty trailers, oil trucks, what's with that property? Are they allowed to have that?

Building Inspector Stickles: 82 and 81, those lots should have nothing on them until they get approval through the Planning Board, which they're working through.

Member Thomson: But they're there now.

Anthony Mirando: When you say nothing on them, you're talking about the 2 eastern parcels?

Building Inspector Stickles: The 2 parcels by the Winum property.

Anthony Mirando: When you say there should be nothing, I'm just confused because they are identified when they came in.

Building Inspector Stickles: They are working toward resolve.

Anthony Mirando: I don't want to leave that statement out there. They're designated parking areas.

Member Thomson: When this whole thing started, those tractor trailers weren't there up against the fence. They just recently appeared.

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Building Inspector Stickles: What he is referring to is prior to all of the buses coming from Maybrook to here on the fence line that divides the property owner in the town, to the property owner in the Village. There was nothing parked there. Now there are buses and trailers and all kinds of items being parked right there.

Member Thomson: It's just they shouldn't be there. That's right up against the Winum property. That just recently over the past couple of weeks appeared. I'm not trying to put you on the spot here, but let's try to be a good neighbor.

Anthony Mirando: This applicant, Orange County Transit, is doing more for that property boundary than any time in the history of that site with the new proposal, with landscaping, with fencing, with berms.

Member Thomson: What's been going on there all these years that you've been claiming should have been taking care of a long time ago and it wasn't.

Anthony Mirando: I want to make sure that that's the goal of this tenant of the property. The only point I would make is, that side of the parcel was designated as a parking area when it came in. It's a balance. But I have to tell you, this applicant is not shying away from it. That's why we're here trying to do more.

Member Wilkins: There was the lighting issue.

Anthony Mirando: The lighting is being fully reviewed with the engineer.

Member Pearson: Anything going on with the sound?

Anthony Mirando: We didn't want to be presumptuous, but we'd like to know if it's okay with the board, to allow our consultant to speak with your consultant directly.

Engineer Queenan: I met with Zach last week with Dean and thought it was better to go through the plan rather than have another comment letter and this back and forth. I met with Fred a couple of days prior to that. Went through the plan with him for water and sewer. Any of his other concerns. Got those listed out. Met With Zach. We went over basically the site plan as a whole, water, sewer, touched upon lighting, landscaping and the noise. Gave Zach a pretty good list of what he'll probably be coming back with. The noise study, our office is coordinating with the noise consultant, who is currently reviewing the report that the applicant prepared. Once he's done with his review, we will get those comments to the board and to the applicant for him to address within his study. That's how we'll run with the noise for the moment. If there's any at any point, the applicant will be involved fully. It's going to be his study that will be commented on. We're not going to be producing our own study to compete with this study.

Member Wilkins: Do you have any further comments that we haven't addressed?

Engineer Queenan: At this point in time, no. The applicant is kind of stuck right now, we're waiting for responses from mainly DOT in order to facilitate the SEQR process. They're the last remaining agency that we haven't heard from and that deals with both the traffic and the improvements. I really want to hear back from them as to what they think and their review of the traffic study. The applicant prepared the traffic study, I agree with their findings. However, DOT is the ultimate permitting party there and will make the ultimate decision on the improvements.

Member Wilkins: The water potentially running off into the Tin Brook, should DEC look at this?

Engineer Queenan: You have the Olley Park pond runs to the rear of this property, where there's a small pond and then that is routed through the property via culvert and ditch. That is not showing up on any DEC mapping as wetland or classified stream. So, there's really no involvement from them, from

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permitting or wetlands standpoint. There's nothing under their jurisdiction. The applicant isn't proposing to disturb any of those areas. I was made aware recently of a comment that the board received from the neighbor regarding drainage. We'll be looking into that to see what, if any, concerns or issues that they may have. There is a common drainage pipe that links the two properties together. I haven't evaluated yet, but I'll take a look at it.

Member Muehlen: It was brought up last meeting, the existing chain link fence, is that going to be removed?

Zach Peters: Yes. We're committed to removing it.

Member Wilkins: Is the contract of sale based upon the approval of the Planning Board?

Anthony Mirando: I'm actually not the transactional lawyer. I don't have that answer. What I would say is that Orange County Transit is a tenant of the property. They're improving their facility regardless. I don't have any update on closing on the property.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION:

5. MEETING ADJOURNED at 8:20pm

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

RESPECTFULLY SUBMITTED

Marisa Kraus, Village Clerk

Planning Board Secretary