

Village of Walden
Planning Board Meeting
July 19, 2021

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Absent
	Zac Pearson	Present
	John Thompson	Present
	Jennifer Muehlen	Present
Alternate:	Basil Stewert	Absent
Building Inspector:	Dean Stickles	Absent
Village Attorney:	Robert Dickover	Present
Village Engineer:	John O'Rourke	Present
Secretary:	Marisa Kraus	Present

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

1. APPROVAL OF MINUTES:

Member Wilkins made a motion to approve the June 21, 2021 minutes. Seconded by Member Muehlen. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 Orange County Transit:

Anthony Morando: To get started, we were here back in June as the Planning Board completed the SEQR process. Since that time, the engineers followed up with the DOH and submitted a county compliance certification form. We also know that the Village completed the notice for the public hearing back on July 2nd. They mailed the notice, and then published in the newspaper. We also sent a few additional notices just as a courtesy. Here is an affidavit for the additional notices that were sent out. We've been here for over a year now. We appreciate all the work the Planning Board has done. During this process we received feedback from the community and tried to incorporate that into the process as we went forward. This site is an existing property that is now in the Village. Was previously in the Town. It operated as a large industrial commercial site for many decades. Orange County Transit is a school bus storage facility with offices and parking, among other components. Orange County Transit is operated at this site for a number of years. What Orange County Transit is proposing to do now is they're seeking a site plan approval from this board to delineate parking and address circulation in terms of the site. In addition to that, there's related improvements they're proposing as part of their existing facility and answers to the parking areas. Generally they include new paving areas, striping, modified lighting, a modified lighting plan to address some of the new lighting, strategically placed screening along the easterly property line and fencing and a natural berm, as well as replacing the fencing and some acoustic measures along the southern property line. Just so everybody's clear with respect to the environment review process that this board completed, we did include a sewer and water connections to this property to the Village facilities as part of that evaluation.

Zach Peters: This is a site plan for an existing facility. Orange County Transit is looking to expand number of buses and employee parking spaces on the site. What we're looking to do is pave a portion of the site that will be utilized for parking of employee vehicles. With the existing entrance, remove some of that material that's there now and pave that entrance out to 52. As part of that work, we're going to be connecting to the Village water and sewer. There's multiple existing wells and subsurface disposal

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systems to serve the existing facilities. Those are all proposed to be removed with the water and sewer connections that are proposed. In terms of the lighting, proposing to remove some of the existing fixtures on the easterly property line. Light poles on that side with several existing fixtures on them. We're going to remove those fixtures and propose new lighting plan in expanded parking area with fixtures that have a mounting height of 18ft. They're going to be downward facing as opposed to the existing lights that are angled anywhere between 75 and almost 90 degrees. In terms of sound and visual impact, we're also proposing a 4 foot high berm along the easterly property line. It's going to be landscaped with an 8 foot high fence. There are going to be plantings on the easterly side of that fence that will face the adjoining property. Remove the existing chain link fence along the eastern property line that is currently in disrepair. That will be removed entirely and replaced with the berm and fence. Along the southerly property line, they're going to replace that fence and install an acoustic fence to reduce the noise impacts on the park.

Chairman Plato: A major concern on this application was sound.

Tom Baird: Some of the methods that we're going to do here is build a berm along the easterly property. The berm will cut off noise level by more than 10 decibels from the site. Will get you much below what is occurring on 52 at the same time from the regular traffic that is there. Berm will have a fence on top of that as well. It will be attractive and work very well. On the southern side of where the park, the applicants are going to park the buses that are not being used at the time, not all of the buses will be operating every day, along that side. The buses that come out that morning at each location will come from the more interior of the site. The back alarms that could be heard at the outskirts, are going to be moved to a centralized location on the site and they'll be tested before they get onto 52. Not in the parking spaces closest to the property line. On that fence, there will be a new fence put up on the southern border. That will be a sound attenuating factor that works on the higher frequencies. It doesn't work very well on the lower frequencies. The manufacturer claims about 25 to 28 decibel decrease. I've seen it and I can say at least 15. Which brings us much, much below the maximum level sensitive time period. When I was out there, I measured levels of about 54, 56 decibels. The majority of that noise was from birds and insects. With that background level, buses still were not any higher than what I measured on the other side. With that all these measures together, the sound actually should be less than it is now coming from the site.

Chairman Plato: It's safe to say the sound level in the future, provided that this is approved, will be less than it is now.

Tom Baird: It will be on most occasions. You're going to have an instance when something that a noise comes out just like with anything else.

Chairman Plato: Some of what was discussed was disable back up warning, but state law says you can't do that. Also the horn.

Tom Baird: Yes. The way the law reads is that the bus prior to being parked after dropping off students, the horn and the backup alarm has to be tested prior to the driver leaving the vehicle. The next time it's operated, that driver is required to test the backup alarm and horn again before the can be moved. The buses that are parked at the southern are the ones that are going to be operating that day or time period. they're going to bring those other buses towards the middle of site, operate them there and it

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won't be at the property lines. Another thing that was asked is the number of buses. When we did the measurements in January, there were approximately 80 buses that had left the site. Question came up concerning the additional buses. Really came down on conversation of what's practical. If you take 80 buses and you take 160 buses, that's 1 bus every 22 seconds. We know that's not really practical. And even if it is, noise levels would likely increase approximately 3 or 4 decibels. Humans could barely to hear the difference between 3 decibels.

Member Wilkins: The tractor trailers that are there up against the wall. The tanker and several trailers. What's going to happen with those?

Zach Peters: Those will be removed. I'm not sure what you're saying on the tanker but if it's not part of what's being proposed on the site plan, it's going to be removed.

Anthony Morando: This is also not a typical large parking lot, for example, like a Dollar General, where you have a public coming in parking and going to the store. This is an internal bus facility parking and storage area and it will be maintained as such as. Probably distinguishable from some other large parking lot areas for that purpose.

Engineer O'Rourke: I did speak with Mr. Queenan, who is generally okay with it. The interface of the item 4 and the blacktop. Would it be possible, again, maybe put up signage like "raise plows"? A lot of times you would see where there's an interface that just give a little reminder to the driver to raise the plow. Potentially that would resolve that issue.

Chairman Plato: Is there any way that we could begin with a maintenance bond?

Attorney Dickover: These are all private improvements, so a maintenance bond really wouldn't be appropriate here. If it breaks up to the point where it violates the conditions called for on the site plan, that would be a matter for the Building Department's enforcement. It would be an order to remedy.

Member Pearson: Have you heard anything from the DOT, yet?

Zach Peters: No, unfortunately not. I'm going to reach out again and try to get some sort of answer. We're waiting on approval from the Department of Health, but again, we had technical comments from them and anticipate that there won't be any issues.

Laurence Winum: I'm the neighbor to the east and the question I have, is there a time frame with moving the buses and building the berm.

Attorney Dickover: No certificate of occupancy for using the premises as called for under the site would be allowed until all of the conditions called for any approval, including construction of the berm, the sound attenuating fences were installed.

Laurence Winum: From my property, a creek that ran through that property, in the 60s. Later on they put pipes and then covered the pipes. I have 36 inch pipes on my end going through their land and 24 on theirs. We get very heavy floods every 5 to 10 years. I've been there for 3 really big floods. A 24 inch pipe can not take it and it can't go in the berm. So, water would flood my land.

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Zach Peters: John Queenan asked us to look at the conditions of the existing pipe. I know that based on historical aerials and the sites within its existing condition, dating back to 1975. I can't speak to the condition of the gentleman's property. I haven't seen it yet.

Chairman Plato: How long is that pipe on your property?

Zach Peters: The property has been a gravel storage yard based on the historical aerials dating back to 1975. I can't give you a definitive timeframe.

Laurence Winum: The pipe starts at the end of my property and beginning of that property and leads into the creek that goes under 52 and hits the Tin Brook.

Chairman Plato: Concerned that in a heavy storm, it can't handle the volume.

Laurence Winum: About 5 years ago, the property west to me was totally under water.

Chairman Plato: I think that has to be addressed.

Member Wilkins made a motion to close the public hearing. Seconded by Member Muehlen. All ayes. Motion carried.

B. FORMAL APPLICATIONS:

B.1 Orange County Transit

Zach Peters: The particular area that you're talking about, there's no record of it. There's a question of what is there to be expected by to either confirm or deny what they're saying or to address it.

Member Thompson: That plan has been there since 1975?

Zach Peters: Yes. Best I can tell based on historical aerials.

Member Thompson: I went on the Winums property, walked the whole fence. As far as addressing it with the berm, you can just put it right on the top of the existing.

Chairman Plato: I think with the berm, not responsible for the water coming someone else's property.

Attorney Dickover: That will depend on whether or not there's drainage easement for the pipe, who owns the pipe and who owns the drainage easement. I don't have enough information to answer your questions to who's liable, who's responsible.

Engineer O'Rourke: I think it would be easy enough for Zach to do a quick drainage calculation to see if the 24 inch pipe can handle.

Engineer O'Rourke: One thing on the berm design, part of trapping water on the side of it, the base of the berm is going to be at the existing ground level that it is today. So any water that come up against the berm, will travel along the same elevation. Whatever comes from a pipe on the site facility, still ends

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up at the same place because the berm is not going across 52 or in anybody's property. The water won't get trapped anywhere.

Chairman Plato: One of the things I looked at was the zoning. Accessory parking, is it part of the accessory office?

Attorney Dickover: The language that I believe came out of the annexation agreement. The Village would view the parking is being accessory to the office suites.

Anthony Morando: My interpretation, is that it's the business and then that's part of the business. We will address the comments and be back.

B.2 23 Grant St, Site Plan:

Ross Winglovitz: We've made provisions to the plan. Gave additional copies to John's office this evening that we'll be glad to discuss. One of the big changes that we made was one of the exits from the carwash into the vacuum area. There was a spot right where the crosswalk is now. Moved that over to provide more room for the turning movement in the back. Additional detail information was provided.

Member Muehlen: One of the things that was brought up was the turning as you exit the car wash into the vacuum area, is there enough room?

Ross Winglovitz: Yes. We moved that first spot over, further away from the car wash to make it easier to make that turn. It was actually very close to the car wash itself.

Member Wilkins: More than 30 years ago, Wayne Sheeley came before the Planning Board, part of the approval was that the exit onto the street was closed off for the winter time.

Chairman Plato: That was the original.

Ross Winglovitz: Yes, it was closed off for a while and they used to divert, but I think with the way they dry the cars now they don't have any problems with icing or cars exiting onto Grant St.

Chairman Plato: I'm still trying to figure out how it changed from the original approval.

Ross Winglovitz: I thought it was a seasonal restriction.

Chairman Plato: Number 6 on this report says license plate recognition. What is that?

Ross Winglovitz: There was an overhead reader, it's going to be incorporated actually into the pay structure. There will be just a little canopy over the pay structure to protect the people paying. That'll give us a little more room to prove that movement coming in. You can register your plate and just drive up.

Erjon Popillo: The license plate reader is really a camera. It just reads and sends it to the computer, it's fairly new technology. There's two ways to do that. You can see with the camera to view the plate or a

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bar on top when customers come in and reads. It's all part of the same thing so you don't see anything. It's really small.

Ross Winglovitz: It's very similar to what they have on the thruway now.

Member Wilkins: Number 12, the pedestrian walkway.

Ross Winglovitz: There was a concern about pedestrians crossing from Grant Street. How do you get from Grant St to the facility? We've moved over the vacuums, created a larger sidewalk area and landings and put a striped crosswalk to Grant St so that people could put in a wash, walk to Sweeney's and come back down and have a spot to cross. John Queenan had a question about Grant St driveway, should be revised that the traffic will not go over or conflict with the existing sidewalk that's not part of the drop curb area. We're not proposing to make any modifications to that. Wasn't sure what the concern was.

Engineer O'Rourke: But there's not a drop curb there now, I think his concern was that the traffic, that you might be jumping a curb.

Ross Winglovitz: With the cars coming out of the back of the vacuum area, it's a concrete ramp right now with a drop curb on the western end and a telephone pole on the eastern end. We'll take a look at that. John had a question about the Cherry St entrance. Concerned about the width of that. We showed a car movement in there. Moving in is not really restricted. You're talking about box trucks, they don't have many come in at all. They probably need to trim back the island a little.

Engineer O'Rourke: When you're doing the turning, just confirm the site distance. Make sure that there's no obstruction there.

Ross Winglovitz: 11 is dumpster enclosure. Will use the existing dumpster closure. We're not proposing to change it. It's been there.

Engineer O'Rourke: It's your dumpster and it's on someone else's property. I don't think we can just say that it's been there. You're here for revised site plan. I don't know how we can just ignore that. It's pointed on the plan that it's on someone else's property. I think somehow we have to resolve that.

Ross Winglovitz: Will see what we can do. The concrete padding is actually where they remove the sediment that collects the car wash. It's stored there and it's picked up on a regular basis. It's a fully enclosed structure. Was it a 239 referral?

Attorney Dickover: It has to be done. I don't know if Dean sent it up or not. That will be done by his department. Last month we were still waiting for some additional details on this plan. So, it may not have gone there. The public hearing has been waived. I will check with Dean. I'll send him a note to just confirm that he has sent it and if not to send it out with the latest set of plans.

B.3 Walden Glen, LLC, Site Plan:

John Cappello: This is a mobile home park that's been around since the 70s. The units there was approved for a bit of a modification, probably about 8 or 9 years ago, subject to a drainage easement

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from the neighboring HOA. *inaudible* drainage plan and also the number of units reduced to 43. Double wide.

Engineer O'Rourke: The biggest concern, I defer to the attorneys, is the existing setbacks. Let's say, I think it was the rear yard of 14.3, because that was an existing structure. But it's a 15 foot setback and you have new structures proposed that are less than that. And those, even though it was approved at the one time, increasing the non-conforming. I think you may have to go to the ZBA.

John Cappello: I do have the survey from in 1980, looking at the units, but the leasehold lots were all approved and not increasing the number of leasehold lots.

Engineer O'Rourke: I don't disagree, but I think those units have not been there for over a year. That's the reason I bring it up.

John Cappello: *inaudible* these units were not only existing, they were approved by the board.

Engineer O'Rourke: I don't disagree. I'm just putting it out there, the proposing units that are within the setbacks. I don't know if you want to offer it to Dean for interpretation or the attorney, but I just didn't want that to slip through the cracks.

Attorney Dickover: First time I'm hearing about it, so I think I'm going to reserve my comments. I'll take a look at it and present a memo to the board or discuss it with Dean and the applicant, whether or not they want to request a determination from the Building Inspector.

Chairman Plato: I think the board is willing to work with the applicant because we have in the past.

John Cappello: Can review it with the attorney. The actual approval was never abandoned. The applicant was approaching the HOA to work on it and satisfy the conditions. The issue is the location of the lots where they historically were, is now we believe grandfathered.

Chairman Plato: Have the setbacks changed?

John Cappello: Yes.

Engineer O'Rourke: That's one of the reasons. Back when they got the approval, I don't believe the rear yard was 50 feet. So, they were generally compliant back at that time. They have technical comments to address on the site plan so that buys them a little time. In the meantime I think you can approach Dean and ask or Rob can approach Dean and see what his take is. Ultimately, he's the one who makes that call with direction from your attorney.

B.4 39 Edmunds Lane, Site Plan

Ross Winglovitz: What we're looking to do is the clients have purchased the property and are currently operating out of the existing building. They are cabinet manufacturing. Assemble cabinets and store them and they're running out of room. Need to have an expansion of the building as soon as they get approved. The proposal is for an 81,500 square foot addition. It's actually a separate building, with a breezeway so they can move product between the two structures internally. They'll be loading on the

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north end, additional parking and widening of the entry drive to improve access for trucks to the loading area. This is just a preliminary sketch. We put together the application to get the board's initial thoughts. We did get John's comments. Nothing currently proposed in the back. The structure itself is kind of proposed where they have a tent area. It's an odd shaped parcel and John knows that we will be combining the tax lots. This parcel will be combined with the rest of them.

Chairman Plato: So, this is just a warehouse?

Ross Winglovitz: Yes. They are 2 separate structures and connected by the proposed breezeway. The biggest thing we need to do is get the wetlands delineated, because that's going to potentially affect the size and the structure and the location. We want to get the ball rolling, get your initial thoughts.

Member Pearson: Traffic increase?

Ross Winglovitz: That's a good question, I don't know. I would say double the size of the business. We can do some initial traffic projections on existing versus proposed traffic.

Member Thompson: Are you aware of any parking there now?

Ross Winglovitz: We've labeled, based on what we can tell from the aerial photos, 14 spots in the front and 47 to the left, which is parking. I think they use that sometimes for parking the trailers. So, we're adding another 42 spaces. We'll have a total of just over 100 spaces. Right now there is 61. Hours of operation, I don't know specifically.

Engineer O'Rourke: It would be helpful if the owner was here at the next meeting, gave a little synopsis of what actually occurs and you know number of employees, hours, the whole thing.

Member Pearson: I see the water valves.

Ross Winglovitz: On the side of the building, that must be where the water service comes in. I think there's also a hydrant.

Engineer O'Rourke: When the Big Apple was here, there were improvements to the water system to get water down to where there were the animals. There should be a plan in the Village files.

Engineer O'Rourke: John's comments were self-explanatory. We're early in the process. Will prepare a full EAF. We'll probably come back with one more concept sketch plan with more information specifically wetlands. Make sure it still makes sense with everybody.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION:

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5. MEETING ADJOURNED at 855pm

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

RESPECTFULLY SUBMITTED
Marisa Kraus, Village Clerk
Planning Board Secretary