

Village of Walden
Planning Board Meeting
November 18, 2024

Chairman:	Zac Pearson	Present
Members:	Jerry Hanen	Present
	John Thompson	Absent
	Jennifer Muehlen	Absent
	Basil Stewart	Absent
Alternate Members:	Cesar Bobadilla	Present
Building Inspector:	Robert Wallner	Absent
Village Attorney:	Dave Donovan	Present
Village Engineer:	Dave Higgins	Present
Secretary:	Anisetta Valdez	Present

Chairman Pearson - Called the Planning Board meeting to order at 7:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES

October 21, 2024

Motion to approve made by Member Hanen. Seconded by Member Bobadiilla. All approve. Motion carried.

2. BOARD'S BUSINESS

A. PUBLIC HEARINGS:

A.1 Kissaroo- Edmunds Lane.

Chairperson Pearson: First on the agenda is **Kissaroo - Edmunds Lane.**

Ross Winglovitz: Good evening. Do we have procedural things to take care of?

Chairperson Pearson: Yeah, we'll do that.

Dave Higgins: I reviewed the application with John Queenan, who couldn't be here tonight. I know John said with regards to the plans there are a few things the applicant needs to address that have been to a large degree. Visual impact analysis, line of sight, and landscaping. There are comments that need to be reviewed. We've also reviewed the stormwater and pollution prevention plan and found it to be generally acceptable although there are a few technical comments that the board may want addressed.

Dave Donovan: A reminder that the board will need to act on SEQR before we continue.

Chairperson Pearson: Ross, please just highlight what you've changed since the last review.

Ross Winglovitz: As part of the request from the meeting with John we went through the water test, archaeological, and so on. We provided updates to the stormwater which had been made public, we had a water test done and it hasn't changed, we did the test in front of the site and one of the questions was would we need a tank but it was 2000 gal per minute, good flow.

Dave Higgins: Our office prepared the draft negative declaration for this board's consideration.

Procedurally next step would be to adopt a resolution to accept the negative declaration made by Member Hanen. Seconded by Member Bobadilla. All ayes. Motion carried.

B. FORMAL APPLICATIONS:

B.1 Kissaroo-Edmunds Lane, Subdivision, Site Plan.

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Ross Winglovitz: The application approves both uses. The property is on **Edmunds Lane** and the access will be the old Apple Circus entry. The building itself is 19,000sq ft keeps loading away from the residential area. Added sound wall along the court to help mitigate sound in a westerly direction. No loading docks at the front towards **Edmunds Lane**. Residential, 60ft setback we doubled that, another parcel owned by the applicant that is to remain vacant. Water and sewer connections would be provided we conducted a water study and we are good there. There are two ponds, the Central Hudson overhead easement over and or adjacent and another at the south of the site these are necessary by village code to treat still water. Traffic study was conducted early on and showed that there was no need for improvements, use/non-use of industry. The property itself is approx fifteen acres, there's a proposed lot line change and that would be relocated to the south and an abutting that would provide for grading. Conversation with landowner Mr. Paul Sevik and his wife with the agreement to give him his lot and we have recently come to an agreement to give him the lot in Mills Polk Court. Jerry has been talking to him since the last meeting and we believe we can accommodate him on a lot line change. I wanted to put that on the record now so no one is blindsided so I hope we can include that. We didn't get any response regarding the 239 review from Mr. Sorenson.

Attorney Donovan: I can say to the board Marcia Jacobowitz gave me an email from Mr. Sorenson. Need an official letter before we can rule.

Reads email.

With that, I'd like to invite the public to speak.

Gabriel Gonzalez: My name is Gabriel Gonzalez I live at **90 Coldenham Road** I'm speaking for myself and my Mother-in-Law who is at **96 Coldenham Road**. When you say this is just a warehouse, what is the purpose? Any HVAC going off?

Ross Winglovitz: No specific purpose. That has not been decided yet.

Gabriel Gonzalez: The creek does flood, where would that water go? Is there going to be any water to catch that? My mother-in-law lives there, if her property floods who will be responsible for that? Are we going to have a wall on the back side of the facility? Tractor trailers are going to be using the correct road? With Spencer Industry being closed, so how are we going to manage the traffic there? A lot of traffic comes from the monastery and they use that road too, so how will that affect it? What about my property values? My property values could see a drop due to the use. I'm not trying to shoot their project down, but I'd rather have a school behind my property.

Joe Fracalossi: Joe Fracalossi, **108-110 Coldenham Road**. Any idea how tall this building is going to be? I'd like a definition of non-nuisance and as far as noise all I hear is that there is traffic noise throughout Montgomery. Those are my questions.

Chairperson Pearson: Anyone else from the public? Ross, do you want to answer?

Ross Winglovitz: Mr. Gonzalez storm owner pollution prevention plan where we have to analyze a hundred-year storm event where we have to decide how we are going to handle a hundred-year storm. A report should be finalized in a month or two. Water coming onto the properties behind the water will flow to our site to get it safely around the building. That is part of the design to take that water onto our site. The address on Coldenham Road is emergency only so that will not come up on GPS. Mills Park Court is not a part of the official address.

Chairperson Pearson: *Inaudible*

Ross Winglovitz: Building height is 35'. Noise to the south, the building is being used as a sound barrier. In my experience, the building is the best barrier to noise.

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Chairperson Pearson: What are you doing to the North?

Ross Winglovitz: There is a wooded area between the distance and the woods, the woods provide a good buffer.

Chairperson Pearson: The nearest distance is cabins but it looks like 400'?

Ross Winglovitz: I'll answer that, Laura is looking it up. We will provide sound abatement around the HVAC units. The specific zoning code that the village has.

Attorney Donovan: I was looking at subdivision may include any alteration of [lot].

Ross Winglovitz: [Defined the industry definition of non-nuisance]

Ross Winglovitz: Warehouse is a special use, and this property has been zoned LOI for some time. It was a mining operation at one point. Any more comments?

Joe Fracalossi: Is there a transportation study?

Ross Winglovitz: Yes. Based on industry-standard we generate those numbers based off of a study using readings from the number of car trips per day that was reviewed by the village consultant as well.

Gabriel Gonzalez: So it is just an estimate there's no guarantee? It could be ten times more.

Attorney Donovan: In negative declaration that the board adopted, is a four-page document where certain thresholds have been established. So the threshold is the number of truck drivers has been established but the study but the negative declaration says that, and I'll read it for you, to the extent that the end-user is not consistent with project approvals including SEQR, additional approval from the planning board may be required. So if those thresholds are exceeded so if there's more traffic that exceeds the study it has to come back to the planning board.

Jose Fracalossi: Is there a proposed sidewalk? It can be very difficult to walk there with all the shrubbery, is it possible to include sidewalks?

Ross Winglovitz: No sidewalks on either side so it's not possible but we can mitigate the vegetation for pedestrian traffic.

Chairperson Pearson: Is there a sidewalk on Sherman?

Joe Fracalossi: No, there's not one on Sherman.

Gabriel Gonzalez: With the increased use by tractor trailers it might be worth considering.

Chairperson Pearson: Anything from the board?

Member Hanen: Anything marked on East Avenue stating no truck traffic?

Ross Winglovitz: There is signage indicating that there's no left turns for trucks.

Member Hanen: I just put the address in my GPS and it already shows that it takes me right down East Avenue and that direction not through the village.

Ross Winglovitz: Yeah, I mean it would be a village sign [inaudible].

Chairperson Pearson: We've heard from the public. How do you all feel about closing the hearing? We have more to go with the engineer.

Ross Winglovitz: We would ask that you close the hearing so we can review the comments from John.

Motion to waive the 62 day right to act made by Member Bobadilla. Seconded by Member Hanen. All ayes. Motion carried.

ARCHITECTURAL REVIEW BOARD:

B.2 67 Main Street, Canopy Sign.

Giselle Cruz: Approval for the sign on **67 Main St.**

Chairperson Pearson: We don't have anyone from the building department. You're taking over from PBF? No? Ok, let me get organized.

Motion to approve by Hanen. Seconded by Member Bobadilla. All ayes. Motion carried.

Chairperson Pearson: Go to the building department to file for the sign.

B.3 81 East Main Street, Suite #4, Exterior Wall Hung Sign.

Philip Apronti: Approval for the sign at **81 East Main.**

Chairperson Pearson: Smoke shop? Going with purple?

Philip Apronti: Yes. That's just the printer. It's actually a burgundy.

Motion to approve made by Member Bobadilla. Seconded by Member Hanen. All ayes. Motion carried.

B.4 42 Orchard Street, Suite 2, Canopy & Window signs

Motion to accept made by Member Hanen. Seconded by Member Bobadilla. All ayes. Motion carried.

Motion to close architectural review board made by Member Hanen. Seconded by Member Bobadilla. All ayes. Motion carried.

C. DISCUSSION ITEMS:

C.1 110-116 West Main Street, Site Plan

David Niemoetko: We took your comments from the last few meetings and we tried to incorporate it into this. We reduced the size of one of the buildings by eliminating the use on the first floor of building one. This eliminates 2,974 sqft from the parking calculation that allows for fifty-one spaces to be required [for parking] plus the two parking spaces for the apartment that would be on the second floor making it fifty-three spaces. We're asking for a waiver of five spaces in a municipal lot.

Chairperson Pearson: Did you go to the ZBA?

David Niemoetko: A variance is not a part of this application. If we request this of the planning board, we discussed this at at least two meetings.

Chairperson Pearson: And we said we aren't comfortable giving that – 5, 2, 1 spaces, we aren't comfortable with that.

David Niemoetko: We are hoping to get some occupancy for the owners so we can begin to get some repair issues addressed. The planning board has to allow the process to continue.

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Chairperson Pearson: To just give away whatever number of spaces, I don't remember all the numbers, but you're going to have nothing on the bottom? Nothing. And where will the tenants park?

David Niemotko: Nothing. They will park on-site. Recommend us to the village board. The amount of parking required by the zoning code has been established. For what's being proposed, the parking required by the zoning code far outweighs what will actually happen on site. Recommend us favorably, unfavorably, just get us to the Village board.

Dave Higgins: I talked to John about this earlier today he called and we went through it and he had said what he thought is the board would require some kind of evaluation provided by the applicant that talks about the number of parking spaces that would be using the municipal lot and how many coming from which site and that the lot was routinely half full.

Attorney Donovan: You can go to the village board, you don't need a referral. I spoke to John Queenan and he said you weren't going to go to the ZBA, so I didn't write the referral letter. Take your case to the board, if you think, if the Village Board says we're enabling an empty building you have a case.

David Niemotko: Are you telling me we can go there independently?

Attorney Donovan: Yes.

David Niemotko: That was not my understanding.

Chairperson Pearson: 10% of the lot is fifty spaces. I get it. And you're bound to oh, this much square footage we need this man spaces.

David Niemotko: That's why we put this together because it puts it in your jurisdiction.

Chairperson Pearson: Trip generation data helped you to make your case but we had to go back to the village code and it doesn't work.

David Niemotko: This is in order of priority, we're here right now asking for the spaces we can't say what the future is going to look like.

Dave Higgins: Can I ask a question about that seven spaces that are no longer on the plan? But it's still parking.

David Niemotko: We eliminated the first floor of building one. We are still going to end up at the municipal lot unless we eliminate building one. If the board will entertain that now, we will do that now.

Dave Higgins: But calculations don't account for any generation of commercial space because it's going to be vacant so that takes it to three spaces.

Chairperson Pearson: What does that do though? Are we kicking the can down the road?

David Niemotko: They were made uninhabitable by the zoning code. We're trying to make it habitable.

Chairperson Pearson: Per our code he still needed fifty-something spaces. At the end... We just apply the code. We aren't comfortable waiving anything.

Member Hanen: A vacant building facing Main St, I would rather see that occupied than the building behind it.

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David Niemotko: Us too. But we lack the mechanism to be able to fill that.

Attorney Donovan: $\frac{2}{3}$ planning board members aren't willing to issue the waiver.

David Niemotko: Ok. Thank you.

D. INFORMATION ITEMS:

E. CORRESPONDENCE:

1. COMMUNICATIONS

2. EXECUTIVE SESSION

MEETING ADJOURNED: Motion to adjourn made by Member Bobadilla. Seconded by Member Hanen.
All ayes. Motion carried.

RESPECTFULLY SUBMITTED
Anisetta Valdez, Planning Board Secretary