

Village of Walden  
Planning Board Meeting  
August 5, 2013

Chairman:	Stan Plato	Absent	
Members:	Brian Sebring	Present	Acting Chairman
	Lisa Dore	Present	
	Jason Trafton	Absent	
	John Duffy	Present	
Planning Board Engineer	Ron Gainer	Present	
Building Inspector:	Dean Stickle	Present	
Village Attorney:	Robert Dickover	Present	
Secretary:	Nancy LaMancuso	Present	

Brian Sebring Called the Planning Board meeting to order at 7:30pm

**1. APPROVAL OF MINUTES:**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1 75 Center Street, 7:30PM**

Brian Sebring – First on the agenda is the Public Hearing continuation for 75 Center Street.

Dean Stickle – We did get a comment letter back from the County there were a few comments but its left up to Local determination.

Brian Sebring – We got three comments back from the Orange County Department of Planning.

1. We recommend the Village and the applicant consider connecting Gracewood Court with the existing portion of Center Street to allow residence of both street alternative ways to reach their properties should a portion of either street be closed unexpectedly.
2. The site plan – We recommend the Village insure that parcel 305-14-42-2 retain road frontage as proposed subdivision causes this lot to be land locked. Such road frontage may be obtained by adjusting the proposed lot line to extend the existing lot line between lots 305-14-42-2 and 305-14-24 to the lot line of parcel 305-14-56 that is adjacent to Gracewood Court.
3. The applicant specify a different plant species that the proposed Pyrus Calleryana to achieve the desired effect as the Pyrus Calleryana species is listed as a moderate or invasive tendencies in New York, by New York Cooperate Extension Invasive Species Program.

County recommendations Local Determination. Signed by David Church, Planning Commissioner. Prepared by Jennifer McCloud Planner.

Robert Dickover – This was a continuation of the Public Hearing that was opened July 17, 2013 and continued to this evening. At this point it might be appropriate to ask if there are any members of the public that wish to be further heard.

Brian Sebring – Is there anybody else in the public that would like to be heard? Ok, none coming forward.

**John Duffy made Motion to Close the Public Hearing  
Seconded by Lisa Dore  
All ayes / Motion carried**

Robert Dickover – It might also be appropriate for Board members to comment or perhaps for Mr. Gainer to comment upon the three recommendations that the County Dept. of Planning has offered. These are not mandatory recommendations, they're not binding; they are determinations for purposes of terms of municipal 239 it was a matter of Local determination and therefore it is within your authority to act upon or incorporate these recommendations or not.

Ron Gainer – The Board is aware of the situation as it relates to the issue of Metzger who owns the adjacent property to the West in turn have access out of Gracewood Court, the applicant proposes to maintain that access to an easement which has been an easement for access. The County also suggested the Board consider connecting Gracewood Court cul-de-sac to Center Street. You previously had that on the table you approved this in the past just as the thing proposed by the applicant. You may or may not wish to consider at this point, it's obviously been a matter to actually study in prior reviews the application has not changed from the prior project which you also got approvals on. The third comment merely relates to landscaping, there is a preservation tree planning plan that is part of your site plan package. He has offered certain vegetations; the County is suggesting a different vegetation. I think that is easily something that can be supported by the Board. The first you may not chose to support recognizing that you considered them previously and haven't considered them worthy of taking action on to connect the cul-de-sac or to seek that the applicant grant private transfer to Metzger while direct frontage onto Gracewood Court.

Robert Dickover – As to the third recommendation for change in the plant species seems to be a reasonable recommendation. Perhaps the applicant would like to comment on that? Are you willing to amend your plan to incorporate the Pyrus Calleryana species with a different species on your plantings?

Mr. Gehkt – No, I don't wish to change anything.

Robert Dickover – The first item connecting Gracewood Court with Center Street would require some sort of a kind of condemnation. That there is a strip of land that lies between Gracewood Builders and Center Street that appears to be perhaps belonging to the Metzger's and if that be the case then the property would probably have to be condemned at the cost to the Village if you were proceed with the recommendation #1. The second recommendation was to insure frontage by Metzger's dwelling at lot 42.2. They use the words to retain road frontage. Apparently it doesn't have road frontage today it fronts upon what was extensively was a paper street and to extend the lot lines as the County had recommended still would not accomplish the creation of frontage because that strip of land that lies between the property owned by the applicant and the Gracewood Builders properties, so I don't know that either one of these can be accomplished in a reasonable manner by the Village on the particular application.

Mr. Gehkt – I tell them no paper street. Orange County sold me deed. I pay each year money for this road. It's connected to all the full lot not my property.

Brian Sebring – That was your quick claim for that little piece of property.

Mr. Gehkt – Yes they sold me.

Brian Sebring – Right the County did.

Mr. Gehkt – What the problem, I don't understand. (Inaudible) No paper trail, it is wrong.

Brian Sebring – He wouldn't be forced to make that a street if he didn't want to. Right, he could just leave it as the right a way?

Robert Dickover – He is not proposing to make it a public street at this time. He is creating a right a way for the lot B on the map and for access and egress as well as for sanitary sewer usage. Also the plan calls for other utilities also. The Metzger's apparently by the note on this map became easement across the old paper street to Gracewood Builders Incorporated. There is a note on the map that says the word easement, there is an arrow that points it and the note says the existing easement in favor of lot 42.2 which is the Metzger property for ingress and egress for deed line of 1184281355. So presumably the Metzger's already have the easement to cross this parcel to Gracewood Builders Incorporated any approval that this Board might give for subdivision purposes to this particular applicant cannot adversely affect the private property rights that belong to Metzger not with standing the approval of this Board might give. So if the Metzger's have the right to cross that property now they are going to have the right to cross it even after the subdivision and that is a private property issue. It's between them and this applicant.

Brian Sebring – So we can still approve everything that he has going on right now, but he and the Metzger's have to deal with that one issue?

Robert Dickover – That's correct.

Ron Gainer – There is an obligation for him to file all the necessary easements.

Robert Dickover – That doesn't involve Metzger's, that involves Lot B which he's creating and Lot A which he's creating. Those are easements that affect those two properties.

Ron Gainer – I presume you would want to see written confirmation of that existing easement with Metzger.

Robert Dickover – It's called out for on this map. Apparently it was called out for when this project was reviewed back in 2005, 2008 & 2010, that note still appears there and again any approval this Board gives cannot adversely affect that easement, the easements rights with Metzger the have the right to cross it today they're going to have the right to cross it after any approval that this Board might grant. That is a private property issue between this applicant and the Metzger's; this Board cannot adversely affect it by its action.

Brian Sebring – Then we can still grant him his approvals and then when he gets to put in the water lines and the utilities, then when he comes upon that problem then he's got to satisfy that between him and the Metzger's in order to finish putting the water line in and hooking the sewer lines and what not.

Robert Dickover – He may or may not have to, depending where those utilities go. I don't think they affect Metzger at all, Ron you would know better than I, but I don't think it affects them, any premises they own or does it ever see affecting the. The proposed 6" water main doesn't touch the Metzger's drawn out easement and the sewer line I goes the other way. The driveway rights for Lot B affect Lot A and don't expect or appear to cross over the Metzger's easement. If it does that is going to be a private property issue between this applicant and the Metzger's.

Dean Stickles – We have not received any of these easements or any of the wording so that the Attorney can review it.

Brian Sebring – Mr. Gehkt hasn't returned any?

Dean Stickles – Also, he was to check on the Health Department approval too, which I haven't gotten anything.

Brian Sebring – Well until that is all received by you we can't approve this or do we have to wait until all that information is in to you?

Ron Gainer – We can consider that as bases of that approval if you're so prepared to act. But you first have to address your SEQRA responsibilities. You have to make a SEQRA declaration first.

Robert Dickover – It would be an unlisted type action. For SECOR purposes this Board declared itself lead agency on June 19, 2013. At that time you typed this as an unlisted type action but you have not as of yet made an environmental determination. The applicant has submitted it in long form. This could be reviewed on a short form if you wish to do so. Also you have to change the long form and go through that if you want at this point. If your inclination is to take action on the application this evening you're required to do the long form.

Brian Sebring – Which one would we prefer?

Robert Dickover – The long form contains more information but an unlisted type action doesn't require a long form.

Ron Gainer – The long form is fine, that's what is before you for this application. You can merely accept it.

Robert Dickover – As a Board you would need go thru it and take a hard look at the information that's contained here and make a determination. Certainly that is a piece of housekeeping that should be done sooner than later at this point. If you want to do it this evening we can certainly run through it.

Brian Sebring – I suppose we should, yes.

Ron Gainer – It's only filed with Part 1, the Board in the past has accepted it and then made a determination, if there are at that point any items of concern then they can ask question.

Robert Dickover – My recommendation this evening would not go through this process, put it over to your work session, have the applicant submit a short form to be dealt with in cursory fashion.

Robert Dickover – I'll prepare Part 2, right after Part 1 is filed that is dated with the application for this year.

Dean Stickles – Do you have one, SEQRA?

Ron Gainer – I could get that filed within a day or 2 and the Board can have it read back at the next meeting.

Robert Dickover – It would be quicker to use the short form but if you want to go through that.

Ron Gainer – Either way we've got to have a short form from him.

Robert Dickover – Why don't we go ahead and put this matter over to the work session calendar for action that evening.

Ron Gainer – I will file part 2 for the Board to have to review.

Robert Dickover – I also drafted a draft resolution on this file, I made some changes to it since I circulated it to Ron and Dean nothing major just to clean it up so that it complies with the prior approval. Some minor things that I had not incorporated and now added so perhaps you want again to look at that also before we move on to

the resolution. Has the applicant been asked to provide the offers of dedication, right of way documentation, certainly it would behoove the Board to have that reviewed if possible prior to taking action.

Dean Stickle – He has been asked to provide it, his attorney is working on it but it has not been provided yet.

Robert Dickover – Mr. Gehkt do you know the status of that work?

Dean Stickle – All you need is your dedication that Mr. Capella is doing. Where is it? The Board needs to review it prior to you getting approval.

Mr. Gehkt – What I wish to tell you (unable to follow his conversation / statement, he was explaining by steps what he wants to do)?

Brian Sebring – We have to know exactly what's going on with Mr. Capella before we can grant anything.

Mr. Gehkt – All the easement everything including that I will give you, no problem. All the papers which I own to lot I give you. It's no problem I give everything to Dean and he will show you everything you need if you will make the approval.

Lisa Dore – So you're looking to do this one step at a time? I think we're looking to look at the whole picture.

Mr. Gehkt – No no I give you, right know I go to find the money and as soon as I have the money I bring all the papers, you have everything and everything will be ok. You give me permit to build extension water line. I finish extension water line then you give me permit to go to next step.

Ron Gainer – You can actually construct the line upon receipt of condition of approval. You just don't get the maps signed until the water line is in the ground or you bonded with it.

Mr. Gehkt – Why I need to bond.

Ron Gainer – You don't need to bond it if you don't need to get the maps signed. As soon as you get a condition of approval and you're authorized to actually start the construction of the water line and the public improvement the driveway extension of Center Street. You're trying to suggest that is the cheaper alternative than to try to post the bond. It's totally appropriate for you to do that, you just don't get the maps signed until these improvements are in the ground or they're bonded, that's all.

Mr. Gehkt – No you need me before get approvals, that I can build my extension water line. I don't build then I have to bring you the bond, it is much better for me I to 2steps and everything ok I go my way to build the house.

Robert Dickover – Mr. Gehkt, building the water line and the sewer line are not the only things that you need to do, you also need to have drawn offers of dedications to the Village for the water main and the sewer main and you also have to have drawn an easement agreement for the benefit of Lot B over Lot A for access and egress for installation of their utilities lines and also sewer. That documentation required by this Board as part of their approval, we are asking you what is the status of that, where is it? When will the Board expect to have it? The Board is trying to help you with this project, we can't do an approval but we would like to see that documentation before hand.

Mr. Gehkt – Ok very soon now.

Brian Sebring – Could you have Mr. Capella call our attorney? Then between them you can have all your questions answered.

Robert Dickover – Please have him call me.

Mr. Gehkt – Ok.

Brian Sebring – We will put this on for the agenda at the next regular meeting August 21, 2013.

**B. FORMAL APPLICATIONS:**

Brian Sebring – Now we will go to formal application for 55 Woodruff Street, Site Plan, 14 X 10 Loading Dock

**B.1 75 Center Street, Two Lot Subdivision** – see above

**B.2 55 Woodruff Street, Site Plan, 14X10 Loading Dock**

John Tarolli of Tarolli – Mercuelo - Norton – Tarolli - Marshall - Mr. Marshall couldn't make it this evening, her has asked me to submit four copies of the revised plan which contains information you wanted, stated in your July 17<sup>th</sup> meeting. One was that you wanted the us to color in the part of the warehouse that Ampac is currently using that is in the tan color and you also wanted the start time and that's on a note, 1-5 vehicles per day between 6am & 7, then he put a revision date on it and I think that's all that you asked, any other comments?

Brian Sebring – Can you think of anything else John or Lisa? We were waiting for a reply back from the County of Orange?

Dean Stickle - We got that, along with the Local Determination.

Robert Dickover – Mr. Sebring this Board on the meeting of June 19<sup>th</sup> declared themselves Lead Agency typed the matters unlisted the Board on the evening waived the Public Hearing in connection with the site plan application you met again on the 17<sup>th</sup> of July and at that time we still did not have a response from Orange County Department of Planning the matter was adjourned to this evening for perhaps action. I have circulated a draft resolution and a draft Negative Declaration before you proceed with any final decision on this matter you do need to make SEQR determination.

**John Duffy made Motion for Negative Declaration**

**Seconded by Lisa Dore**

**All ayes / Motion carried**

Brian Sebring – Do we want to authorize to give them approval to construct the 14x10 loading dock?

**Brian Sebring made Motion to approve 14x10 loading dock at 55 Woodruff Street**

**Seconded by John Duffy**

**All ayes / Motion carried**

Robert Dickover – I have circulated the resolution, has that been shared with the Board members at this point? If not I can read it in cursory fashion to see if it meets your liking (went over and reviewed Negative Declaration with the Board). I am not aware of any other conditions that the Board discussed during the attendancy of this application, if there aren't none then perhaps that resolution could moved, seconded and adopted by the Board by motion?

**Lisa Dore made Motion to accept resolution and grant approval**

**Seconded by John Duffy**

**All ayes / Motion carried**

**Lisa Dore made Motion to close the Planning Board  
Seconded by John Duffy  
All ayes / Motion carried**

Brian Sebring - OPENED THE ARCHITECTURAL REVIEW BOARD JULY 17, 2013.

**B.3 Architectural Review, 22 East Main Street, Proposed Signage**

Vincent Satriano - For Can Cash Inc. the bottle store at 22 East Main Street, handed out pictures for signage. What I had discussed informally my partner and Dean helped us, to do a bigger sign on Valley Ave. We would like to do a 4X16 that looks like a 4X8 centered. We think esthetically it's bigger but catches the eye better from a design standpoint we think it is a little bit more appropriate for that size length of the wall.

Brian Sebring – What are the requirements for the size of the sign Dean?

Dean Stickles – The front sign that will face East Main Street as proposed is ok. The side that faces Valley Avenue the largest sign that they can place there is a 4X12. However if I can interject a little thing for the Board, I believe that 4X12 sign on that side of the building is way too large for the building. A prime example of that is a conforming sign to the size you can put is the new sign the Board just approved for the Swap Shop across from the Post Office. When you see them on a piece of paper they look very small but when you see them in actuality their big.

Lisa Dore – What size did they approved for that?

Dean Stickles – That one I don't remember, I think it was a 2X8 or 3x8. But the largest sign they are allowed under zoning is a 4x12 sign.

Brian Sebring – So if that's what the requirements are that's what you got to have.

Vincent Satriano - 4X12?

Brian Sebring – 4X12.

Lisa Dore – What kind of sign is it, what is it you have?

Dicky Baxter – We can either make it out of aluminum lite or pvc board, they're both rock made material so that it doesn't warp has long life to it, weather resistant.

Brian Sebring – Is there going to be a frame or anything around it?

Dicky Baxter – There's not a lit side or anything.

Vincent Satriano - It's basically going to be flush to the building.

Lisa Dore – The question that I have is you turn and head towards that residential street will it look to large and out of place?

Brian Sebring – 4X12?

Dean Stickles – That's the maximum permitted that doesn't mean you have to allow that size sign.

Brian Sebring – I would like to see a frame around it. Make it look like a sign.

John Duffy – I'd like to see some kind of a frame around it.

Lisa Dore – Try to soften it up a bit.

John Duffy – You made the statement that the street is commercial and residential. The street is actually residential. The only property that is commercial there is the gas station across the street. I would like to see it stay with the harmony of the street.

Lisa Dore – Any colors.

Dicky Baxter – Green and black.

Lisa Dore- What if we changed the background to white to soften it a little.

Dicky Baxter – The green is going to be Benjamin Historic Green.

Brian Sebring – Going to be center with a border around it on both signs?

Back and forth conversation continued.

Brian Sebring – See where the gutter comes down? From there to the window is 25 feet and 10 feet high from the siding up to the soffit.

Brian Sebring – The size is 4x12 and the other one is 4x4.

Dicky Baxter – Made out of alumilite pvc board. Black and green for the lettering, historic green, and border black.

**Lisa Dore made Motion to approve the 4x12 sign and the 4x4 sign as well  
Seconded by John Duffy  
All ayes / Motion carried**

**B.4 Architectural Review, 10 Orchard Street, Exterior Paint Colors.**

No one appeared in front of the Board.

**John Duffy made Motion to close the meeting  
Seconded by Lisa Dore  
All ayes / Motion carried**

**MEETING ADJOURNED:** @ 8:30 pm

RESPECTFULLY SUBMITTED  
Date September 4, 2013  
Nancy LaMancuso  
Planning Board Secretary