

Village of Walden
 Planning Board Meeting
 September 09, 2013

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Brian Sebring	Present
	Lisa Dore	Present
	Jason Trafton	Present
	John Duffy	Present
	Ron Gainer	Absent
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Absent
Secretary:	Nancy LaMancuso	Present

Stan Plato - Called the Planning Board meeting to order at 7:30pm

1. APPROVAL OF MINUTES:

Stan Plato – need an approval of minutes for July 17, 2013

**Brian Sebring made Motion to accept minutes for July 17, 2013 meeting
 Seconded by Jason Trafton
 All ayes / Motion carried**

2. BOARD BUSINESS

A. PUBLIC HEARINGS: n/a

B. FORMAL APPLICATIONS:

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

Stan Plato – Proposed is the memorandum sent to us by Ron Gainer concerning the Overlook/Kidd Farm several items. I understand that this has been discussed between Mr. Jacobowitz, Ron Gainer and their engineer Jay Samuelson and Dean Stickles. There are apparently eight (8) items we need to discuss.

Mr. Jacobowitz – # 8 - The proposed fencing for the stormwater management ponds consists of split rail fence with wire mesh screening. The Planning Board should determine if this is acceptable. Splitrail fences as you know, the wire mesh is very fine and from a distance you can't even see it.

Stan Plato – I think it's a good idea.

Mr. Jacobowitz – OK, we wanted to make sure that was acceptable.

Dean Stickles – The other comment to that is would the mesh be better on the outside or the inside?

Stan Plato – If you had to choose I would say on the inside. That is something we are faced with is that these ponds you don't want people to get in them and then sometimes you screen them and you can't see if people did get in them.

Mr. Jacobowitz – This is see through.

Stan Plato – Right, as long as it is attractive. If everyone agrees with that?

Several members acknowledged, Yes.

Mr. Jacobowitz – #9- **Fencing does not completely enclose the stormwater on the southeast side of the site.** The pond is at different grades and it is shallow at the southeast side of it, the question is do you want it fenced any way even though it's very shallow.

Lisa Dore- Is the fence there for safety reasons?

Stan Plato – Yes, it's for safety reasons.

Jay Wilkins – Mr. Jacobowitz how shallow is it?

Dean Stickles – A foot to eighteen (18) inches. Its standing water and you've always required the applicants to fence their retention ponds or stormwaters ponds. I think this is a continuation isn't it Mr. Jacobowitz from the lower one to the upper one so they will all be fenced together.

Mr. Jacobowitz – Fence the entire area.

Mr. Jacobowitz - #24 – **The planset should include architectural plans of the floorplan layouts for all units, including the affordable units, denoting square footage and number of bedrooms of each. This information should conform with that studied in the EIS process, and specify a maximum bedroom count for the over all project. Further, notation should be provided on the planset to specify the means the project sponsor will limit any future resident from converting portions of a dwelling into addition bedrooms (in the HOA documents, elsewhere?), or how the Village will be advised in advance of any occupancy changes so that this potential future impact not considered by the environmental review process may be re-opened so as to establish whether any new impacts result which could warrant additional mitigation. We are not adverse to this, it's just a matter of how do we do this. We already have floorplans in the EIS. What this is saying is that we should be giving you now or at some point the architectural plans of floorplan layouts of the units. Denoting square footage number of bedrooms each. We need to get your boards approval as an Architectural Review Board, so we are going to be back with what is actually going to be built there for you to give approval too. We don't know what that is at this moment; the actual layout of the floorplan could change depending on a number of things. So why go ahead and do a whole set of architectural plans something that we may not do, when you are going to get a chance to see the ones we are going to use anyway and have to approve them.**

Stan Plato – If the final approval is based on a condition that you have to have architectural review approval that should handle that, right?

Mr. Jacobowitz – And that's what it is, your approval is going to be a condition on architectural plans being submitted to your architectural review board.

Stan Plato – I don't see an issue with that as long as they meet condition of approval. Generally with an architectural review we haven't been involved with the inside of a structure just the outside?

Dean Stickles – This one I think you identify in the EIS.

Mr. Jacobowitz – That's why we gave a set of proformal ones in the EIS that may substantially be the same. Each builder has his own ideas.

Stan Plato – Yes so as long as we make that approval conditional on our control.

Brian Sebring – Can anyone buy one of these units prior to being built at a cheaper cost and then maybe design their own floor plan?

Mr. Jacobowitz – No, the requirements of the Attorney General are, we have to submit to them the architectural layout of the units and the sizes of those are part of how they figure out how much each unit owner has to pay as part of the common charges. So this representation you make in the offering plan and you are bound by it.

Brian Sebring – There are no preconstruction costs that are cheaper?

Mr. Jacobowitz – No, you're not going to buy a shell and do it yourself.

Brian Sebring - Or have it built the way you want it to be built?

Mr. Jacobowitz – You mean custom somehow?

Brian Sebring – Somewhat custom, yes.

Mr. Jacobowitz – If we do we have to give it to the building inspector because we need a building permit. After everything is all done we need to go to the building department to get a building permit and he looks at the actual plan for that unit. So there are plenty of controls, but would somebody be allowed to do that? Well that is the next item in this paragraph. If you go to the next sentence; further, notation should be provided on the planset to specify the means the project sponsor will limit any future resident from converting portions of a dwelling into additional bedrooms. I believe in Mike Donnelly's letter to you, that's one of the things he raises to your board because it's in the EIS. As far as how you prevent this further I think Mike has the suggestion put it in the bylaws of the HOA, in addition it's a condition of your approvals so when the building department gets the plans to look at he's going to look to see if it complies with the approval. The danger is after all of that somebody coming in and dividing the room into two rooms, but he would have to get a building permit, if he doesn't then he is violating the rules and regulations about the building construction code. There's plenty of enforcement there. You're saying what happens if somebody does it secretly? I don't know how you legislate against it, he is violating the terms and he is subject to the remedies.

Dean Stickles – This is the same as Winding Brook, the HOA would have to give me an approval prior to me issuing a building permit and all of your approvals are based on the bedroom count so you would have to probably do a survey to make sure the sewer and water capacities are adequate.

Mr. Jacobowitz – Interesting question on that issue why is this different than the subdivision on South Montgomery Street where the guy built a house it's a 3 bedroom he gave you the water demand and having to support a bedroom by it. You don't have a rule against that on a single family subdivision so why do you are you looking for it here?

Stan Plato – So you might possibly have more units than it could handle that's all.

Mr. Jacobowitz – That's a higher incident risk.

Stan Plato – Ok.

Mr. Jacobowitz - #26 – For the various amenities shown on the project plans, details of each of these amenities should be provided so that the Board is fully aware of the improvements to be provided for the site. Further, these details should specify maximum occupancy, as appropriate. These include:

- sheet C-101 – club house, pool area, dog run, playground, mail kiosks, community signage
- sheet C-102 – gazebo (given the size and resident population of the overall project, it would seem that this should be no less than 12-14 feet in diameter)
- sheet C-103 – playground and basketball area (including identification of the fencing to be provided around each)

We don't have a problem with pretty much everything in there except, the Sheet C-101 club house, pool area and the comments of whether the club house and pool area are big enough. Well we can't build it big enough so that is somebody there wants to have a wedding at 150 guests that will accommodate it. It's going to be a size based on dimensions that are on the plan and if and it will be rated for occupancy by so many people. So to try to determine should it be bigger, bigger means more money to build and if it's for the one wedding a year then the homeowners have to pay the carrying for the whole thing for the whole year, more lights more heat more repair. That becomes an issue for a homeowner.

Stan Plato – Is it unreasonable to say you're building for occupancy of applicants?

Mr. Jacobowitz – But we don't know what that is today. First of all the "X" will be the max allowed under the code.

Stan Plato – Before you build it you're going to know what that "X" is?

Mr. Jacobowitz – Yes, because I have to do a building plan and go to Dean Stickles and get a building permit for it. Then he will rate it based for occupancy and the swimming pool design is subject to DOH approval, so they will review the issues about size and the configuration and the pool deck area the fencing where the doors can be that enter into the pool area, all of that.

Dean Stickles – The comment Mr. Jacobowitz was raised and asked, is the club house and pool area going to be sufficient for the community that it is serving. That was the reason why the question was asked.

Mr. Jacobowitz – I don't believe there is a factor, "X" square feet to "Y" units,

Jason Trafton – It's basically a luxury item for the people that live there.

Stan Plato – If Ross is the one who is going to lay this out he is going to base it on something.

Mr. Jacobowitz – The site it's on I don't think he can make it much bigger than what it is based on where it is being located.

Stan Plato – Maybe if he can give us a range.

Mr. Jacobowitz – Dean Stickles on the plan it shows the dimension of the building, so if I give you the dimension you will know the square footage, you'll tell us what the rating is based on the code.

Dean Stickles – Yes.

Mr. Jacobowitz – That's what we've got to go by.

Stan Plato – If you just give us something that defines it.

Mr. Jacobowitz – Ok, estimate of occupancy. I'm telling how I'm going to do, I'm letting Dean Stickles rate it square footage and tell what the code says. If we make it bigger than it will change.

Stan Plato – Ok.

Mr. Jacobowitz - #29 – On sheet C-102, additional crosswalks and handicapped ramps should be provided in the “island” area which contains the gazebo and passive recreational lawn area. For the convenience of residents, benches should also be provided here, as well as adjacent to all recreational facilities. Yes, as to the one where we show the gazebo, there is another one about benches in the basketball courts are and third one is the cul-de-sac on “Road A”, which is the dead end road. There is a suggestion that we do a gazebo that is #37; I'm jumping around a little because benches are in three different places. #37 gazebo in "Road A" we don't want to do another gazebo there, we will do a landscaped area and benches.

Stan Plato – Without seeing the plan it really doesn't mean anything to me.

Mr. Jacobowitz - (opened the site plans for discussion of # 29, 33 and 37)
#37- No specific improvements or surface treatment is indicated within the large island at the “Road A” cul-de-sac on sheet C-109. could a passive, landscaped area be considered, with benches for the resident's use and a gazebo, similar to that planned for the island in the southeast corner of the project, to enhance and make more usable this space for residents in this area of the site, which could be done a little expense to the developer?

Dean Stickles – There was a feeling that there was an open area that would be big enough for another gazebo to be placed there.

Mr. Jacobowitz – (this is the big one) The size of size of this he raised a question, not a problem we will have it that size that he asked for. Up at the focal point, an area that will attract the community, otherwise at the dead end road and it's not going to serve anybody other than the initial homes that are right in that area. We don't see that the gazebo has that much of a contribution to the lifestyle. But we will do benches and landscaping in that area and an area to be maintained.

Lisa Dore – I think that's fine.

Stan Plato – I would tend to agree, everybody else?

Lisa Dore – Yes.

Jay Wilkins – Mr. Jacobowitz what number was that?

Mr. Jacobowitz – That was #37 I jumped around a little.

Brian Sebring – I have a question about # 26 the playground and basketball. Is there going to be parking for people that come there, friends of residents.

Mr. Jacobowitz – One of items is parking that Ron Gainer raised and I want to speak about. There are 2 parking spaces per unit plus another ½ space per unit and that comes to 408 plus another ½ comes to 512 parking spaces. Another 102 are all over the place to be used by guests. We've already made that provision. If somebody wants to come and use the basketball and drives there, I don't think we want them to come and drive through the whole project. He would park his car at the clubhouse parking lot and walk there. These spaces are for the residents, you don't want people driving from other communities to play basketball upon the court that is here. They're coming not to play, they're coming to visit a resident there is parking for that person as a guest but not at the location. But we will put benches at these facilities which is what Ron Gainer thought might be helpful, so people can come sit and watch or when they get tired rest. That covers #29 which is benches in the cul-de-sac.

Mr. Jacobowitz - #33 – **The clubhouse and pool area are all located in the northeast corner of the tract, and not easily accessible to project residents who may wish to forgo use of their vehicle to enjoy the amenities provided. Could any walking paths be considered within the different areas of the project, off the project roadways, to promote pedestrian travel for such residents? Is so, these should be identified on the "Grading & Drainage Plans" (sheets C-106 thru C-110).** That's a good idea Ron Gainer had and it's a little bit of a challenge to satisfy it, a path to the club house.

Dean Stickle – What they thought was that the cul-de-sac up at the top, if someone was residing there they thought there should be some kind of a walking path from that area down to the club house so you didn't have to walk all the way around the road areas.

Mr. Jacobowitz – What we came up with it between #30 and #31 create a path or there's going to be an access way to get to the bio retention area so they would combine the walkway and the access way to the retention pond. It would be a three foot wide walkway, not for vehicles just for people to walk on.

Dean Stickle – It shouldn't be located in somebody's backyard but will be in the common areas.

Mr. Jacobowitz – Yes, in the common areas.

Mr. Jacobowitz - #39 – **Sidewalks should be extended along the entire length of "Road D", out to NYS Route 208, with appropriate drop curbs/handicapped ramps where necessary.** There will be a sidewalk along the commercial road. The road that goes from the residential, out to Route 208 there will be a sidewalk in that road. He says he wants the sidewalk along "Road D" we already have a sidewalk on the other side of the street so yes there will be a crosswalk so people can walk from one side to the other side to get to the sidewalk.

Stan Plato – Yes, we're only putting sidewalks on one side?

Mr. Jacobowitz – Right. If there is a grade issue than it will have to be ramped with a grade not to exceed 8%. The question is where does it end? There will be a crosswalk from one side to the other.

Dean Stickles – As long as it just doesn't end.

Stan Plato – That's fine, I don't see a problem with that.

Mr. Jacobowitz – The names of the streets were not discussed, but as we're going forward the plans you keep calling the "Road A, Road B, Road C". Here are some thoughts for you and you let us know what you want to do. We don't have streets in the Village named for Presidents, flowers a third possibilities was the names of the original Planning Board members of the Village there were 5 members, states is another possibility for street names. You may have another idea, but these were our thoughts. We don't want it confused with names of anything we have now.

Dean Stickles – Mr. Jacobowitz, Marcus Millspaugh had given quite a few years ago a list of prominent people in the Village that could also be considered for names also.

Mr. Jacobowitz – I sent him a letter asking is he would object if a street was named for his father, it was several years ago. It was Mr. Simmon, Mr. Sickler, Tom Murray, Dave Lustig and Mr. Millspaugh, were the 5 original members back in 1959? I think it is appropriate for you to recommend what you think it should be. Yes, I agree naming the streets is the Village Board final decision I believe.

Dean Stickles – I have that list in my office.

Stan Plato – I don't want to blow it out of proportion but I think the Village Board should probably review it.

Mr. Jacobowitz – Yes, naming the streets is the Village Board final decision I believe. I think that is it. Everything else in this 59 item list we no problem with and can accommodate it. It is a great checklist Ron Gainer did a really fine job, so it made it easier. I will do a memo of what these issues were that I asked you about and what I believe you said and I will send it to Dean Stickles so you can check it and it can be part of the minutes of your next meeting.

Dean Stickles – We also took a recording of tonight's meetings so we can compare.

Brian Sebring – #53 – Fire hydrants should be specified as Mueller A-423 2-outlet Centurion style, with 5½" valve opening. Dean Stickles is that the storz connector?

Dean Stickles – Yes.

Mr. Jacobowitz – This is consistent with the Villages standard.

Dean Stickles – Just to clarify #53 Mr. Jacobowitz were verifying whether that is the fire hydrant we use within the Village and talking to Ross and Jay on Friday it's the storz connector for the fire department the quick connect, I'm just verifying that is the one we use.

Stan Plato – So we will just keep a note on #53 that it's going to be verified.

Mr. Jacobowitz – You're doing that?

Dean Stickle – Yes, I'm doing that.

Mr. Jacobowitz- What happens next is that the plans will have changes made as discussed in Ron Gainer letter and will come back to Dean Stickle and to Ron Gainer and if it is ok then we can file our applications with DOT, DOH, ORANGE COUNTY DPW and DEC. This will take months and we will be back and ask you to extend the preliminary approvals because there is no way to control the other departments.

Stan Plato – Next on the agenda, development of 15 High Street.

C. DISCUSSION ITEMS:

C.1 Keith Millspaugh, Development of 15 High Street

Mr. Keith Millspaugh – I have a storage garage on 15 High Street, this is my son Peter. We want to put an apartment on the second floor it is in B-3 zoning district (handed out drawings).

Jay Wilkins - This is a new garage?

Brian Sebring – No, it's been there for many years.

Mr. Millspaugh – its right next to the Walden Savings Bank parking lot.

Dean Stickle – Probably Stan Plato and Jay Wilkins will be the only ones to remember this. It came in front of the Board many years ago for storage underneath. There was a question of the use and the type. Mr. Millspaugh went to the Zoning Board and got an interpretation that the use that he is proposing is a use that is consistent with a B-3 and was therefore allowed. What he is asking tonight is basically the apartment will conform to the square footage, the use downstairs will conform to the uses that the Zoning Board interpreted. The parking is the question, the amount of parking that is going to be required and where it's going to be located and how it can be located. He is asking this before he submits a formal application to the Board, if you can expand on what you want to do with the parking Mr. Millspaugh.

Mr. Millspaugh – I have a plan from way back, that shows 3 spots but we also have the parking district. The building is used for storage; we are trying not to pave the whole front yard if possible.

Stan Plato – Is the pine tree going to be removed?

Mr. Millspaugh – Yes, that has to be removed it is leaning over the building; these drawings were done about 15 years ago I think.

Jason Trafton – There is also a hedge?

Mr. Millspaugh – Yes, Walden Savings Back property has the hedge that blocks the whole way down.

Stan Plato – I think we will have to refer this to Ron Gainer just to get his opinion.

Dean Stickles – He has to submit an application. The applicant is here just to discuss it with you and to see what you feel to get a little input before he does anymore.

Stan Plato – What would you like to do?

Mr. Millspaugh – Well the driveway we can park cars on but whatever additional that you ask for we have to put on one side or the other and I was trying to see without having the whole front yard paved in the neighborhood.

Jay Wilkins – Do you back trucks up in there for pickup and delivery?

Mr. Millspaugh – We use to but we put the new building in and we haven't had to take anything over there. Basically what we use it for today is when we pick up old furniture we consider that a donation to a church or a charity and store it in there. Then someone needs it then that is when we are over there to remove something.

Jason Trafton – Do you come in the other side from the Bank?

Mr. Millspaugh – This entrance is right off of High Street, the driveway comes in off of that street. There is nothing in the back. There is a retaining wall, fence and another property in the back.

Lisa Dore – How many cars will use the driveway?

Mr. Millspaugh – I forgot the dimensions of the driveway, it's like 40 feet you can put at least 2 or even 3 in the driveway.

Jay Wilkins – How many bedrooms?

Mr. Millspaugh – We are looking at one at the moment. What we would be adding to the building is where the staircase is on the South side on the right side of the building so we can have close access to the second floor.

Lisa Dore – What is the square footage?

Mr. Millspaugh – 25 ½ X 38 ½ that's the original and then we're looking to put a 4 ½ to 5 foot addition for the stairway, which takes it up to the property line.

Lisa Dore – How many spaces would be needed?

Dean Stickles – Probably a maximum of 4.

Stan Plato – For one apartment?

Dean Stickles – 2 for the apartment and would be a maximum of 2 for the retail downstairs is not that big, however they are within the downtown parking district where the Planning Board has the ability if there is not enough to waive part of that.

Jay Wilkins – So there will be 4 spaces all together.

Stan Plato – I would like to drive by and take a look at it. I wouldn't want to see the whole front paved if we don't have to.

Jason Trafton – To much paving to change the drainage.

Brian Sebring – Where is all the rain run off going to go if it's all paved.

Mr. Millspaugh – It's all grass yard on the side and is sloped down to the back property.

Jay Wilkins - Mr. Millspaugh the door shows a roof over it, that would be the staircase going up?

Mr. Millspaugh – Yes, that would be the new addition part. The other door is now existing.

Stan Plato - Mr. Millspaugh would you be opposed to the roof if it was just straightened out, I think it would look better.

Mr. Millspaugh – No, we had looked at that, it was just a cost savings to do it that way, but we can actually pop out and use a closet there. If you look at the layout page in the back, the bathroom was bumping out and we could bump out a closet over this part (?).

Jay Wilkins – I think it looks pretty good, if Ron Gainer doesn't have any questions about it.

Stan Plato – Yes, if we can avoid blacktopping it and straighten it out for looks it would be better.

Brian Sebring – What about the blocks that you can put dirt in and then the grass grows in it?

Jason Trafton – I think Ron Gainer would be the one to say it.

Stan Plato – I think we know what you're trying to do.

Dean Stickles – I had him in to just present to the Board so that the Board can give him some input and then he will submit his application for you're review.

Stan Plato – Yes, my feelings if the parking if we can avoid it, so that we don't have to pave everything and straighten out that area.

Brian Sebring – With all the heavy rains and storms that we have had how much runoff has gone towards Ulster Avenue that would be my only concern.

Mr. Millspaugh – On the grass you can see a little runoff next to the building on the downhill side and that's all you can see. So if we just shoot that out into the yard bit more than we won't have that, and there is a ½ basement in the back that has access to the rear. We show that first floor closet which will only have entrance as storage for the first floor that the apartment upstairs would use. That is only for the 5 foot wide part, the new part.

Stan Plato – Any other questions from the Board? None.

Mr. Millspaugh – Ok, thank you.

Stan Plato – Motion to adjourn?

**Jay Wilkins Made Motion to Adjourn the meeting
Seconded by Brian Sebring
All ayes / Motion carried**

MEETING ADJOURNED: 8:20pm

RESPECTFULLY SUBMITTED
Date September 25, 2013
Nancy LaMancuso
Planning Board Secretary