

Village of Walden
Planning Board Meeting
October 16, 2013

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

Jason Trafton - Called the Planning Board meeting to order at 7:30pm

1. APPROVAL OF MINUTES:

Jason Trafton – First order of business is the approval of minutes.

**Brian Sebring made Motion to hold approval until completion of regular business
Seconded by John Duffy
All ayes / Motion carried**

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A1. 15 High Street, 7:30pm

Keith Millspaugh – I did the 300 foot mailing around the property. There are 49 properties, 3 of which were to me, there are 45 receipts I don't know where the other one went, and I have 21 returned receipts.

Dean Stickles – This mailing had a very short turn around, he did the mailings in the time frame allowed by the code but it was only approximately 9 days.

Keith Millspaugh – Presented site plan to the Board.

Jason Trafton – Did you get a copy of this letter from the Orange County Dept. of Planning of their recommendations and comments?

Keith Millspaugh – No, I did not get a copy of that. Referring to the site plan, this is showing the proposed 4 ½ addition to the Walden Savings Bank parking lot size sign which faces with in 6 inches of the property line. The other change we are showing the proposed sewer line going over to the easement that's coming from the 17 High Street house goes in to the back yard of the 24 Ulster Ave. and then runs down through their driveway to Ulster Ave.

Howard Weeden – There was no written easement on that but it did show the location of a sewer line plus the manhole on Williams St. which is E27. The final map will also show the 2 lot subdivision done in 1990 and will show the sewer line to the building also.

Keith Millspaugh – We're showing the water line coming in from next to the Walden Savings Bank property into the house. On the 17 High St. side next to the house there is a water line. Is that in the street Dean Stickles or does that run along the side of the road?

Dean Stickles – It's in the street.

Keith Millspaugh – OK, so we would have to hit into that and our plans is to bring it in along next to the Walden Savings Bank parking lot and under the addition. Based on Orange County we're asking for the addition which is on here and the then the parking which we need to talk about tonight.

Ron Gainer – My notes from the last meeting indicated that you were going to show the proposed water line beneath the steps and illustrate the location of the 2 trees and label the one to be removed. Just to document so the Board understands that the tree is to be removed.

Keith Millspaugh – The tree to be removed is the one closet to the garage.

Jason Trafton – And then the parking?

Ron Gainer – The parking is to be discussed.

Keith Millspaugh - We were talking about our parking district and whether you wanted anymore paved or not, you can fit 2 cars easily and probably 3 or we can expand it toward Walden Savings Bank side and make it a little bit wider for 4 cars easily. But we have our own parking lot for us across Bank St and we also are in the parking district.

Dean Stickles – It is within the 500 feet of the Oak Street parking lot.

Ron Gainer – So if you omitted the existing driveway to the drive into the apartment will that in anyway impede your use of the storage on the first floor?

Keith Millspaugh – No, we only talked about how much of the land we wanted to pave so we're fine with the parking as it is. If we wanted to expand I preferred to expand over towards the Walden Savings Bank side and try to pitch it to run over to the 17 High St direction so it goes down the grassy area.

Jason Trafton – Would it be an issue if you rented it to someone who isn't a relative as far as the parking?

Keith Millspaugh – I would guess if they needed more parking they could expand at that time, but if somebody is renting it and using it as a business downstairs I don't know what they have to do to get approval for their storage or whatever business they put in there. This is just our storage or furniture repair.

Jason Trafton – Yes, so if you rented out just the upstairs you continue to use the storage downstairs I'm thinking of that scenario.

Keith Millspaugh – Right now the neighbors use it as a playground so it doesn't get in our way we are rarely over there and we have our Bank St. to Oak St. storage facility we haven't been using this one, it's just for minor things where we do our charity work and store things for local churches, Newburgh Habitat for Humanity, etc. We would continue our same use downstairs and rental upstairs, which most likely would just need those 2 parking spots.

Jason Trafton – I will entertain a motion to open the Public Hearing.

**Lisa Dore Made Motion to open the Public Hearing
Seconded by John Duffy**

All ayes / Motion Carried

Jason Trafton – Any one from the public that would to make a comment?

Howard Weeden – I like it.

Jason Trafton –No other comments from the public. Can I get a motion to close the Public Hearing.

**John Duffy Made Motion to close the Public Hearing
Seconded by Brian Sebring
All ayes / Motion Carried**

B.1 15 High Street, Site Plan/Special Exception Use

Jason Trafton – Need to show one existing tree to be removed.

Keith Millspaugh – Needs two trees shown one coming down.

Jason Trafton – Ok, right one to be removed.

Ron Gainer – The Board should make a determination on whether you want to see any expanded parking areas or if their explanation is sufficient for you not to require any further parking spaces.

Lisa Dore – How many parking spaces are you suppose to have, 4?

Dean Stickles – 4 spaces.

Brian Sebring – Will there be enough room there for 4 paring spaces?

Keith – If we open up, it's 2 car widths and it's more that 2 car lengths going down to the building. So it is easy to put 4 in; we would then pitch it so that the water will not go towards the storage area. It is 23 ½ wide and goes to 25 feet.

Lisa Dore – Can you get 2 cars by the garage?

Keith Millspaugh – If we add a bit more by the garage we can put there and then have 2 come in at the end.

Brian Sebring – I like that idea one on each side of the garage and 2 on the side area.

Jason Trafton – You can't go to far to the right because of Walden Savings Banks trees are there, correct?

Keith Millspaugh – Right, there is about 10 feet in between the driveway tapers on the edge of the building and tapers.

Brian Sebring – How much of Walden Savings Banks trees hang over on your property?

Keith Millspaugh – They do hang about right on the border line right now.

Brian Sebring – I went and measured and it's roughly 10 ½ feet from the edge of your building to the inside or outside of the curb on your side. When you're working there you will be disturbing their trees where the branches are hanging over.

Keith Millspaugh – Their trees aren't that big so I don't think that's going to be a big issue, it shouldn't do any damage to it.

Brian Sebring – I think it will do some.

Jason Trafton – That would be between Keith Millspaugh and Walden Savings Bank.

Keith Millspaugh – Right, I don't see it being a problem.

Brian Sebring – Can they build up to the property line.

Dean Stickles – In a B3 they can.

Lisa Dore – I was talking about the top half of the driveway,

Brian Sebring – I'm talking about the side of the building.

Keith Millspaugh – He is looking at the trees and some of the trees have died off so there is actually space there.

Lisa Dore – I was talking about maybe expanding the driveway just at the top so you can fit another car, not the whole length of it. I think the least amount of paving the better.

Keith Millspaugh – The driveway right now is 20 ½ feet so then it will go out to 25 feet.

Lisa Dore – I like that idea.

Jason Trafton – Any other comments from the Board? None noted.

Ron Gainer – You need to consider a SEQRA Declaration.

Robert Dickover – It was done last month, the Board declared itself as Lead Agency Uncoordinated Review type is unlisted and required a Negative Dec.

Dean Stickles – One other thing Ron Gainer in your comments will there be any exterior lighting and will it shine off the property?

Keith Millspaugh – We talked about it and the only thing we would do and we haven't decided yet is put a light over the entrance on the residential entry, so it would be minimal. There is no electricity to the property right now.

Brian Sebring – How much work are you going to put in to the building to bring it up to code?

Keith Millspaugh – It does have a solid foundation and it has a nice solid framework, 1900 construction wood beams downstairs the old 2x4 being a true 2x4.

Jason Trafton – Should be discussing materials to be used at this time?

Dean Stickles – You should be doing that before the Architectural Review. Unless he has it tonight after you grant site plan you can ask what the colors are, if he has samples.

Brian Sebring – In garage portion in the ceiling, do you keep any cleaning solutions or anything downstairs?

Keith Millspaugh – There is only furniture storage out there, our original intent was that we would repair furniture there but now with the new storage facility we have that downstairs there so there won't be any repairs going on here which is just storage basically for the charity pieces.

Brian Sebring – Ok. Would the ceiling have to be 2 layers of 5/8th's fire code?

Dean Stickles – That would be through the building permit not the through the Planning Board. There has to be a separation between the commercial space and a residential space.

Brian Sebring – Would that have to be some sort of fire retention with the hallway going up on the outside?

Dean Stickles – It depends on what they give me for plans.

Ron Gainer – Have you seen any materials or colors?

Dean Stickles – No I haven't seen any of that, that's new tonight. As stated before, if you want to take your time and look at it you can.

Jason Trafton – Is that traditional siding, 4 inch siding and the color is sycamore?

Keith Millspaugh – Yes.

Brian Sebring – Have you decide on the color?

Keith Millspaugh – No, we were hoping that we could get the book and make that decision when we see it and get a real sample.

Jason Trafton – Trim Color?

Keith Millspaugh – Just pure white.

Jason Trafton – For the siding?

Keith Millspaugh – For the doorway.

Jason Trafton – For the garage door?

Keith Millspaugh – We want to make the building looks a lot nicer that it does now, my sister has the business across that street and that they don't have any eyesore there, which it is now.

Jason Trafton – Does the Board feel comfortable enough to make a conditional approval.

Lisa Dore – I think so.

Brian Sebring – Yes.

Robert Dickover – Before you do that, Mr. Gainer your technical comments mention you were evaluating 11 general standards on the second page? I don't know that you've done that at this point.

Ron Gainer – Does everyone have a copy of the review of issues? Again the point is that is being made by the Village Attorney is the Special Use permit that is being granted as a required review is that you're suppose assure compliance with the general standard that are contained in the Special Use provisions. So the Board should walk through those and assure themselves that is what the site plan provided.

Robert Dickover – Read the general standard of the Code to the Planning Board.

Jason Trafton – (#10 the adequate provisions will be made for collection and disposal of storm water run off on site and sanitary sewage, refuse or other waste whether liquid solid gaseous or other character.) One thing I would make a note of. Keith has mentioned over on the left side where the one tree will be taken out but we will get to this in our conditions, is that you want to make sure that there is something in there just making a note that there's not going to be an issue. As far as grading goes there is not going to be a positive drainage to that adjacent property. That is my biggest fear.

Keith Millsbaugh – We have quite a large grass space there and all that water soaks that way down coming off the driveway.

Jason Trafton – So it's going to go where it normally has.

Keith Millsbaugh – Yes, right. The only difference is the water will now get to the ground where right now it doesn't but there is still quite along yard after that with a lot of grass.

Jason Trafton – Is everyone satisfied?

Planning Board – Yes, all agreed with items of the Code.

Jason Trafton – Is there anything else?

Robert Dickover – Nothing further from my side of the table.

Ron Gainer – The Board should review the Orange County Department of Planning comments.

Jason Trafton – Read the Orange County Department Planning comments (Dated 10/04/13 Prepared by: Jennifer MacLeod, Planner) to the Board.

Ron Gainer – In summary so the Board understands it, their recommendation is that it is complete a local determination the comments they offered were really advisory.

Jason Trafton – Conditions to be added to the site plan: the existing trees and what trees to be removed, any other additional exterior lighting, the water service and any expanded parking area. Also one of the general conditions would be the payment of fees.

**Brian Sebring Made Motion - Conditions to be added to the site plan: the existing trees and what trees to be removed, any other additional exterior lighting, the water service and any expanded parking area. Also one of the general conditions would be the payment of fees.
Seconded by Lisa Dore
All ayes / Motion Carried**

Planning Board – Agreed for applicant to come to next meeting with actual samples for review and approval.

Robert Dickover – Before you conclude this matter I would like to draft some purposes make a combined approval for the site plan and the Special Exception use. So far you have acted on site plan approval we also need a motion to approve the Special Exception Use as well.

**John Duffy Made Motion to approve the Special Exception Use
Seconded by Brian Sebring
All ayes / Motion Carried**

B.2 75 Center Street, Two Lot Subdivision – Not present.

B.3 158-160 West Main Street, Site Plan

Dean Stickles – I gave everyone a brief overview of this property as far as the uses, what it was, up to the current. If you remember years ago every time a property changed use it had to come to the Board for a site plan approval. In 2000 the site plan waiver authority was interjected into the Code. However the first requirement for that is to have site plan approval. They have presented an application for two retail spaces on the first floor, they given you a site plan and they filled out the application. The application was sent to the Orange County Department of Planning for their comment and review.

Ron Gainer – The only question I additionally raise is that application came in so recently they should really fill out the new short form SEQRA.

Dean Stickles – I do not have one.

Ron Gainer – I will send it to you.

Ken Charles / John Paglia (applicant) – Maybe someone on the Planning Board can give us an explanation of why are even here. The building has been the same for 90 years, the structure has been exactly the same there have been no changes, the parking is exactly the same as it has been, the apartments are the same, the two store fronts are the same for the last 80 years. We are not looking to do anything at all, not we're even looking to put one nail up in a piece of wood. Why are we here, that's what we would like to find out? Dean Stickles tried to explain it to us but we still don't understand why we're here.

Dean Stickles – Like I tried to tell you the other day, years ago when you had a bakery in your building and the bakery went out and you wanted to put a retail store in your have to come back to this board and have a site plan approval every time you changed the use in the building. You're in a B2 zone where the uses you're proposing and have had to pass are allowed, however you can't just go from use to use without coming to this board. Your initial impute coming to the board tonight and preparing and trying to get approval for site plan would enable you in the future if the tenant you have in there now decides they can not longer be there and they move out and you get a new tenant if it's a permitted use within the B2 zone all you have to do is make an application to myself, after consultation with the Village Attorney I can give you what is called a Site Plan Waiver which doesn't require you to come here at night for a meeting you can just continue your normal business of renting out your building.

Ken Charles / John Paglia – What's the fee for that?

Dean Stickles – There is no fee. This is the big hurdle you have to go over now so that in the future you don't have to visit the Planning Board.

Jason Trafton – The permitted use is retail?

Dean Stickles – Yes.

Ron Gainer – All uses in building are permitted.

Dean Stickles – Everything that is in the building currently is a permitted use.

Ron Gainer – So within the site plan application there's one defect that Dean Stickles will help with to perfect the application. It's only site plan approval required so you don't require a public hearing. It's just a matter of having a county referral included. You can then take action immediately there after. It's

merely to assist the applicant for any future actives to simplify their maintenance of occupancy of the premises.

Dean Stickles – That’s what I explained to them.

Jason Trafton – Our goal is to have you succeed as far as renting the building.

Dean Stickles – This will get rid of your red tape.

Ken Charles / John Paglia – Time will tell.

Dean Stickles – The only draw back is that you can’t make any decisions until the County responds. I will call and see if I can get something before the November meeting.

Robert Dickover – Declare Lead Agency and take care of your SEQRA and release that piece of it tonight.

Ron Gainer – That’s on condition of filing the right form.

Robert Dickover – You can declare yourselves Lead Agency on an Uncoordinated Review Basis, probably type the action as an Unlisted Action. Without the new form you really can’t proceed.

Jason Trafton – Either way we still have to wait for the County.

**Brian Sebring Made Motion to Declare Lead Agency, Unlisted Action under SEQRA
Seconded by John Duffy
All ayes / Motion Carried**

Jason Trafton – Dean Stickles will give you the new short form. Next meeting will be November 14, 2013 we’ll try to get everything before then.

C. DISCUSSION ITEMS:

Public Hearing Notice Signs

Dean Stickles – Do you want to bring that back up? Remember the sign I had and everyone wanted to be posted on the property when there was a subdivision, site plan or variance. It stated exactly the owners name and what was to happen, the Public Hearing date.

Jason Trafton – So if it were a lot it would be posted on like a piece of plywood?

Dean Stickles – We would have them here. They would come and purchase them from the Village it would be a requirement to put it on the properties. We discussed this about a year ago, do you still want to peruse that or is it a dead issue? Would you like me to show you the sign at the next meeting so you can review it?

Jason Trafton – Yes, that would be helpful.

Brian Sebring – I think we should peruse that.

Dean Stickles – It was something that was brought up last year at the Tri-Board meeting.

Ron Gainer – So if anyone in the area missed any of the public notices in the press, might have the ability when they pass the site to say I might be interested in that.

Jason Trafton – Will increase awareness.

Brian Sebring – I would like to see them. I have seen them in my travels outside the state.

Dean Stickle – Ok, I will bring it to the next meeting to show the Board. The Village can provide them to the applicants so they put up the information the Village wants them to put up. It would be an inclusive fee in the application.

APPROVAL OF THE MINUTES

Lisa Dore – I actually wanted to say something about the minutes. I don't think it is necessary for it to be verbatim.

Dean Stickle – They're not, they are very good minutes. They give you exactly what you need to know.

Lisa Dore – They do, but there's mistakes in what I've said, I know that.

Nancy LaMancuso – Sometimes it's difficult because you're down the other end and you're not projecting your voice.

Dean Stickle – Ok, everybody needs to correct the minutes and get them back to me by next Tuesday so that I can get them to Nancy so she can correct them. We have to get these minutes approved. You have 4, August 5th & 28th, and September 9th & 18th.

D. INFORMATION ITEMS:

E. CORRESPONDENCE:

3. COMMUNICATIONS:

4. EXECUTIVE SESSION:

**Jay Wilkins made Motion to close the Planning Board meeting
Seconded by Brian Sebring
All ayes / Motion carried**

MEETING ADJOURNED: 8:30pm

RESPECTFULLY SUBMITTED
October 16, 2013
Nancy LaMancuso
Planning Board Secretary