

Village of Walden
Planning Board Meeting
February 19, 2014

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

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

1. APPROVAL OF MINUTES:

Chairman Plato – Approval of minutes for 11/04/13 & 11/20/13, any corrections/changes?
None noted.

**Member Sebring made Motion to accept Planning Board Minutes of 11/04/13 & 11/20/13
Seconded by Member Trafton with all members voting yes.**

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

B. FORMAL APPLICATIONS:

B.1 43 & 47 Walker Street, Lot line Change

Chairman Plato – Building Inspector Stickles we did not get the update.

Building Inspector Stickles – As far as my notes reflected if everything was in order then there would be a Public Hearing for the work session but we didn't have the work session (due to weather). In all respect this is just a lot line change.

Chairman Plato – It's minor but a Public Hearing can't be waived. PB Engineer Gainer have you looked at this?

PB Engineer Gainer – Yes, you have a technical review from my office (dated 01/22/14). The subject matter is a plan that I presume the Board is not opposed to waiving due to the setback with a Public Hearing.

Chairman Plato – Any comments/questions from the Board? None noted.

Attorney Dickover – On January 15, 2014 the Board determined that is be handled as an Uncoordinated Review, declared itself as Lead Agency and declared a Negative Declaration.

**Member Duffy Made Motion to set Public Hearing for March work session 03/03/14,
Seconded by Member Sebring, All Ayes / Motion Carried**

B.2 Stewarts Shops, Site Plan Amendment

Chairman Plato – We are looking at this as an amended Site Plan.

Chad Fowler – The Boards concerns were striping for parking, lighting to be added in the rear by the gas meter, labeling of the overhang in the back the dumpster and the silt fence during construction.

PB Engineer Gainer – You have a technical review (dated January 28, 2014) they made the corrections that the Board had asked for at the prior meeting.

Chairman Plato – Any comments/questions from the Board?

Chad Fowler – Our gasoline canopy has a white fascia that goes around it, it's just vertical and I would like to add molding to that (presented picture to the Board for review).

Chairman Plato – Are going to put any signage at all?

Chad Fowler – No signage, just clean it up.

Building Inspector Stickles – The canopy was approved in 1998 I believe.

Member Sebring Made Motion to Adjourn the Planning Board meeting, Seconded by Member Duffy, All Ayes / Motion Carried

Chairman Plato – Convened the Architectural Review Board. The applicant before us would like to put some molding around the top of their canopy for Stewart Shop the color is white, any objections/comments? None noted.

Member Sebring Made Motion to grant approval for adding molding around the canopy, Seconded by Attorney Dickover, All Ayes / Motion Carried

Member Duffy Made Motion to Adjourn the Architectural Review Board Seconded by Member Trafton, All Ayes / Motion Carried

Chairman Plato – Reconvened the Planning Board.

Attorney Dickover – On January 15, 2014 the Board determined to conduct an Uncoordinated Review, declared yourselves Lead Agency, Type the matter as an Unlisted Action, you adjourned the matter for plan revisions and revised the EAF. We have not done the environmental review as of this point. There was a motion made that same evening to waive the Public Hearing, you can go through the short form EAF make sure the applicant has completed part 1 of it to the Boards satisfaction and go through the questions that are also part of it at the end of which if you determine that there is not significant environmental impact as result of the project you could declare or make a motion at that point to resolve a Negative Declaration. If you want we can run through this Mr. Chairman.

Chairman Plato – Yes.

Attorney Dickover – I'm looking at a documents that came with the revised set of plans, I trust the Board member have that in your package tonight?

Building Inspector Stickles – No, both copies went to PB Engineer Gainer and Attorney Dickover in your files.

Attorney Dickover – Then we need to deem one of these as the Official one for the Boards meeting tonight so we can amend the application as we go and make your determination. **(The Short form EAF was review by the Board and changed/corrected accordingly by the Board)**.

Attorney Dickover - **Having answered those questions in the no column the Board at this point could make a determination by motion that this project would not have a significant adverse environmental impact and therefore a Negative Declaration will issue.** That motion could be made by a Board member and seconded for a vote.

**Member Sebring Made Motion as stated above by Attorney Dickover
Seconded by Member Duffy, All Ayes / Motion Carried**

Chairman Plato – Any other comments/questions from the Board? None Noted.

Made Motion Seconded by All Ayes / Motion Carried to grant final approval

Attorney Dickover - Proposed Resolution was read and reviewed by the Broad and changed/corrected accordingly by the Board. I am not aware of any other conditions the Board members have if any otherwise that motion can be moved and voted on.

**Member Sebring Made Motion to accepted Proposed Resolution as read by Attorney Dickover
Seconded by Member Duffy, All Ayes / Motion Carried**

B.3 Overlook at Kidd Farm Site Plan, Subdivision Comment

Mr. Gerry Jacobowitz – To bring the Board up to date, we had meeting on 02/06/14 with PB Engineer Gainer our engineers and went through the report (69 items) most everything is acceptable. There are a couple of things that need more attention from the engineering standpoint. Then we met on the next day 02/07/14 with PB Engineer Gainer, Building Inspector Stickles and the others to go over the policy type issues and talk more about engineering. Some issues covered were 1. The pressure test done four years ago on the water system was when the tank on Gladstone Avenue was not beyond half full and the results shows it in the pressure. Since that time there has been work done on the tank and the water level there can be higher and they are going to retest it again next week. Based on the changing conditions of Gladstone Avenue tank, the hope is that the pressure will show that it is adequate for the area of the project that before had to have additional booster, so we can eliminate some of the pressure boosting.

PB Engineer Gainer – Based on the original test that was done 5-6 years ago, we identified the portions of their project would be below the 35 PSI recommended pressure. My expectation is that the pressure should higher and that is why we want to retest it. The expectation is that they will no longer have to seek any waivers.

Mr. Gerry Jacobowitz – 2. The Village is in the process of changing responsibility for laterals that the new Village law is going to be that the new connection from the main in the street all the way to the house will be the property owner's responsibility. Now it's the curbbox so between the main and the curbbox is the Villages, from the curbbox to the house are the owners. The Village is in the process of changing this and that's agreeable to us. The sewer line coming between the two buildings is another issue and access; our engineers have proposed that there access to this short length. The sewer/water mains in the street were not going to be taken over by the Village that is totally contrary to the way we started on day one of this project and which we have pursued and the design of the system is based on Villages specs which are much higher that what we would need to do if it wasn't going to be a Village system. I think the Village should own the two mains but that is something that if they're not taking it over will then create all kinds of issues here, because we have designed the system to Village spec. One of the benefits we were hopeful to obtain is to have the water line looped which would benefit the Village and not create a public safety and health matter. The system that we are proposing and is in the plan and is ok with the engineering standpoint because we meet all the Villages requirements would

loop the line from Coldenham Road to Rte 208 with a 10" main, valves and all to the Villages specs and also the pump station etc. What's happening next is our people are making all the changes to the plans that are in the (69) itemized list and then the plan will be submitted by to PB Engineer Gainer for review and then we go to DOH DEC.

PB Engineer Gainer – Our understanding was that it would be designed with the Village standard and would be offered at the dedication at the end of the project.

Attorney Dickover – Mr. Gerry Jacobowitz if the ownership of the mains do change and it's become privately owned I think your HOA documents are going to have to have private ownership of that. The Boards concern then is that they in fact do.

Mr. Gerry Jacobowitz – If the mains are to be part of the HOA, the HOA now in its budget will have to make a provision for the maintenance of those and a reserve. What that does is it will increase what we have to disclose will be the cost, that will make the common charges higher, that makes more people not eligible not to afford to buy because they are spending more on the common charges and taxes they don't have enough for principle and interest on their mortgage. Now you're losing potential market here and that is very serious. The roads will remain private as well as the lights, drainage etc., everything except water and sewer. The Village doesn't plow the streets, they don't do snow and ice, repairs to the streets etc., this is all done by the HOA so the Villages tax revenue for this project very conservatively is over \$450 thousand a year.

Attorney Dickover – We granted them preliminary subdivision approval and made reference to site plan changes that had to be made. You don't have site plan approval yet so you will need to come back to this Board to complete that. Your current approval runs to 07/01/2014 so prior to that if you need an extension come back and make a request.

B.4 New Harbors Hardwood, Site Plan, 55 Woodruff Street

Building Inspector Stickles – Everyone received this in their packet, it's a new first time application. This is in the same building that Ampacs two approvals before, they are at the far end of the building (map included where they are located in the same building). It's a use change.

Stephen Lenci – I work for New Harbors Hardwood which is New Harbors America. The location is 55 Woodruff Street currently is to be used as a warehouse. We distribute and engineer hardwood flooring, for our purposes the warehouse is pretty much used in an as is condition. Included is a document from out landlord that speaks to that as well. Operation is Monday through Friday, there is minimal traffic that does come in during the day, occasional tractor trailers 8-4 during the day, either bringing in or picking up material. It is not an open to the public type of business. We open and close locking the gates ourselves for our part of the warehouse use. We are presently using the space.

Chairman Plato – This is just a change of use?

Building Inspector Stickles – It's a new use, but it's the same type of use as Ampac. This was one big building with one use, it's now being sectioned off. This is the last section that is rentable or leasable.

Chairman Plato – Any comments/questions from the Board. Are you doing any machining or milling?

Stephen Lenci – Just basic warehouse, the only machine that is used is a forklift truck which was there before.

Member Sebring – The last owner of the property that came to the this Board we had made a request to the owner that no diesel engines tractor trailers for example will idle and we would like to see that also now.

Stephen Lenci – If we put an approved sign up saying “No engine idling” will be sufficient and if need be we will ask the drivers to shut the motors off?

Chairman Plato – You can’t do much more than that.

PB Engineer Gainer – You can get a copy of the prior approval from Building Inspector Stickle that addresses the issues so you understand the limitations that were placed on it.

Attorney Dickover – Read resolution specifics given back in August of 2013, #5 truck traffic into and out of the project site shall be limited to the hours of between 6:00am and 7:00pm. The next one is no trucks will be allowed to idle on the project site for a period of time in excess of 15 minutes. Then the truck traffic access to the project will be via Rte 208 and Woodruff Street and the last was truck traffic to the project site shall be limited to no more than 5 trucks arriving per day. I think that was particular to their proposed use, how you may or may not apply that to this user is up to the Board.

Chairman Plato – How many trucks do you realistically think you’re going to have?

Stephen Lenci – Could be 0-3 per day, most all of them are tractor trailers.

Attorney Dickover – On this prior use it was no more than 5 trucks (truck traffic) arriving per day.

Stephen Lenci – That encompasses any type of trucks?

Attorney Dickover – I don’t know that it got that specific or limiting about truck traffic. I think the Board’s concern was the idling of diesel and heavy equipment coming and disturbing residents in the surrounding area which is a residential area.

Stephen Lenci – Can I bring the truck limit question back to the manager/owner? Previously there was not more than 5, is what’s in the prior use?

Chairman Plato – Yes you may.

Attorney Dickover – There are no exterior changes proposed for you use? No new loading dock, lighting etc. PB Engineer Gainer, Chairman Plato do you already have a full set plan for this plan from prior approvals?

Member Sebring – Is there going to be any outside storage?

Stephen Lenci – None planned that I am aware of. The building that is there is what we are using there is a shed outside already. We are not planning to add anything.

Member Sebring – That’s all finished hardwoods that you’re going to be storing inside?

Stephen Lenci – Some of it is and some of it isn’t, we have no reason to put additional buildings.

Attorney Dickover – You can’t act on this it requires a 239 referral to the County Planning department and you haven’t done a SEQRA review.

Chairman Plato – We have 30 days anyway to wait. Ok, check about the number of trucks that they would like. We will put you on the agenda for the 03/03/14 work session meeting.

Chairman Plato – With no other matters before the Planning Board I would like a motion to adjourn.

**Member Sebring made Motion to adjourn the Planning Board
Seconded by Member Trafton, All Ayes / Motion Carried**

Chairman Plato – I would like to reconvene the Architectural Review Board.

B.5 150 East Main Street, ARB Sign Approval

Building Inspector Stickles – This applicant went to the Zoning Board and received an area variance to construct a sign on the front of his building due to the fact that he's located within an R-4 residential zone. It's a 20' long by 12" high white block letter sign would go in the red area above the door (picture of building provided for the Board).

Chairman Plato – What does it say?

Leroy Malcolm – Royalty Dry Cleaners, white block vinyl letters.

Chairman Plato – Any comments/questions from the Board?

Member Trafton – I would like it see it trimmed some kind of finish.

Member Sebring – I like free form.

Member Duffy – I like free form.

Chairman Plato – I like free form too. If there is no other discussion **I would like a motion to approve the sign as submitted with free individual white block vinyl letters 20' long by 12" high.**

**Member Duffy made Motion as stated above by Chairman Plato
Seconded by Member Sebring, All Ayes / Motion Carried**

With no other matters in front of the Architectural Review Board Member Sebring made a Motion to adjourn, Seconded by Member Duffy with all members voting yes.

C. DISCUSSION ITEMS:

C.1 Proposed Zone Change, 15 High Street

Building Inspector Stickles – What the applicant is wishing to do now is to take his property in B-3 and put it into the R-5 and make it a single family home. The Village Board just needs a recommendation from the Planning Board to proceed on that.

Chairman Plato – It adjoins residential; I think that's a better application for it. Any comments/questions from the Board? None noted. **I would like a motion that we recommend to the Village of Walden Board of Trustees that we support the proposed zone change at 15 High Street proposed by the applicant.**

**Member Trafton made Motion as stated above by Chairman Plato
Seconded by Member Duffy, All Ayes / Motion Carried**

C.2 Proposed New Building at 76 Oak Street

Building Inspector Stickles – I have one other thing for the Planning Board. Tonight you were given a Bond reduction for the work that's been done on the Hannaford's building, the original Bond that was placed was \$424,000.00 there is a break out sheet for the items that have been done and they are looking to reduce the Bond by \$156,258.00 leaving \$267,742.00 as the remaining Bond.

Chairman Plato – PB Engineer Gainer have you reviewed this?

PB Engineer Gainer – No. Attorney Dickover does this require a Public Hearing for prior reduction before the Planning Board makes a recommendation?

Attorney Dickover – I haven't looked at the ordinance on that. This is a Village Board matter.

Chairman Plato – This is just our recommendation then. Any comments/questions from the Board? None noted. **If there are no comments I would entertain a motion that we pass onto the Village Board of Trustees our recommendation that we reduce the performance Bond by \$156, 258.00 as submitted to us by Lanc & Tully.**

**Member Sebring Motion made as stated above by Chairman Plato
Seconded by Member Trafton, All Ayes / Motion Carried**

John Joseph (gave update on the project) – The weather has not been cooperative but in spite of that Hannaford is still determined to open in June. The contractors have been working very hard during the excessive cold, water issues and cold and are keeping on schedule in spite of these weather conditions and the unexpected issues that have arose. I have gotten a proposal from Auto Zone to build a free standing building adjacent by Car Tech. I think I can do this with an amended Site Plan? I wanted to know how the Board wanted me to handle that application.

PB Engineer Gainer – It would have to be an amended Site Plan.

John Joseph – Presented plan for the Board to look over. I will work on this, clean it up and get something on the telephone for the next meeting.

Attorney Dickover – This is an amended Site Plan application. Mr. Chairman my firm was counsel to this applicant on the Hannaford application prior to our being retained by the Village of Walden as Village Counsel, with respect to that disclosure I wasn't involved with the applicant, I can either recuse myself or parties can waive potential conflict.

Chairman Plato – That is for you to decide, not for us.

Attorney Dickover – Ok, it would probably be best for me to recuse myself if there be something that comes up that requires legal advice on if certainly, drafting resolutions and things typically don't involve legal advice.

Chairman Plato – So if we did get to that point then recuse yourself at that point on. That would be fine.

Attorney Dickover – If you find that you do need legal counsel on an issue I think I would have to recuse myself but for performance things drafting and so on just be aware of my conflict and I need to I will remind you of it again.

Chairman Plato – That's fine.

John Joseph – I will be back on 03/03/14 with more updates on the Hannaford project and the new Auto Zone project.

D. INFORMATION ITEMS:

E. CORRESPONDENCE:

3. COMMUNICATIONS:

4. EXECUTIVE SESSION:

With no other matters in front of the Planning Board, Member Sebring made a Motion to adjourn, Seconded by Member Duffy with all members voting yes.

MEETING ADJOURNED: 8:45 pm

RESPECTFULLY SUBMITTED
February 19, 2014
Nancy LaMancuso
Planning Board Secretary