

Village of Walden
Planning Board Meeting
May 21, 2014

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Brian Sebring	Present
	Lisa Dore	Present
	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 04/07/14 any corrections/changes?
None noted.

**Member Wilkins made Motion to accept Planning Board Minutes of 04/07/14
Seconded by Member Sebring with all members voting yes.**

2. BOARD BUSINESS

Planning Board has received:

1. PB Engineer Gainer's Technical Review on the revised site plan dated 05/09/14
2. Email From Building Inspector Stickles for guide rail and fencing along right side of Hannaford's building email dated 05/16/14
3. Email dated 05/19/14 from Building Inspector Stickles from John Revella < Ed Leonard < Gina Stevens
4. PB Engineer Gainer's technical memorandum on the latest plans dated 05/19/14

A. PUBLIC HEARINGS:

A.1 78 Oak Street, Continuation 7:30pm

Chairman Plato – At our last meeting on 05/05/14 we started the Public Hearing we had 2 people asking questions. We held the meeting over because we did not have proof of mailing. Is there anyone from the public here to ask questions? Noted, several people are here. Please state your name and address for the record.

Mailing were presented and counted by Member Sebring and Member Wilkins: 82 mailed, 56 received.

Barry Medenbach, representative for Hannaford's project & representative for Auto Zone Site Plan issues - Gave an overview/presentation to the public in attendance about the project (referring to the amended Site Plan) for Auto Zone.

Chairman Plato – Before we begin, only one person from the public was at the 05/05/14 meeting, everyone received a mailing regarding the meeting. Several people noted an untimely receipt or the mailing and a few others never got notification from the U. S. Post Office. That is something we need to look at.

Frances Monagle, 30 Pleasant Avenue – Where is Franco's Restaurant on the Site Plan? Where is the running water that you were talking about?

Barry Medenbach – Pointed out Franco's Restaurant, the road location, where the water is.

Russell Dupper, Car Tech – Are you aware that I have a Supreme Court Order for an Order to Show Cause against Mr. John Joseph, property owner?

Chairman Plato – Excuse me, I don't think that has anything to do with this.

Russell Dupper - Actually it does. Is the Planning Board aware that I hold a Supreme Court Order to stop this project and shouldn't even be here now!

Chairman Plato – Let me answer! Attorney Dickover are you aware of this?

Attorney Dickover – I'm not aware of such an order. I haven't seen it, if there is one I would like to see it.

Russell Dupper - That was forward to everyone on this Board and hand delivered to Building Inspector Stickles and faxed to the Village of Walden weeks ago. It was for a work order stoppage and restraining order for the Auto Zone project. On top of that you're trying to build a building within at least part of the spots that included in my lease. So the land they are attempting to build on they don't even have access to its part of a leased area and that was also included in the fax and the hand delivered to the Board. The last Board meeting you allowed it to continue even though he did not have receipts for the mailings.

Chairman Plato – That's why we continued the hearing and why we didn't take any action and close it.

Russell Dupper - Did the applicants for the Auto Zone project notify the Planning Board at any time that I have a Supreme Court Order against them to stop the project?

Attorney Dickover – Mr. Chairman may I address some of this? Apparently Mr. Dupper referring to an Order to Show Cause dated by Judge Slobaz Supreme Court Justice in Newburgh barred on the 12th day of March 2014 address to V.S. Walden LLC no where on this document is it addressed to this Planning Board or to the Village of Walden. As such this order to show cause is not binding upon this Board, you have an application before you, and you are bound to entertain it. Whether or not the applicant is bound by the terms of this order to show cause is something for them to respond to but not in this forum.

Russell Dupper – So then my question is did the applicant notify you about this yes or no.

Chairman Plato – I have no proof that he did or he didn't.

Russell Dupper – Next question I have, this paperwork went to the Village and I personally delivered it to the Village clerk and it was also faxed to the Village. Can anyone explain to me why no one got that piece of paper?

Chairman Plato – I did get it, I did not have it before the original meeting on 05/05/14.

Attorney Dickover – Mr. Chairman again I'm going to say that the Order to Show Cause is not directed to this Planning Board and it doesn't conjoin this Board from stopping this hearing, the applicant feels compelled by then that is a question for applicant to answer not for this Board to answer.

Russell Dupper – Well that's a question the Board should ask them.

Attorney Dickover – I just instructed the Chairman that it's not a question for this Board to answer Mr. Dupper.

Russell Dupper – The last meeting shouldn't have taken place, you did not have the receipts. You have adequate proof in this room today that these people did not have enough time or did not get the letters, that meeting should've never took place!

Chairman Plato – Keep your voice down or I will have you removed! Now these are dated 04/28/14 by Village statue they have 5 days and they were mailed in time.

Russell Dupper – Half the people here didn't even get them.

Chairman Plato – That's why I'm checking into it, maybe 5 days is not adequate but that is the law!

Russell Dupper – Then why let the meeting through if you didn't have the adequate people to proceed with the names!

Chairman Plato – Because there was one person here and it wouldn't be fair for the one person here to say hey you got to come back next week. We carried over because we didn't have proof of the mailings we wanted to make sure we had those, that's why we continued it for tonight.

Russell Dupper – Ok so this would be my next question, remove those two items that I have a Supreme Court Order to stop it, they didn't get their mailings there are also putting it on my leased property which I also provided to the Village in my work and my parking spaces.

Chairman Plato – That's between you and the applicant.

Russell Dupper – I understand that it does not bind the Planning Board I confirmed this with my legal counsel but you are aware that they do not belong at this meeting or any meeting prior to this. Why did you allow the meeting to take place? Why not postpone these meetings until after the court date? Which is Tuesday, why do it it's a waste of time for everyone on this panel it's a waste of time for everyone in this room; they should not even be here.

Chairman Plato – First of all it was not in our possession.

Russell Dupper – It's been in your possession for over a month. I can prove to you when it was delivered.

Chairman Plato – Let me put it to you this way, it wasn't in the Planning Board possession.

Russell Dupper – It was in Mr. Stickles possession, he's the Building Inspector.

Attorney Dickover – Mr. Chairman can I suggest to you whether or not it was in you possession or not doesn't matter here. The question whether or not the Board is enjoined by this order to show cause and it is not, you can also not refuse to here the applicant because he has a valid application pending before this Board and you are duty bound to hear it. Whether or not the applicant chooses to proceed with the face of and order to show cause perhaps enjoining him or perhaps not is for the applicant to answer not for this Board.

Chairman Plato – Ok. Next question. It is the intent to hear everybody whatever you have we will stay and we'll hear it.

Gina Stevens, 36 Pleasant Ave (read her statement) – it was a beautiful day today and once again I was forced to keep my windows closed. Today was not only about the dirt that rose up the hill in my yard and home or noise that starts almost daily at approximately 6:45 AM which continues until almost 9:00 PM many nights but because of the overcoming stench from the black topping vehicle in Hannaford's parking lot this unfortunately has been our life for the past year and a half. In 2001 we purchased our home because we understood the buffer between our home and the Thruway Market could ever be touched due to Village code, that buffer makes our life bearable for the most part. In 2002 we had another child and this is his home as well, he is growing up here. My backyard is where you will find the neighborhood kids playing on any given days. There have been forts built and constructed, there have been baseball and basketball games played, there have been star wars battles held and hide and seek games, there have even been a few cases of poison ivy and a set of stitches. Kids run from one yard to the next, they are safe here. The fresh air is good for them; my backyard is my refuge as well as theirs. It is my privacy, it is my kid's playground and my dog's park, it is a home to many bird species as well as wells as woodchucks, skunks, rabbits, raccoons, mice, moles, deer and squirrels, this year we even have some red squirrels. There is a lot of traffic noise in front of our house at all hours of the day and night and we can never open the lower front windows because of this. But I have dealt with that because we could always just go in the backyard, now I have been told that you are considering the destruction of that little bit of piece and happiness that we do have. I am absolutely sick over this and I have not slept in weeks. My insurance company has said that due to the nature of this building and close proximity of this building to my property my insurance rates will not only double while the value of my property will be decreased to almost half. I will never be able to sell my home, I will be forced to look at the back of a nasty building, I will be forced to deal with all that comes with this type of venture for the rest of my life because I will never be able to sell my home. My sanctuary will now become a prison. Whatever big box store that you allow to tear away at that buffer behind my house will come in and build their building and they will destroy our lives and they will walk away to sit at a desk and count their money. Once it's built it's there permanently even if there isn't enough business to support it and they walk away and leave it vacant. Let's face it there are plenty of already vacant buildings here in Walden that can be utilized. For example the vacant Hess building or the big nasty yellow building on Rte 52 across from the Methodist Church that adjoins a parking lot already, evidently you did not consider the lives of your local residents or the burden it would cause to us with this idea. Now may I talk about drainage and run off. We are going to get run off from Bergen Avenue as with everything there is erosion but what you are considering will cause destruction to a protected buffer and disrupt the environment that has been here for over a century. Has there even been any environmental impact study done? Have you consider the quality of life for you residents while the construction in the building occurs. Have you consider the cost to your tax payers in the form of financial, emotional or physical or do you just not care? I beg you to reconsider these plans or stipulate the purchase of my home as a condition. Why should my family be forced to shoulder this burden of astronomical lose by a million dollar company who does not care about our historical community. Thank you.

Chairman Plato – First nothing has been touched on that buffer at all.

Gina Stevens – But it will be.

Russell Dupper – It's proposed that they cut it out and make retaining wall out of it.

Chairman Plato – And also they will be adding additional screening. To say this Board doesn't consider it, we do consider it. I would like to see proof of the insurance company saying that they are going to

double because I don't understand that. Also the drainage, they are taking steps to improve the drainage.

Barry Medenbach - We're not excavating as much as you think. The only area that is being excavated is here (referring to the Site Plan) there are no trees in that area it's just a grass slope. The excavation is the sloped part we're not going beyond the top of the slope. All the trees exist now are in this strip and we are proposing to plant ten (10) more trees that will be selectively put in there to fill in what little openings there are now. We are not taking any tree out; we are adding more vegetation to help screen it. The lighting that is in front of the Hannaford building we've toned it right down, we lowered the wattage substantially by 25%. We've put in more fixtures that are heavily shielded so it will keep the light illuminating down on the parking area. So a lot of consideration went into protecting the privacy of the neighbors here. It's not like this was just nilly-willy lets just shove it over there, a lot of thought was put into this.

Gina Stevens – We have an oak tree that has been growing since he (son) was a baby twelve years, it's going to take at least a decade or two (2) for that to grow in to fill in to give us back our privacy. With no disrespect maybe it's true that he put in consideration but it isn't enough. Our home was built between 1885 and 1895 it's a historical home. This area has been there untouched, I was under the impression that we were allotted a fifty (50) foot buffer and this isn't fifty (50) feet. Whether you're cutting back or putting in a retaining wall and putting in greenery and putting in a screen so my child doesn't jump off a cliff when somebody is not looking.

Chairman Plato – He can do that right now.

Gina Stevens – No he can't, its grass.

Barry Medenbach – It's a still going to remain a slope. It's not going to be a vertical wall.

Gina Stevens – We are not going to be able to ever move or sell our home.

Member Dore – What would you like to see?

Gina Stevens – I don't want it at all, not there.

Chairman Plato – So really if you had your way you wouldn't have the Thruway Market either.

Gina Stevens – Well no, let's back up a little bit. The Thruway Market was there for many years and they closed by 9:00 PM at night. Children by 9:00 PM are going to bed. Hannaford's is big enough of an adjustment because they are open till 11:00 PM or midnight. There's going to be traffic coming in and out of that parking lot probably until at least midnight, so that isn't bad enough we went to that meeting and there was nothing we could do. We we're told you couldn't stipulate hours of operation even though it is a residential neighborhood, but now you want to take more from me, I can't go through another year and a half of nightmare and all that comes with this type of a venture. People sit in parking lots and they work on their cars. So what they close at 9:00 PM they can't get their car started how long do you think they are going to stay out there and work on their car.

Chairman Plato – They're not.

Gina Stevens – This is my life you're talking about not just a little Auto Zone building, this is our whole quality of life with the three (3) properties that it's built right behind.

Nanette Degroat, 80 N. Montgomery Street – We are a small Village and I don't understand why we're allowing big corporate type of box buildings to come in here. Main street has already suffered because of the Thruway market being down there and even the owner of the Thruway market said that it should open up some for opportunities for people up on Main Street. Well maybe, but the whole downstairs of the Thruway sporting goods now is going to be leased out for retail. Now we're talking about putting another building over there and if it's not an Auto Zone they will want it for retail. I think that's a problem. We have so many empty buildings as it, why are more being allow to be built down there at the foot of Oak Street again. Again it takes away the focus off of the rest of the Village and the rest of the small businesses in area. As the Planning Board you need to look at the whole picture and I think that's what has to be done, you have to look at the whole picture. How is that going to affect everybody else up top? I really think the Planning Board needs to take some consideration because this wasn't in the original plan.

Elaine Bezue, 32 Pleasant Avenue – This will be right in my backyard. You made a comment that the buffer hasn't been touched. They just recently cut a bunch of trees out along the property line, I don't know if you're aware of that.

Chairman Plato – I wasn't aware of that.

Elaine Bezue – The area he is talking is where that hole is that you already took some trees out of and now it's bare, because the electrical line was not able to go through without the taking some of that tree area out. I spoke to someone last night at the Village of Walden meeting because I said ok so it's fine right now if you sit in my backyard you can see a little bit of the parking lot because the trees are tall now because it's been a long time. What happens in the winter time when all those trees have no leaves on them is you look at a big building and I agree with everybody here. There is no use for that building, what is the purpose of an Auto Zone in the Village of Walden when not even three (3) miles away they just put Advanced Auto in. I went by it the other day and there was one (1) car in the parking lot. It's not going to improve this Village; it's not going benefit anybody in the Village because it's not going to create jobs like a manufacturing plant would. I worked for Nelco for years and we got pushed out of Walden and then they closed down but you know there isn't much manufacturing in here. That to me is useless for this Village and it doesn't improve the historical of this Village. Hannaford's looks beautiful, it does I love it, it looks so pretty down there you put a box like that in the middle of the parking lot and it's just going to throw whole look of the shopping center. What are you going to do with the bank, that's my next question. The bank will sit there because I have the original plan that was brought up in the original meeting from Hannaford, down in back corner was suppose to be a restaurant. This was never mentioned in the original plan back in 2011; it was a December meeting that we went to. I asked that question will there ever be any touch to back of my buffer zone. My husband's family has had that house for years; it's a hundred (100) years old or so. You start getting into those springs you're going to loosen our dirt in the back yard. It's going to start warping out, cracking; we have plaster in our houses it's going to crack eventually. You're warping away at the hill. My husband made the comment it took a big machine to get into that shale. I went down there today and I looked and if you put the building and the retaining wall and you're not going to touch out buffer zone how is a truck or big car going to get through the front of the building to get to his shop or the back of Hannaford's. There's not enough room a fire truck probably can't get through there. I don't know, to me a person who lives in this Village that's going to be really affected because its right in our backyards, I am totally against it and I am going to start petitioning the Village. There are village residents that I spoke to today that didn't even know about this, nobody knows about this. This is a secret really, I told the paper about it I was hoping they would come to night.

Chairman Plato – It should have been posted in the paper.

Building Inspector Stickles – It was posted in the paper.

Elaine Bezue – It is not in the paper, I looked for it on the whole website. Nothing is in the paper about this. Do you know how I found out about this, I looked up on the website Auto Zone plans for the Village of Walden and on there was this invitation to bid which is due tomorrow.

Chairman Plato – Did you get the mailing?

Elaine Bezue – I did get the mailing. There is nothing in the newspaper to tell that you were planning, you're not telling the village what they want to know. Maybe there's other people in our village that want to know if they really want it and then more people can come and voice their opinions. I emailed the paper today I want them to put something in the paper I think that more people should come. I talked to a man today and he said I didn't know they wanted to put an Auto Zone. Even he said why don't they use the Hess property its empty. It sits in the middle and it looks like a big eyesore.

Frances Monagle – Six (6) years ago we we're invited to the state of New York by the U.S. Army. When we found out that we were going to be at Stewart we looked at a number of surrounding communities, we selected Walden and we fell in love with Pleasant Avenue. Right location, we loved the fact that we had a grocery store within walking distance. We have Car Tech and have been a loyal customer since we have been here, they do a fabulous job, they are a small business. We love Franco's, walk down the hill grab some Italian go over to Daxxon get some Chinese, small business small village, that's my big point. We weren't thrilled when the Thruway was closing because we new we were going to be in for a year of a lot of painful stuff, noise, trash, the dirt that came into my house that was blown through with the winds which is ridiculous but we knew it would come to a halt eventually. Now with these proposed changes how much more, how much longer do we get to endure this? Can home from a hard day at work, walked out on my deck this afternoon I am assaulted by noise, smell, there is enough stuff in the air already thanks to mother nature. I'm going to get to do this for another year? I don't want it. We have traffic problems here. Back six (6) years traffic was moderate it was fine, three o'clock in the afternoon there's traffic up by the Hess station and it doesn't stop. We have enough traffic now, we have Hannaford's and now we're going to add another several new businesses down there. What's the plan for traffic control is there a plan for traffic control? I concur this is not enough. It doesn't affect me nearly as much as it does Elaine and Gina and Jeff. I don't like it; you've got to have something more than this. I respectfully invite this Planning Board if these plans are approved you come live in my house, I'm pretty sure you don't live on Pleasant Ave and I'll come live in your house and you can see what this would do to your quality of life. I'm totally not in favor of it.

Tom Lynch, 39 Pleasant Avenue – I have a couple of questions about the mailings? You said you don't have the receipts for the mailings?

Chairman Plato – No, we do. The Public Hearing was opened on May 5th and the applicant didn't have the mailings. They are reviewed at the time of the Public Hearing.

Tom Lynch – Don't you need those receipts in hand at the time of the Public Hearing?

Member Trafton – The Public Hearing is still open.

Member Wilkins – I have your mailing here, returned.

Tom Lynch – May I see it? The house was sold to me in 2010, has not lived in it since. That's not me, I never got that letter.

Chairman Plato – It was returned to the applicant. This is why I am asking, I am concerned about the number of these mailings that were returned. Town of Montgomery provides the list to the applicant for the mailings.

Barry Medenbach – We find this problem in some towns, they don't update the local tax role when there is a change in title. The County needs to notify the Towns for them to update their registers and some towns don't do it very quickly.

Brian Leverock, 60 Bergen Avenue – I did sign for that confirmation, I received it after the May 5th date.

Chairman Plato – The stature is five (5) days, maybe that's not enough time but that is what the stature is and that is what the applicant went by they were mailed on April 28th and the meeting was for May 5th so that is seven (7) days. The notice was in the paper April 30th (read copy of the Public Notice that was posted in the newspaper).

Elaine Bezue – Why did you only give it to a handful of people?

Chairman Plato – Because of the stature it's a certain distance from the property three hundred (300) feet.

Elaine Bezue – I also called my insurance company. The woman there used to work for a realtor. I asked her will this affect my insurance. Because this is a company that's going to store combustible materials, we are very close. If they had an explosion it probably would take all our houses out. I made a comment to the Village of Walden Board last night that they probably don't live close enough to hear the gun shots that we heard a couple of years back, when somebody broke into the Thruway Market that scared up right out of our beds. We have children our windows are open were it was the middle of summer all I heard was gun shots and yelling and we had no idea it was coming from the Thruway Market. This whole situation, I know it's going to cut into our backyard it's going to cut into the buffer zone that was put there for the original Thruway expansion. This is not part of your original plans for Hannaford coming there.

Chairman Plato – That's right, that's way they filed an amended Site Plan.

Elaine Bezue – My insurance agent told me the property value of your house is going to go down. I will never be able to sell this house my kids grew up in, when they leave and I need to move on to a smaller house.

Frances Monagle – I was told the same thing.

Steven Leverock, 16 Bergen Avenue – Has anybody thought about what the speed limit is on that road? It's a 25mph speed zone, people to 50mph down there. Maybe Bank Street should be turned into a one way. I can't even back into my driveway with the amount of traffic that we're getting now and you to add more stores and more traffic.

Chairman Plato – That's a Village of Walden Board decision.

Elaine Bezue – What is the Planning Boards criteria when something like this comes before you and you have people in the village that have problems with it?

Chairman Plato – There are different things that we need to do. One is SEQRA State Environmental Quality Review App. Where you look for impact on the community, before we can have a Public Hearing we to as a Board (without public input) determine if there is a negative impact or can it be mitigated, we did that. We can open that back up because of public input and that is up to the Board and we will take a look at that. Once we go through that there is a preliminary approval, final approval. We don't have any discretionary latitude, we have statues that if the applicant meets those.

Nanette Degroat – I don't understand why the village does not have a choice.

Chairman Plato – The Village of Walden Board does, the Planning Board does not.

Nanette Degroat – We should have some type of right to say what direction we want our village to be going.

Member Trafton – That is the point of a Public Hearing to get input to make our decision. This is part of the process listening to everyone about what they're thoughts are and obviously there is an issue with who is aware of what's going on. This is the process.

Chairman Plato – If all the mailings were here at the Public Hearing when it was opened on May 5th, this may have already been decided, because there was only one (1) person here.

Elaine Bezue – Why was this never discussed when they were doing Hannaford in 2012? That plan is not the original plan.

Chairman Plato – Right, it is an amended Site Plan, this is part of the procedure to amend the Site Plan.

John Joseph, owner of the Thruway – There is room on the property for additional commercial development. Certainly we want to work with the village and the residents to solve problems and concerns.

Elaine Bezue – It wasn't in the original plan. That number eight (8) building was way back in the corner not behind my house.

John Joseph – We took the 1984 approved Site Plan it included the restaurant, that was part of the application because we weren't changing anything at that time other than tearing down 65,000 square ft. and replacing it with 36,000 square ft. so that's what we showed.

Chairman Plato – You came to us with a Site Plan with a pad for the restaurant but they you made a new Site Plan which did not have that, right.

John Joseph – Yes, we took the restaurant off and we put this in its place.

Chairman Plato – You did have a pad approved for a restaurant.

John Joseph – That's correct.

Frances Monagle – You get all of this input from us and you take it under advisement and if the Planning Board chooses not much attention to us. You can do what ever you want is that basically the bottom line? I'm very unfamiliar with how village politics sorry process how it works.

Chairman Plato – That's not what we would do, that's not how we work, this is not a political Board. This is an appointed Board by the Village Manager. It's entire volunteer Board we're all residents here.

Frances Monagle – Ok, so after you take all this under advisement will we be notified of any decision that you make?

Chairman Plato – It will be in the minutes of the meetings. Will you be personally notified, no. John Joseph can you do a rendering of what it should look like?

John Joseph – Reviewed the height of the Auto Zone and the grading of the plaza and the levels of the properties and discussed what the residents want, trees, fencing etc.

Chairman Plato – Do you want a buffer or not?

Tom Lynch – I didn't get my mailing! That's shady as hell. I am 100% opposed to the project.

John Joseph – So there really is nothing I can say to change your minds.

Tom Lynch – Well if you followed the rules to begin with.

Chairman Plato – He did follow the rules.

Tom Lynch – If he followed the rules I would have gotten my letter.

Chairman Plato – Let me address it one last time. The Town of Montgomery gives the list to the applicant of every property owner of 300 feet of the project as known to the Town. That comes from the Town, not from the Village not from the Planning Board not from the Zoning Board. The applicant does the mailings; he has five (5) days, by Village law to send those out five (5) days before the Public Hearing it was done seven (7) days before. In the papers it was done five (5) days before. So don't say the applicant cut corners, he didn't cut corners. Now if the mailings didn't get there that's a problem. That may be a problem at the U.S. Post Office or maybe with the Town of Montgomery, not with this Board not with this Village. I know that doesn't satisfy you because you didn't get your mailing but that is nobodies fault in this room.

Member Sebring – No decision has been made on this so what you're saying now is being put on the record and if you had been here at the last meeting.

Chairman Plato – And this why we held the Public Hearing open until this meeting.

Member Dore – This is why we're here to figure out what is the best fit for everyone. I'm sure the applicant will work with you and want you want.

Member Trafton – What is the elevation in relation to Car Tech so people can understand?

John Joseph – It's about the same height. The buildings are about the same height.

Barry Medenbach – This building will be very similar to Car Tech building, pushed up against it the same way they are, the same height, same floor level very close to the same elevation the floor level. The slope is going to run right up to the back of the building there's no passage behind the building and the dumpsters on the Car Tech side. The building height is 21 feet.

John Joseph – What can we do?

Chairman Plato – Let me ask everybody hear is there anything the applicant can do that would satisfy you?

Residents attending the meeting – In general, NO.

Maryellen Matise, 21 Clinton Street – I would like you to clarify, without cutting into the bank the footprint of the property lot is the same as it was?

John Joseph – No, it is substantially smaller I reduced the mass of the old building from 65,000 sq. ft. to 35,000 sq. ft. The façade of the building is setback and gained forty (40) feet of parking lot in front of the new Hannaford's building.

Russell Dapper – As far as the trees being cut down the applicant did not do it. The electric company did, we had a breakage and NYSEG came in the winter and cut down the trees when they were doing repair work to the wires.

Further discussions about the project rehashing the issues continued.....

Chairman Plato – If there are not other questions or comments can I have a motion to close the Public Hearing.

**Member Wilkins Made Motion to close the Public Hearing
Seconded by Member Sebring, All Ayes / Motion Carried**

Chairman Plato – Thank you all for coming out we do appreciate the input. Feel free to come back to the Board if you have other concerns because we will let everybody speak because we are all part of the Village.

Elaine Bezue – If I get a petition to get people to sign it then am I ok to bring it back to the Board.

Chairman Plato – Of course, you can always do that.

B. FORMAL APPLICATIONS:

B.1 78 Oak Street, Proposed New Retail Building

Chairman Plato – Obviously there's some issues. I can't believe property values would drop like that and insurance doubles.

John Joseph – Its pure speculation, one more commercial building in a commercial zone is not going to destroy the property values.

Barry Medenbach – I've been doing this for thirty-five (35) years and I have always heard that claim and I have never seen anyone produce proof.

Member Wilkins – Values are dropping anyways regardless of where it is and I don't think it's necessary to bring in a realtor. A person is going to pay a certain amount of money for a house and will buy it whether it's in that location or not. The one woman from the army they bought that location and the Thruway Market was already there.

Chairman Plato – Also they mentioned buffer zones as old as those houses are I'm sure there's nothing in their deeds on buffer zones. Even if it is that's not a problem because you're not going there.

Attorney Dickover – I've noted some issues that the Board might want to address also. One of them was this claim that there is a legal buffer zone there that came from a prior site plan approved from the Thruway Market? If there is I think the Board needs to know that and examine it.

PB Engineer Gainer – That's a 1984 plan.

Chairman Plato – Also the length of time to build the project.

Building Inspector Stickles – Just to defend the Board and the developer, that is the first time this during this entire construction that I have heard a complaint.

John Joseph – Start to finish approximately one hundred twenty (120) days.

PB Engineer Gainer – Did you speak to the issue why this did not go in the area of the old restaurant footprint?

Barry Medenbach – It will take away from the parking from the restaurant that is already there and possibly more drainage issues.

Chairman Plato – The other item that came up was traffic.

John Joseph – I've done an entire traffic study.

Chairman Plato – Good, we will need that and what the impact is going to be because it is going to be minor.

John Joseph – Keep in mind why it's going to be minor if at all. You torn down sixty-five (65) thousand square feet of retail space and only put back thirty-six (36) thousand square feet, so you have a great reduction in the type of retail goods also.

Member Trafton – You may want to include some sort of elevation plan, so the public can get visual of it.

Mary Ellen Matisse – Are you going to have the same relationship with the Village Police and the Thruway Market did?

Barry Medenbach – Yes, absolutely.

John Joseph – Yes, whatever the community needs. There is going to be a different standard of care, we're going to be proactive with the community as the Thruway always have been. They are still there, they are there everyday.

Mary Ellen Matisse – How are you going to deal with Albany Avenue?

John Joseph – We're going to clean it up and pave it possibly a speed bump and we will look at the lighting for people who walk.

Chairman Plato – I would be to every body's advantage to have a sidewalk there too just for safety.

John Joseph – I'll look into that.

Barry Medenbach – I have the color samples of the building, they are Sherman Williams colors.

Building Inspector Stickles – They agreed to take the Sherman Williams colors and get them as close as possible to the Benjamin Moore Historical Colors.

Chairman Plato – Do we have a leeway of colors?

Attorney Dickover – No I never examined what the Village code says about that. My understanding is you have designated colors that Benjamin Moore gives a number to, it doesn't have to be Benjamin Moore it could be anybody else's paint as long as it's the same color. My understanding is that they were going to match the Hannaford Building in color with this.

Barry Medenbach – The Primary colors.

Attorney Dickover – In addition to the things you've already mentioned someone said that the access for Mr. Dupper's business is being taken away? Do you know anything about that?

Chairman Plato – He was saying that he was losing parking spaces is what I believe he said.

Attorney Dickover – He used the word access.

Chairman Plato – He insinuated his lease gives him a certain number of parking spaces.

Architectural Review – I agree with that statement. I was concerned about access to the egress of the site, that was what I heard. Next someone mentioned they owned an historical home? Is there a historically designated home in this neighborhood?

Chairman Plato – No.

Attorney Dickover – The hours of operation, was that issue addressed.

Chairman Plato – My understanding is that we can't set hours of operations anymore.

Attorney Dickover – That wasn't my question. My question was did you do that for Hannaford's?

Chairman Plato – No, not that I know of.

Attorney Dickover – Does the Village have hours of operation for construction?

Chairman Plato – Yes.

Attorney Dickover – One neighbor questioned the stability of the wall, has that been engineered and looked at?

PB Engineer Gainer – There's a design that has to be provided that gives us an indication of what they are doing. That is subject to hard engineer design.

Attorney Dickover – In your decision if there's an approval of this you're going to have to put something in that condition that the Village has the right to inspect that excavation as it's on going and to stop it if you come to the conclusion that it's not going to be stable.

PB Engineer Gainer – As we had discussed internally with the applicant, we want to make sure there was text on the Site Plan drawing that there is going to be an engineering design to that embankment that's provided to the building department as part of that building permit. We still need to see paring and design. They are showing a vertical site, a terraced area with future landscaping beyond what's on the boundary and all of that we are trying to get covered by plan notations to indicate that it will be within the rule of the building department to verify the intent of the Site Plan has been met.

Attorney Dickover – Are you going to be comfortable with the work and stability of the slopes as its on going?

PB Engineer Gainer – He's got to provide it before we let him move that aspect along. It has to subject to some formal approval by the Village.

Attorney Dickover – The other issue that you want to consider and was discussed about sound barrier versus plantings versus a fence, I think you're going to have to have set out with your engineer and the applicant. It needs to be addressed. The last one was this issue about the publication; posting and mailing will need to be examined.

Chairman Plato – Maybe it needs to be taken up with the Village Board maybe five (5) days isn't enough.

Attorney Dickover – That's a local Village ordinance the state doesn't require any mailings in Site Plan applications. It's something the Village adopted as part of its zoning ordinance. Certainly you can make that recommendation.

Barry Medenbach – Every town does it differently. I think the problem here particularly was the return receipt. The postal service will not leave it in the mailbox, somebody's got to be there to accept it so they leave a slip and they take the mailing back to the post office and the people don't find the time to go to the post office to sign for and pick up the mailing.

Chairman Plato – Right, that's exactly what happened.

Barry Medenbach – You can send the mailings registered without a return receipt, just as registered mail and we had you the slips that we mailed to everyone but you don't get anything back.

Chairman Plato – You don't have to go to the post office to pick it up, I think you can sign that receipt and put it in the box and then they will drop it. I've done that on other things myself.

Member Wilkins – Attorney Dickover, we can state that they can't have any repair vehicles?

Attorney Dickover – They can't do that now.

Member Wilkins – Does that apply to Car Tech?

Building Inspector Stickles – It applies to Car Tech right now.

PB Engineer Gainer –

1. Building Inspector Stickles is going to look at the original Thruway Market reconstruction approvals to verify if there's any specified buffer along the rear of Pleasant Ave.
2. Chairman Plato suggested that you provided a couple of cross sections through the building maybe the North side and the South side to illustrate maybe if a sound barrier is needed or what a vegetation barrier would provide for screening.
3. Indicate in the cross section if there is any roof matter or equipment that is going to be mounted and visible.
4. The last question for the Board is if the site be relocated to the South where the old approved restaurant pad exists do we want the applicant to provide some conceptual layout as to what that impact is so they can prove that it is not feasible to move it?

Chairman Plato – Any other question or comments from the Board at this time? None noted.

B.2 Architectural Review Board, Sign 19 Orchard Street

No representative at meeting.

C. DISCUSSION ITEMS:**Edmunds Lane Proposed Apartment Complex**

Discussion was postponed to a later date due to time restrictions.

D. INFORMATION ITEMS:**E. CORRESPONDENCE:****3. COMMUNICATIONS:****4. EXECUTIVE SESSION:**

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

MEETING ADJOURNED: 9:30 pm

RESPECTFULLY SUBMITTED
May 21, 2014
Nancy LaMancuso
Planning Board Secretary