

Village of Walden  
Planning Board Meeting  
May 05, 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 Stickle	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 03/03/14, any corrections/changes?  
None noted.

**Member Sebring made Motion to accept Planning Board Minutes of 03/03/14  
Seconded by Member Duffy with all members voting yes.**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1 78 Oak Street, 7:30PM**

Planning Board has received:

PB Engineer Gainer's Technical Review on the Amended Site Plan dated 05/05/14.

Chairman Plato – The applicant does not have the mailing with him so I felt that we can't close the Public Hearing, we hold it open until he produces them? It wouldn't be fair to the public to postpone it when there are two people here to hear. We will hold the Public Hearing over and then close it at the next meeting.

Attorney Dickover – That's not a bad idea to keep it open.

John Joseph, owner of the Thruway Shopping Center – gave a short overview of the project and amended Site Plan changes for the addition of an Auto Zone retail store for the public attending the meeting.

Chairman Plato – Any questions or comments from the Planning Board?

PB Engineer Gainer – Commented on the Technical Review.

Chairman Plato – I did have a question on the performance bond, I thought we could only have the applicant Bond public improvements not private improvements.

Attorney Dickover – Certainly the public improvements should be bonded.

Chairman Plato – For clarification if it ties into any of the public utilities then its bondable?

Attorney Dickover – You have an existing bond already being brought down and they're buying into infrastructure that is also tying into other facilities that are being used by the Village so to keep that system consistent it's going to have to be bonded.

John Joseph – We deeded the water line, that's what we bonded now.

Member Trafton – Do you have any more details as far as the plantings?

John Joseph – In the islands I'm putting the trees and the landscaping and all of the bio-retention areas and will put in a Holly berries, they're like a bush that can be trimmed and be kept smaller.

Member Sebring – How high is the retaining wall behind the store?

John Joseph – We're going to cut into the bank and terrace it, so that it is a flat wall. If I can grade it up I will but I have to see what the conditions are.

Chairman Plato – I think we should get that nailed down.

PB Engineer Gainer – You should have the current details on the drawings indicating that it will be benched and that there will be plantings in those benches.

Chairman Plato – Yes, if something happens and you can't do it then you should come back to the Board.

John Joseph – Absolutely, I have been keeping the Board informed all along the way.

Attorney Dickover – PB Engineer Gainer the current plan you have show's that to be benched. If they get into that and find that they can't do it is that something that you would consider to be a field change or do you want this applicant to come back and show us a new plan?

PB Engineer Gainer – We have been trying to get the updates on the plans so that it does that very thing. It's clearly shown that we want to see it benched so that there is no dramatic vertical cliff. If there is a change then he has to come back to the Board.

Member Sebring – How wide would the bench be?

John Joseph – It's difficult to tell, I won't know until I get out there.

PB Engineer Gainer – It's shown currently to be wide enough to provide the intent of adding soil material and getting vegetative growth on it. That's what is currently envisioned.

John Joseph – Auto Zone sign, presented picture of sign for the retailer.

Chairman Plato – They want to use the Auto Zone colors but does that fit for the Architectural Review historic colors?

Building Inspector Stickles – As long as they are a Benjamin Moore color, that's what has been deemed the historical color of choice.

Chairman Plato – I don't think this Board has the authority to waive that, or would it be a variance?

Attorney Dickover – You might have the ability to waive it.

Chairman Plato – Can you research that?

Attorney Dickover – Yes.

Building Inspector Stickles – How many signs are they going to have? They're really only allowed to have one sign.

John Joseph – One sign on the front.

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

**Public Hearing was opened.**

Michael Lynch, 54 Albany Ave – I have lived in Walden since 1971 in the winters I have seen a steady stream of water run out of that hill and forms a big ice patches by the fire hydrant beside the pizza store. It is actually running out of the hill now. I've seen it happen in the spring during the drought on both ends of the property I have seen the water pour out of the hill. You start ripping into anything down there what's going to happen? You're putting that store right behind where people have lived for years and years and years, how is that going to impact the houses on Pleasant Avenue? The traffic that will be brought in, what's the traffic pattern and what are you doing with the street on the other end?

John Joseph – All the lights we are installing are down lights, they are all being replaced. So you're going to have less off site lighting than you do now. The water that you see coming out of the hill actually comes through the shale and we have put in a drain and connected it to the drainage at the bottom of the hill so that has all been addressed. The bio-retention areas will pick up additional water.

Michael Lynch – The project that has been going on hasn't impacted me much, it has been liveable where I live but that (Auto Zone) is real close to the people on Pleasant Avenues backyards.

John Joseph – We are adding vegetation, 10 Holly trees across the back. People who are going to the plaza now are going now. It's not like I'm building a mall. The people in the neighborhood and the people from the region are going there now. People are not going to say oh there's an Auto Zone in Walden and then make a special trip over there, they are going to combine it with another retailer in the plaza to buy something. In addition they do a lot of retail sales to dealerships which are off site sales.

Building Inspector Stickles – Mr. Lynch if you remember in 1984 or 1985 there was a pad approved by the Planning Board for a restaurant. So they could have just constructed a restaurant there without coming back to the Planning Board.

Russell Dupper, current owner of Car Tech which is the building right next to it - The water situation as far as the drainage has gotten worse. It runs now every day where before it would run for a

couple of days. They did two (2) cuts for a French drain from what I can assume and the water flowing today is worse than it's ever been before. There are giant puddles through out the entire parking lot, it's worse so whatever drains they have put in haven't changed the water situation. If you were to go down there right now there is water running across the parking lot from the hill.

John Joseph – The trucks and other heavy equipment moving in the area have also created some soft spots.

Russell Dupper - It's not just puddles it's running. There is an active run off.

John Joseph – There has always been an active run off.

Russell Dupper - The developer put in two French drains to correct that. They tore up our parking lot to put in drainage that hasn't corrected the problem.

John Joseph – The French drain is connected into a catch basin (referred to the Site Plan for location).

Chairman Plato – Any other questions or comments? None noted.

**Member Duffy Made Motion to carry over the Public Hearing over to the next meeting  
Seconded by Member Trafton, All Ayes / Motion Carried**

## **B. FORMAL APPLICATIONS:**

### **B.1 78 Oak Street, Proposed New Retail Building**

Chairman Plato – On the Site Plan show a chain link fence and they would like to change it.

John Joseph – The initial Site Plan called for a 6 foot high chain link fence be installed along the top of the wall. I would like to lower it to 5 feet and change it to aluminum, visually I think it would be more appropriate because it's not behind anything you're going to see it.

Chairman Plato – PB Engineer Gainer when you're down there can you take a look and see and if a 5 foot opposed to a 6 foot fence is ok.

PB Engineer Gainer – Yes, I think this is very acceptable. A chain link fence is much easier to scale.

Chairman Plato – Everyone on the Board agree with that? Affirmative from the Board noted.

John Joseph – I owe the Board the mailings, Benjamin Moore colors, water situation, fence height, Bonding requirements and value of, landscaping.

Chairman Plato – Does anyone on the Planning Board see any show stoppers here? None Noted.

John Joseph – The opening of Hannaford's is schedule for June 14<sup>th</sup>. I think there is going to be an extravaganza the night before I will let you know it's a small meet and greet that Hannaford's does.

### **B.2 1 Hour Educational Training**

Was postponed to a later date due to time restrictions.

## C. DISCUSSION ITEMS:

### OVERLOOK AT KIDD FARM

Mr. Gerry Jacobowitz – Plans have been revised and reflect the changes that have been approved by PB Engineer Gainer and Lanc & Tully. The street names we would like to get a sign on that and that is something for the Village to determine, names of people, states, presidents etc. my original idea was

for streets that had the name of the original members of the Planning Board in the Village of Walden. We do need some guidance on that; if the Planning Board has suggestions then we can submit them.

Chairman Plato – Lets have a discussion about it at our next meeting.

Mr. Gerry Jacobowitz – Last item, on Route 208 the signage we think it should be something nice and incorporate more than just identifying what's on the property, right now there are 2 different signs there, one is the Village of Walden sign and the then there is another one. If we put up a sign for the property there will be 3 signs in a very short distance, it is the entrance into the Village of Walden and we think it should be more attractive. I think the best way for us to go about that is to get something prepared and submit it and see if we can have one sign stand out nicely.

Member Sebring – The Village did have new signs made up.

Mr. Gerry Jacobowitz – I understand that but they haven't installed them yet and the issue is where it is going to be in relation to the road that comes out there. I would hope that somebody in the Village is going to look at the plan so we don't end up with a sign in the middle of the proposed street. There are a number of items that PB Engineer Gainer raised that we have addressed that should end up in what is commonly called the Developers Agreement and I don't think it is too early to start putting it together, what it does is set forth those things that can't really be reflected necessarily in plan but are commitments that need to be addressed and if your counsel has one he's used before we will start with that as the base if he would make that available to us.

Attorney Dickover – Yes we do have forms we've used before perhaps even with your firm. The disadvantage is that I wasn't involved in the approval process so I really don't know what all those issues might be and without going back to the finding statement it might be easier for your counsel to draft or take first shot at it.

Mr. Gerry Jacobowitz – My thought is that you might have a format that you would prefer to use that you are familiar with. If not then we have done is and can use one of ours.

Attorney Dickover – I think someone from your firm have collaborated at sometime or another with ours.

Mr. Gerry Jacobowitz – Ok, then we will start with that and then get it back to counsel for review. The other item I wanted to mention is on the Edmunds Lane property and I know that it's not been referred to the Planning Board and you're not making a recommendation but I think information is helpful and you may have suggestions that you want to make that we would be more the willing to listen to. This is an ongoing process to try to come up with a good plan. We have changed the concept (refers to plans) and we're going to have half of it age restricted (2 buildings) and the community building will be moved closer to the age restricted component of the property, this other will be what is called special needs that the state wants build in multiple residence projects and there'll be some included. The open space and recreation area we're going to expand and may provide parking for recreation and other type extra items we will allocated parking for those type items out of the way for people that have a need for it. The storm drain system stays the same, we would also expand the area parking, we do meet the parking requirements the way it is but everybody always say can you get anymore spaces the answer is we think we can more by shifting a building and utilizing some of the space better for off street parking to serve the project. There is no change to the road and there are seven (7) single family lots

on an older plan that the Board had seen previously, there are still the two (2) access ways and we have a bunch of irregular boundaries in the back that we talked to different owners about and are will to straighten out those lines, most of them are small triangles there are a couple rectangles and it doesn't effect the development of the property and would make the current homeowners happier about their backyards.

Chairman Plato – You have it set up for senior housing, what if you can't fill those units?

Mr. Gerry Jacobowitz – First the best count we can come up with is fifty-four (54) apartments in Walden are senior designated. Your over sixty-five (65) population is also a quarter (1/4) of the entire population of the Village so there isn't an issue about whether you are going to fill the senior units. Second part of it is the financing requirement gets audited annually. Special needs determination by the state as to how many units.

Chairman Plato – If don't have the concentration of special needs and seniors then what happens to those units.

Mr. Gerry Jacobowitz – You would have to get the state to change the priority for them and that is not going to be easy because when we go to the state with this we're only going to get financed if we meet the points requirements. The point's requirements are based on the kind of occupancies they'll be and the other items that they have in their standards. You're not going to be able not to do what they want. This is a project that the Regals are going to do if we have such a project. They done this many many times they're not going to build more units then the market can bare.

Chairman Plato – We had a joint meeting with the Village Board, we brought this up one of their concerns and maybe this Boards too the number of units it seems like a lot of units.

Mr. Gerry Jacobowitz – Under the zoning RM-1 allows 7.8 units to the acre, down the street was the parcel 4.75 acres that were approved for 66 units. That's not going to happen because the Buddhists have acquired it; it's going to be a meditation walking area there. The number of units here meets the zoning for RM-1 and the neighborhood is going to have fewer units because 66 are not being built down the street. The net increase is 48 units. We have not fully engineered this it may very well be that you're not going to fit that on there when you get into the nitty-gritty. There's magic in a certain number for each project, also if you do more one (1) bedrooms that two (2) bedroom units you can have more units and this is going to be a mix.

Chairman Plato – You're here to kind of have the Planning Board to ask the Village Board to take a look at this?

Mr. Gerry Jacobowitz – We very much like the Planning Board to say let us look at it. It is contrary to all precedence and all common sense. But there are two (2) people on the Village Board that who are diametrically opposed to multiple residences in Village of Walden even if it's senior citizens. They got elected they are entitle to their opinion even if it's wrong. The other point is when you ride around and look at other communities you see their building, they're building senior housing and special needs housing all over the place so why don't we want to have it, modern housing for that group of people that we want in our community. Who is going to live there, the folks who have a house on Walnut Street whose kids are gone, their retired they want to be in Walden because they belong to the church or their in the Walden Woman's Club or the Garden Club or whatever it is, they want to stay here. So why shouldn't they be entitled to have an opportunity to live in modern clean nice housing same as people in Maybrook, Montgomery, New Windsor, Goshen and so on.

Chairman Plato – Ok, as Board members just consider it and maybe have a discussion on this at our next work session.

Mr. Gerry Jacobowitz – Present copy of letter to the Village & Planning Boards.

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 Trafton with all members voting yes.**

**MEETING ADJOURNED: 8:30 pm**

RESPECTFULLY SUBMITTED  
May 5, 2015  
Nancy LaMancuso  
Planning Board Secretary