

Village of Walden
Planning Board Meeting
October 6, 2014

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

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

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

B. FORMAL APPLICATIONS:

B.1 123 East Main Street, Site Plan/Special Exception Use

Sam Liebman, presented Site Plan for Frosty Freeze / Dunkin Donuts – Zachary Doufekias owner Frosty Freeze owner, was approached by the Dunkin Donuts lease and he asked if Mr. Doufekias if he would lease his building to Dunkin Donuts. The particular company that runs the Dunkin Donuts owns 14 other Dunkin Donuts and the one in Walden is the only one that does not have a drive up window. Their other ones are doing well with the drive through and their local lease will be up in about a year and they would like to find a place with a drive thru window. I did the Pizza Plus for Mr. Doufekias years ago so he called me. Mr. Doufekias is looking to have a smaller Frosty Freeze on the same property. We are not changing any grades except a small area, so we had Howard Weeden do a topographic survey of the area, there is enough room to put the building on the property without changing any existing grades. Dunkin Donuts needs to have a building of the square footage of the Frosty Freeze and they had to have a drive around. The current area it will all remain the same the grass, table area etc., and the parking will be in the front along Route 52. There is adequate parking for the number of cars required. Right now people drive on and off the property wherever they choose because it is one large curb cut, so by approving this project we are going to have permanent parking spaces and basically an entrance, exit and drive through. The big question and comment is there going to be curbing in front along Route 52 or how else are we going to handle it. I'm not entirely sure yet because there are several ways it can be done. One is to put a guard rails metal or wooden with posts, of course by DOT standards. I would like input from the Planning Board about the parking, traffic flow etc. I found Engineer Ron Gainer's comments helpful and good. First questions I

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have might be directed the Attorney Dickover, how do we treat this project at this point? We were told it is not necessary to go the Zoning Board of Appeals.

Engineer Ron Gainer - Is this a restaurant or prior establishment.

Sam Liebman – And that would need a Public Hearing. The Dunkin Donuts will have an entrance and be almost identical to the one over by Shop Rite on Route 208 in Montgomery. The drive through is basically the same and it will have inside seating. So I don't know what you want to consider the Dunkin Donuts as, a restaurant or other?

Member Wilkins – We did require a Public Hearing on the Auto Zone project. If you're going to be reconfiguring this and putting up another building, I don't see how we can treat this any different.

Chairman Plato – The question is it an eating establishment or restaurant.

Attorney Dickover – Both are eating establishments, both therefore require Site Plan and Special Exception Use and therefore require a Public Hearing. Commenting on the curbing on the Special Exception Use approval process there is a criterion that talks about eating establishments and one of the criteria for them says that vehicular entrances and exits shall be controlled by curbing. So you have that issue as part of the statute of the Special Exception Use permit process.

Chairman Plato – Just a bit of background on this, when the other building was built I believe at that time they wanted take and separate this into distinct lots? But feeling was that the DOT would get involved and then they would have to put curbing per the DOT's requests and that may be a problem. They kept it as one lot and 2 buildings. I think this is good with the curbing, the guard rail I like the idea of it but not the esthetics of it.

Sam Liebman – We can put curbing in, I just wanted impute from The Board.

Member Trafton – I think there should be some type of barrier. It's going to be a hard transition for the public to go from an open parking lot to parking along the front of the property.

Member Wilkins – Based on experience with the DOT which will have to review this, they are getting stricter on curbing even on existing site when they are modified.

Sam Liebman – There is an area between the highway and the property line, we don't have the ability to have put plantings in there, would need at least 6 feet for plantings. There are options with the type of curbing, there are ways in which posts could be installed and have wood instead of metal as the barrier.

Engineer Ron Gainer – One thing that has to be understood is once you deal with the issue of curbing on the right of way DOT is going to require a permit, a DOT approved guide rail and I don't think they permit wood guide rails in these situations. Once you pursue the permit process you will get specific guidance from the State, so the State is going to drive that answer not the Planning Board.

Sam Liebman – That's fine, I'm looking for direction at this time. I know DOT has standard details for what they want.

Chairman Plato – Overall any objections as to what the applicant would like to do?

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Member Trafton – If anything it's an improvement, because it creates rigidity to the parking that is needed there.

Member Sebring – There has only been one accident there in all this time, years ago.

Chairman Plato – Are you going to totally rebuild that building?

Sam Liebman – We're not changing the foundation, that way we can keep it as an alteration as opposed to a new building. I believe Dunkin Donuts will be coming to this Board with their intentions.

Mr. Doufekias- Frostee Freeze will stay in business in a new smaller building on the property.

Chairman Plato – Doesn't Dunkin Donuts have a deal with Baskin Robin's ice cream?

Mr. Doufekias – Yes, but not with this, they will not serve ice cream.

Member Wilkins – Will the drive through window be in the back?

Sam Liebman – No it will actually be on the side. The ordering station is on one side and then they drive around the back of the building and pick up at the window on the other side.

Member Wilkins – There is a major problem with the Dunkin Donuts in Montgomery with traffic backing up onto Route 208.

Member Sebring – Curbing will be all around the building? If the public comes in the West end by Pizza Plus and it gets back up with too many cars would the public start coming in the out?

Sam Liebman – Yes, there is a curb all around. If someone is driving by they have an alternative to pull in and park and go into the Dunkin Donuts.

Engineer Ron Gainer – Staying on traffic, behind the building is going to be an addition with a 12 foot lane for the drive through and a 12 foot lane for traffic to move between the east and west side. In my opinion it should be only one way to the east. If all the entrances are on the west side and all the exits on the east side of the building then there is no question that there is going to be a conflict in the movement on the site.

Member Sebring – Where are the garbage containers going to be?

Sam Liebman – The HVAC contractor would like to have the cooler, refrigerator and freezer on the back side. The Refuse will have to go on the side, well screened. Dunkin Donuts will use either Frostee Freeze or the Pizza Plus dumpster, that's to be determined.

Mr. Doufekias – The garbage is picked up 3 times a week during the summer, in the winter it will be determined, I do not want the garbage sitting around.

Sam Liebman – The plans are going to be sent to DOT, DEC, Orange County Planning and the Health Department.

Chairman Plato – I would like to know before we go much further what the DOT is going to allow as far as the curbing and access to and from the site.

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Engineer Ron Gainer – We can make sure that the Village referral asks that question to DOT.

Sam Liebman – The reason I'm asking is this is a time sensitive project. We are working towards a permit issue date. We need to have the Frostee Freeze ready to open by March 2015.

Mr. Doufekias – I will open in the new building and Dunkin Donuts cannot start until I move into it.

Sam Liebman – This project is an asset and I am willing to do whatever it takes in order to get information back and forth and get it done. Dunkin Donuts wants to start in the spring because their lease is up some time in March 2015.

Engineer Ron Gainer – What is going to drive the process is your permitting with DOT, you should immediately contacting the permit engineer and ask for an informal meeting just to review this now. You don't have to wait for the Village to make a SEQRA review and make an application with Building Inspector Stickles for a SEQRA permit just start that process.

Building Inspector Stickles – I'm not going to be sending anything until after this meeting. I will send it to the Orange County of Planning, DEC, DOT for their comments on your application not for your permits.

Engineer Ron Gainer – Just a few things to be clear on, you should also be giving Building Inspector Stickles Special Exception Use permit application; you need that approval as well. Also you are going to modify the EAF and re-file an amended EAF with Building Inspector Stickles.

Chairman Plato – Get all the concerns that Engineer Ron Gainer has asked for in his Technical Memorandum addressed, the parking and traffic that was discussed tonight with the ins and outs and the dumpsters for garbage. If everything is ready we take action on SEQRA and schedule a Public Hearing.

Attorney Dickover – You can, but you can't go any faster than that. The Board needs to be reasonably comfortable the application is correct.

Chairman Plato – When everything is complete with all the corrections, we have at least a 30 day waiting period for the County. DOT probably is 30 days also but if they don't respond in 30 days it will take longer. You will need DOT's approval.

Attorney Dickover – I don't think it will speed up the process by sending it out now knowing there will be changes. You would have to send the new plan to Orange County and restart the comment period all over again.

Engineer Ron Gainer – You can immediately seek an informal conference just to review your intent and plan before the permit. See if you can get a field meeting.

Member Sebring – You said you are going to tear the Frostee Freeze down to the foundation? During the hurricane the Tin Brook overflowed and there was water across Route 52, building it up 2 blocks or so is that going to affect anything that you have to do permit wise?

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Sam Liebman – We are raising it up higher than it is now. This has been very helpful, we'll come back on October 15th with as many of the changes as we can make based on The Boards recommendations and discuss them further.

Attorney Dickover – The Public Hearing you can't do until you make your SEQRA determination, this is going to be an Unlisted Action, Coordinated Review because you have DEC DOT if The Board declares its intention to be Lead Agency tonight at least you can get the notice out and the other agencies have 30 days to challenge it.

**Member Trafton made motion for a Coordinated Review and to become Lead Agency
Seconded by Alternate Member Ramos, All Ayes, Motion Carried**

B.2 37 Main Street, Site Plan Approval

Willfredo Gonzalez – The last time we were here we talked about Mr. Lee has purchased the building and is moving his nail salon downstairs and will reside upstairs.

Building Inspector Stickles – The Board needs to give Site Plan approval to have now an apartment over first floor commercial. It's no longer Special Exception it's just Site Plan approval. Engineer Ron Gainer had some comments about it in his Technical Memorandum.

Willfredo Gonzalez – I believe at one time it was a 2 door situation for the entrance and now it's 1 door and seems to some type of plywood molding that is existing now. We asking to change it back to where the step will continue and have a landing on the bottom and then there would be an exit for the upstairs to be excluded from the downstairs.

Chairman Plato – Referring to Engineer Ron Gainers Technical Memorandum second page at the top those items need to be on the Site Plan.

Willfredo Gonzalez – Presented Site Plan for The Boards review.

Chairman Plato – Does the Board feel this will be adequate?

Attorney Dickover – Does The Board want the Water, sewer and electric to show on the Site Plan?

Engineer Ron Gainer – That's a matter for The Board to decide that's a requirement on all Site Plans, but are sometime waived, on the existing site there are not changes or disturbances so The Board can decide if you want to show that or not.

Chairman Plato – I think it should be included on the Site Plan the services into the building, water, sewer and electric.

Willfredo Gonzalez – I would like to clarify in reference to the utilities. This building has no basement just a crawl space of about 18" and the utilities are on the second floor and one room within the upstairs that I refer to as the Utility room because it actually feeds the whole building upstairs and downstairs.

Chairman Plato – So the services come in goes up and then is distributed down from there?

Willfredo Gonzalez – Exactly, except for electrical which has service panels.

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Building Inspector Stickles – What The Board is talking about is to show on the Site Plan where the water, sewer and the electric come in from the outside.

Attorney Dickover – There are some housekeeping items to review before SEQRA. There was some inconsistency in the name of the applicant. The Board needs to know who the applicant is and have the paperwork reflect it properly. So the EAF should be amended to Lucy's Nail Salon Incorporated and Site Plan application the same way. Third page of the Site Plan should be signed by the appropriate applicant under the fee provision. Site Plan application the total site area needs to be something other than 1505 sf which is indicated by your survey. The Special Exception Use application is not necessary the easiest thing is to withdraw it.

Willfredo Gonzalez – Yes, we will withdraw the Special Exception Use application.

Attorney Dickover – For SEQRA purposes this can be treated as an Uncoordinated Review, The Board declare itself as Lead Agency and type the action as one that is unlisted, this can be adopted as a resolution and move it.

**Member Wilkins, made motion to as stated above by Attorney Dickover
Seconded by Member Sebring, All Ayes, Motion Carried**

Engineer Ron Gainer – Does The Board want to make a determination about a Public Hearing?

Attorney Dickover – Site Plan is discretionary on this Site Plan application. If The Board wants to do its SEQRA review of the EAF first and make that determination you might have more information that The Board can decide if a Public Hearing is required or not.

Chairman Plato – I don't think a Public Hearing is practical, but can The Board act on waiving the Public Hearing before we take SEQRA action? The corrections should be made on the Site Plan first. The next meeting is October 15th, have everything done at that time and The Board can take action on SEQRA, Public Hearing requirement and it should be about done.

**Alternate Member Ramos, made motion to adjourn the Planning Board
Seconded by Member Sebring, All Ayes, Motion Carried**

Chairman Plato – Convened the Architectural Review Board.

B.3 158 West Main Street, ARB, Sign

Todd Degroat – I'm here to get my sign approved.

Building Inspector Stickles – The sign proposed will meet the sign code.

Chairman Plato – The colors are gold, black and grey?

Todd Degroat – The whole sign is grey, the letters are gold and black is around the letters, showed picture of sign to The Board via phone. Material will be illuminate.

Nanette Degroat – It's a 14 foot sign.

Member Trafton – How is it going to be fixed to the building?

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Nanette Degroat – It will fit on the ledge at the bottom, with something supporting along the entire edge and held with metal screws.

Member Trafton – As long as the screws aren't an eye sore.

Member Sebring – Is the sign going to be lit?

Todd Degroat – No.

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

**Alternate Member Ramos made motion to accept the sign as submitted, colors will be gold, grey and black, material will be illuminate
Seconded by Member Sebring, All Ayes, Motion Carried**

B.4 37 Main Street, ARB, Exterior Building Changes, Signs, Painting

Willfredo Gonzalez (handed out drawing of front of building) – We will be putting the third grate back into the third window to make it look uniform. We are looking to remove the actual existing door and move it about 16" to get good frame work and to allow room for the second door. That is the change we are asking for on the door. We will have the 9 pane and keep the glass and it will appear uniform. From the Benjamin Moore Historical colors of both doors will be Summerville Red and trim around the frame work will be possibly white to accent it. The doors have 2 panels in the bottom and the 9 lights; it will not be two tone. The existing bricks their red, Mr. Lee wants to spruce it up, he feels it looks a bit plain. He is looking to prefacing the actual brick (showed sample), probably 1" to 1 1/2" added other than that the colors are kind of historic.

Member Wilkins – You want to take the brick off and put this in its place?

Willfredo Gonzalez – We can do that too if we have to.

Chairman Plato – This sample does not look historic.

Member Trafton – If anything I think you need to stick with the brick. I think we did discuss this last time and I went around looking at the facades and Sohn's Appliance Store has the painted brick on top and still has the original brick on the bottom and nothing is done to it.

Member Wilkins – The brick looks a lot better.

Willfredo Gonzalez – Ok. It's obvious that the building has been sitting there awhile. We went to Benjamin Moore Historical colors and got a sample and looked at a few other stores in the area. What it is now is slightly grey and is discolored. We are taking the siding down and giving it a fresh look. The color that we are proposing is Sandstone Beige and the siding we are going with is the regular panel that already exists there. Basically the siding is bulging and has been weathered and we are replacing it. The sign that currently exists at Lucy's Nail Salon located at 79 East Main Street Mr. Lee would like to reuse it at the new location. The sign appears to be vinyl and seem like it is two dimensional.

Member Trafton – Are you going to trim it out?

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Willfredo Gonzalez – I would like to with some type of trim molding.

Member Wilkins – Is the sign going to be lit?

Willfredo Gonzalez – No. The bricks that are existing on the foundation seem to be deteriorating and the block is falling and peeling. It needs a face lift of some sort and we know that The Board wants to keep the brick. Mr. Lee is seeing stone work similar to what he wanted to do on the Walden Diner. It's approximately 18" and works its way down to 22-34".

Chairman Plato – The Board will take look at the Walden Diner first.

Member Trafton – The downtown does have a separate look from Main Street.

Chairman Plato – Any other questions/comments from The Board about the front of the building or the sign? None noted.

Willfredo Gonzalez – The back of the building is all siding that is also grey same as the front of the building, not as weathered or bleached by the sun. We are trying to make a fire exit for the upstairs apartment. The window will become a door and fire escape will be built according to code.

Building Inspector Stickles – Be aware just because you see it someplace else doesn't mean that it meets the current code. If you're putting it in new now it will have to meet the current NYS Building Code.

Willfredo Gonzalez – Absolutely and if it has to be changed in any form of the materials itself then that will have to be done and Mr. Lee understands that.

Chairman Plato – That's fine but it needs to meet the current NYS Codes.

Member Wilkins – You have to come back to The Board so meet with Building Inspector Stickles in the meantime and we'll get a better picture when you come back.

Chairman Plato – That's a good idea, The Board will see you at the October 15th meeting.

Building Inspector Stickles – When you construct the fire escape will it fit within that area?

Willfredo Gonzalez – Yes, we have plenty of space for it.

Building Inspector Stickles – Have that as a proposed stairwell and on the Site Plan as well so The Board can see that it fits in that area.

Willfredo Gonzalez – Yes.

Chairman Plato – Ok, we will see you at the next meeting.

Member Wilkins made motion to adjourn the Architectural Review Board
Seconded by Alternate Member Ramos, All Ayes, Motion Carried

C. DISCUSSION ITEMS:

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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 Alternate Member Ramos, with all members voting yes.

MEETING ADJOURNED:

RESPECTFULLY SUBMITTED
October 06, 2014
Nancy LaMancuso
Planning Board Secretary