

Village of Walden  
Planning Board Meeting  
November 03, 2014

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

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Stan Plato - Called the Planning Board meeting to order at 6:30pm

**1. APPROVAL OF MINUTES:**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

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

Chairman Plato – You received back information from the NYS DOT.

Sam Liebman, presented amended Site Plan – Yes, everything is done. They don't object to this Board being Lead Agency. There are still others things that we are in discussion about. The DOT only wants 2 ingress and 2 egresses, we had 4 and the DOT said no that was too many. They want the ingress and egress in front of the Dunkin Donuts building. One of the ingress would be for the Dunkin Donuts drive through and the other would be for the site for the other business and they wanted a deceleration lane on the property but adjacent to Route 52 on the west side of the Dunkin Donuts building so the cars coming can slow down before they make their turn on to the site. I've been in contact directly with the director of D.O.T., Mr. Akhter Shareef and we have been working out most of the issues he and I. The last issue I have with the DOT is they want us to put a sidewalk that starts at the bridge which is as the property and continue it over to Dunkin Donuts on the same side of the street. When the bicycle path was put in there was a big discussion between the Village of Walden and NYS DOT because the parents back then did not want their children crossing that bridge. It is a very dangerous even though there is sidewalk the cars and snow plows go by and cut the edge of the sidewalk and curbing. The Village of Walden built the bridge on the other side so no one would be endangered by the bridge crossing on the Dunkin Donuts side. The path that we are recommending for walkers to be taken is the sidewalk across the street which already exists and will just need a crosswalk to cross Route 52. By this Friday the traffic engineer will have completed his report and if his report substantiates that then the DOT will accept it according to what I was told.

Chairman Plato – I didn't see anything in the NYS DOT letter about a turning lane unless I'm missing it.

Sam Liebman – It's not a turning lane it is referred to as a deceleration lane. We only did it because it was requested by the DOT.

Chairman Plato – On the 2 access points what does the DOT base that on, what are their requirements?

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Engineer Ron Gainer – It is site specific this is a very long frontage. They try to minimize the number of access points you have. They saw the original plan that had 4 and the DOT said they would not approve it they would only accept on access in and out. I chatted with the traffic engineers in Poughkeepsie and they are firm on that issue.

Member Wilkins – What about a guard rail?

Sam Liebman – No they do not want it they want a curb, they may change their minds. All I know is that we are into the last few issues of what the DOT want and will allow.

Chairman Plato- What does counter measure mitigation refer to? It's a large site and I thought it flowed better before that it does on this Site Plan.

Sam Liebman – I do to, however the only thing that I am going to challenge them on is forcing walkers to cross that bridge if they are going to this site.

Chairman Plato – Attorney Dickover what should we be doing next?

Attorney Dickover – The Board could declare intention to be Lead Agency the 3 involved agencies have consented to that so you are the Lead Agency. A notice was sent to the Department of Health but they're not involved in any decision making in respect to this project so the Board doesn't need to wait for their reply. The Board is the Lead Agency at this point, you declared your intention in that capacity notice of that was sent to the other involved agencies and they have consented.

Member Wilkins – Doesn't make it safer to have the sidewalk on the same side with the businesses as opposed to crossing over Route 52?

Sam Liebman – There is not enough room. I will stand firm on this because I am liable if I do that and I believe that the accidents and problems that occurred on that bridge forced the Village of Walden property owners to demand that the Village of Walden put a pathway so the pedestrians do not have to cross that bridge but the DOT never sent anyone out to site.

Chairman Plato- Is this the same D.O.T. that on the corner of Route 52, and Route 208 constructed a sidewalk and then put a sign post in the middle so if you are handicapped you can not use the sidewalk.

Sam Liebman – I suggested they send someone out to look at it themselves and after I explained to Mr. Shareef exactly what I am saying here, he said ok and would like me to get my traffic engineers report for review for the DOT.

Chairman Plato – I think in the deceleration lane deals with the queuing for the drive through for Dunkin Donuts but you could have blocked the other entrances into the property. If the cars a waiting for the drive through they are blocking other cars that just want to enter the site and park.

Chairman Plato – What about having the entrance to the site further away from the drive through lane and you actually queue the cars on the applicants own property instead of adjacent to Route 52? The DOT said they wanted 2 points they didn't say where.

Sam Liebman – Parking on site is very restrictive and queuing the drive through lane on site would eliminate parking spaces and change the flow of traffic on site. The DOT has no objection to this amended Site Plan.

Chairman Plato – The DOT may not have an objection, but the Board may have.

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Sam Liebman – The Board may have an exception to what the DOT wants, but Route 52 is not your road it is a State road. Once the cars get on the property you can state your opinion.

Chairman Plato – I know that Route 52 is not the Village of Walden's road and I can still state my opinion about it.

Member Wilkins – What about Dunkin Donuts deliveries?

Sam Liebman – Dunkin Donuts gets their products in the middle of the night. Soda deliveries I don't know about. We have allowed enough space for Dunkin Donuts deliveries so the trucks can pull in whether it is night or day.

Sam Liebman – If I can make the changes based on the Boards request the timing is important. When can the Board be able to see it again? The only issue I have with DOT is the one about the sidewalk for pedestrian traffic. When is the next meeting?

Chairman Plato – November 19<sup>th</sup>.

Sam Liebman – If I get these changes made and get the drawing to everyone on the Board before then can we review it before the meeting?

Chairman Plato – Any questions/comments by the Board, is there anything other than parking that the Board is concerned about? I'm concerned about what is done in front for appearance/esthetics landscaping.

Sam Liebman – There is landscaping in the back. I need every square inch of paved area in the front.

Member Wilkins – What about lighting?

Sam Liebman – Pretty close to the same as it is now. I don't think we need to add to many more lights maybe a couple.

Chairman Plato – You are keeping it paved all the way out to the front.

Sam Liebman – Yes, out to the curb because the further you push it back the more cars you lose because you don't have the backup space. Essentially we are putting the curb on the property line and that's why we can't get any planting in the street or on the property, Mr. Doufekias is putting more trees and shrubs in the back.

Secretary Lamancuso- Chairman Plato can you provide for the minutes a description of what changes the Board wants to see on the Site Plan.

Chairman Plato- Mr. Liebman is going to address; the exits being the same as presented, the entrance will be offset by roughly 8 parking spaces and moving the entrance west by approximately 80 feet from where it is on the existing Site Plan to allow for more staging of cars on the Dunkin Donuts site for the drive thru window, and also to investigate putting something between the paved area and the proposed curb.

Chairman Plato – Any other questions/comments by the Board? None noted. Ok we will see you back here on November 19<sup>th</sup>.

## **B.2 37 Main Street, Site Plan Approval**

Wilfredo Gonzalez presented amended Site Plan – The Site Plan shows water/sewer and in the back gas and electric. Also the name Lucy Nail Salon Incorporated needed to be on the Site Plan as well. Mr. Lee has taken care of revising the application with Building Inspector Stickles.

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Building Inspector Stickles – Those are the things the Board asked to be put on the Site Plan. All the other issues have been taken care of.

Member Wilkins – Does the adjoining property to the left have any underground utilities/electric and easement?

Building Inspector Stickles – I don't know.

Wilfredo Gonzalez – Currently for the Lee's to get to their property they do walk across, I don't know if there is an easement there.

Chairman Plato – Is there an easement that runs under there?

Building Inspector Stickles – That comes from Mr. Guneratne, the previous owner. They haven't changed it.

Chairman Plato – Attorney Dickover where do we stand on this application?

Attorney Dickover – The Board has declared its intention to be Lead Agency, it's typed as an Unlisted we still need to do and EAF review and make an environmental determination. The Board did resolve to waive a Public Hearing on this some number of months ago. If the Board is satisfied with this Site Plan at this point and feel the applicant has addressed your engineering concerns we can do a SEQRA review and make a determination this evening.

Chairman Plato – Any questions/comments by the Board regarding SEQRA? None noted.

**Attorney Dickover – Reviewed the short form EAF application dated 9/08/14, we can amend this as we go and The Board can make its determination. (The Short Form EAF was reviewed by the Board and changed/corrected accordingly by The Board).**

Chairman Plato – If any member of The Board disagrees or has a comment please speak up.

Attorney Dickover – Based on those answers the Board could resolve to adopt a Negative Declaration with respect to this project. A member of the Board can make that motion.

**Member Wilkins, made motion to adopt a Negative Declaration  
Seconded by Member Sebring, All Ayes, Motion Carried**

Attorney Dickover – The Board did resolve to waive the Public Hearing in regards to this application, if the Board still inclined to precede this application is ready for the Boards action.

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

**Attorney Dickover – Read proposed resolution for Section 309 Block 7 Lot 11 located in a B.3 zoning district, we can amend this as we go and The Board can make its determination. (The resolution was reviewed by the Board and changed/corrected accordingly by The Board).**

Chairman Plato – If any member of The Board disagrees or has a comment please speak up.

Attorney Dickover – Based on those answers the Board could resolve to adopt the resolution with respect to this project. A member of the Board can make that motion.

**Member Wilkins, made motion to approve resolution  
Seconded by Alternate Member Ramos, All Ayes, Motion Carried**

Chairman Plato – Anything else before the Planning Board?

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Building Inspector Stickles – There are 2 more small items. Engineer Ron Gainer sent everyone a copy of a Bond calculation for site work to be done for the Auto Zone and I need the Board to approve that.

Chairman Plato – Was the sign taken care of at the last meeting?

Building Inspector Stickles – Yes, they are going to the Zoning Board.

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

**Alternate Member Ramos, made motion to adopt as presented for the Bond for the public improvements for Auto Zone**

**Seconded by Member Wilkins, All Ayes, Motion Carried**

Building Inspector Stickles – Overlook at Kidd Farm is looking for an extension of their preliminary approval from January 1, 2015 for 6 months to June 30, 2015.

Chairman Plato – My understanding Attorney Dickover is that the Board can extend indefinitely now, I think it used to be only 2 extensions?

Attorney Dickover – That's correct, the Village of Walden law was amended about 2 years ago to allow for extensions of these types of projects. I believe it says a 90 day extensions (30 / 60 / 90) is what it says but they don't limit the number of extensions. I didn't see until tonight so I haven't had a chance to look at it specifically.

Building Inspector Stickles – The current one I believe expires in January 2015.

Chairman Plato – Ok, we'll give Attorney Dickover a chance to check and the Board will review it at the next meeting. Any other matters before the Planning Board? None noted.

**Member Dore, made motion to adjourn the Planning Board**

**Seconded by Alternate Member Ramos, All Ayes, Motion Carried**

Chairman Plato – Convened the Architectural Review Board.

**B.3 113 Orange Avenue, ARB, Sign**

Building Inspector Stickles – The sign is not currently allowed under the zoning on a corner lot.

Chairman Plato – Any questions/comments by the Board? None noted. Is the sign up all ready?

Dominick Amorosso applicant – Yes.

Chairman Plato – Building Inspector Stickles does the sign meet all the requirements.

Building Inspector Stickles – Yes it does.

**Member Wilkins, made motion to approved the sign as presented**

**Seconded by Alternate Member Ramos, All Ayes, Motion Carried**

Dominick Amorosso – Can the sign go 2 feet off the ground because I'm on the corner of Coldenham Road and Route 208, however when you pull up on Coldenham Road at the stop line my sign which I took down at this time is behind the cars at the stop lines.

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Building Inspector Stickles- That is found in the Zoning Code, Section 305-19, that states on a corner lot nothing can be greater than 2'-0" in height, 50'-0" back from both intersections the property is located on.

Dominick Amorosso – If I wanted a bigger sign what would I have to do?

Chairman Plato – You have to go to the Zoning Board of Appeals.

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

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

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

**MEETING ADJOURNED:**

**8:00 pm**

RESPECTFULLY SUBMITTED  
November 03, 2014  
Nancy LaMancuso  
Planning Board Secretary