

Village of Walden  
Planning Board Meeting  
June 18, 2014

|                         |                 |         |
|-------------------------|-----------------|---------|
| Chairman:               | Stan Plato      | Present |
| Members:                | Jay Wilkins     | Present |
|                         | Brian Sebring   | Present |
|                         | Lisa Dore       | Absent  |
|                         | Jason Trafton   | 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 05/05/14 any corrections/changes?

Attorney Dickover – Made a few corrections.

**Member Sebring made Motion to accept Planning Board Minutes of 05/05/14  
Seconded by Member Wilkins with all members voting yes.**

**2. BOARD BUSINESS**

Planning Board has received:

1. PB Engineer Gainer's Technical Review on Franco's Pizzeria Site Plan, Thruway Market dated 06/03/14
2. Drawing for signs, color, placement at the Thruway Shopping Center
3. Letter from Marcia A Jacobowitz, re: Overlook At Kidd Farm (extension) dated 06/02/14
4. Architectural Review Board application for signage Nonprofit HV Honor Flight dated 06/06/14

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

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

Chairman Plato – I was not at the last meeting (06/02/14), I understand no action was taken. Attorney Dickover where do we stand on this from your records?

Attorney Dickover – The Planning Board continued it's hearing on 05/21/14. The Planning Board hearing was closed on 05/21/14. On 06/02/14 the Board addressed the applicant's response to the publics concerns and the SEQRA review was completed on 04/07/14.

Chairman Plato – The only action now is approval?

Attorney Dickover – If the Board is ready for that we have drafted a proposed resolution.

Chairman Plato – Is there any new information, comments etc. from the Board?

PB Engineer Gainer – I have seen the draft resolution from Attorney Dickover and offered a variety of technical additions and revisions.

Chairman Plato – At a previous meeting we discussed a possible sidewalk going up Albany Avenue?

John Joseph – We will do that when we reopen the road, possibly sometime in the fall.

PB Engineer Gainer – You said the sidewalk will be extended up Albany Avenue?

John Joseph – We will put a sidewalk from the bottom of the hill up to the top of Albany Avenue.

Chairman Plato – Since there is another possible Site Plan addition or modification for Franco's for the patio area should these be combined together?

PB Engineer Gainer – No, they are separate applications.

Member Trafton – What is the outcome on the color scheme for Auto Zone?

Chairman Plato – Those colors are going to have to meet the Village code or a variance.

John Joseph – I have incorporated all the historical colors I could into the signs.

Note: Discussion took place about the colors and historical collection issues, to be continued at the next meeting.

**Attorney Dickover - Proposed Resolution** was read and reviewed by the Board and changed/corrected accordingly by the Board. I believe number six (#6) should be added pursuant to the comment made this evening about the sidewalks; example, the applicant will amend the Site Plans to depict sidewalk location from/to.

Note: Discussion took place about the sidewalks location.

John Joseph – I'm going to put a speed bump and a stop sign at the top and bottom of the roadway that extends from Albany Avenue into the Thruway Plaza.

Chairman Plato – Can we say just tying into the existing sideway on the North side continuing down into the shopping complex per approval of PB Engineer Gainer?

PB Engineer Gainer – It should be extended to the Car Tech building.

Chairman Plato – I believe which side of the road will need to be determined at the time the sidewalk is being done. It will be from the existing sidewalk on Albany Avenue down to the building presently referred to as Car Tech. Any other questions or comments? None noted.

**Member Wilkins Made Motion to grant final approval conditioned on the six (6) that were just reviewed on the specific activities**  
**Seconded by Member Sebring, All Ayes / Motion Carried**

## **B.2 74 Oak Street, Proposed Addition & Patio Area**

John Joseph – There are a couple of things about the occupancy and staffing, store the dumpsters and details on the site.

Franco Lopiccolo – The dumpster gets picked up twice (2X) a week, if I have to get it picked up one more time I'll do that when it gets busy. Staffing wise I will hire 2-3 more employees.

Chairman Plato – You're proposing an addition of 405 sq. ft.

Franco Lopiccolo – That will be for the Bar where I will be keeping the wine and beer etc.

Chairman Plato – The extending retaining wall?

John Joseph – It was a bit to tight so Franco gave up a couple of parking spaces in front of the building. We are going to take the wall and extend it out at a slightly different angle (referring to the Site Plan).

Note: Discussion took place on the location of the Patio/Bar area.

Chairman Plato – Parking and traffic flow, does that interfere with what you've done in the shopping plaza?

John Joseph – That's why we gave up a couple of parking spaces. The spaces removed were problematic and that's why we removed them from the way the traffic flows.

Member Trafton – What are the specification on the fence?

Franco Lopiccolo – Aluminum and vinyl, colors will be beige and black iron.

PB Engineer Gainer – It should match to other fencing.

Note: Discussion took place on the fence location/type/colors.

Chairman Plato – I think all aluminum would be better, Board agreed.

Franco Lopiccolo – The only access to the patio/bar area will be through the building.

Member Sebring – Are you aware that you have to get a permit from the Liquor Authority first I believe?

Franco Lopiccolo – Yes, I have a lawyer that I'm working with.

Building Inspector Stickles – The liquor authority will tell him what he can and cannot do. He has to present a whole plan to them for approval before he is given a license. They will also come down and look at the building/area.

Member Sebring – What are your hours going to be for outside?

Franco Lopiccolo – Same as the restaurant. When the restaurant closes 10-11pm the latest.

Member Wilkins – Any music out in the patio/bar area?

Franco Lopiccolo – No.

Attorney Dickover – You need to do SEQRA, I think you can declare yourself Lead Agency, if it's going to be an unlisted action you can use a short form. You can waive the Public Hearing on this if you choose to; it is a discretionary decision from your board. If you are going to do a Public Hearing you should make your determination first.

Chairman Plato – We should adopt Lead Agency concerning an unlisted action uncoordinated review tonight and do the short form SEQRA.

PB Engineer Gainer – Gave a review of his Technical Review. One of more significant items identified this is actually a separate tax parcel and that would apply setbacks need to be addressed.

Note: discussion took place about the separate tax parcel and issues.

Chairman Plato – Correct me if I'm wrong. Due to that this other building is not on its own little parcel, what the setbacks would be for what you are doing. You might have to go the Zoning Board of Appeals but you will still need that information.

PB Engineer Gainer – There are other parcels there that have this same issue, but they're not being addressed because there are not modifications to the building being done.

Chairman Plato – Attorney Dickover if you can review this and see what leeway the board has.

Attorney Dickover – Yes, I'm hearing this for the first time. I didn't realize that you had this situation. You're saying that they are on separate tax parcels, are the lots separate subdivided lots? Your setbacks apply to actual lots, not necessarily tax map parcels. You're saying yes, that it is a separate described parcel.

Chairman Plato – I would like a **motion to adopt Lead Agency on an uncoordinated unlisted review.**

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

### **B.3 Overlook at Kidd Farm, Preliminary Approval Extension**

Chairman Plato – We have a request for another extension. How many times can we extend?

Attorney Dickover – There is no number.

Chairman Plato – Marcia Jacobowitz asked for year (1 yr), I think six (6) months is fine. Any reason from the board why we shouldn't extend it? None noted. I would like a **motion that we extend the preliminary approval for 6 months or to January 1, 2015.**

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

Building Inspector Stickles – There is one other item that came in very late today. There is a request to reduce the bond for Hannaford projects from \$267,742.00 down to \$26,774.00. This is done after a review of the site by Lanc & Tully and this is the bond they have calculated to be reduced to. If you so wish to take action you can.

Chairman Plato – PB Engineer Gainer have you been able to review this?

PB Engineer Gainer – I hadn't seen this until today, not that I have to see it. That's for the board to decide.

Chairman Plato – Anyone on the board see any reason not give the reduction? None noted.

John Joseph – The bond is being reduced to \$26,774.00, and I will be giving the Village cash for that amount it's much easier for me to do it this way.

Chairman Plato – Can I have a motion to reduce it.

**Member Sebring Motion to reduce the Bond from \$267,742.00 to \$26,774.00  
Seconded by Member Wilkins, All Ayes / Motion Carried**

Chairman Plato – I did have another thing too. When we went through the Public Hearing for Auto Zone some people didn't get their mailings, some were returned, and others had wrong address/people. I would like everybody to think about a way that we get the village people more involved on these projects so they know what's going on, what's happening. I think just putting it in the legal section of the newspaper are that many people don't see it. We talked about getting signs up.

Building Inspector Stickles – I am getting those signs made. The one request that I have made to the Planning Board is not to have such short time frames for the Public Hearings. Go back to the month, if you set it tonight it won't be until next month and not in the five (5) days because that is just too tight a time frame.

Chairman Plato – And again I would like to get more village citizen participation if we can get it.

Member Wilkins – Possibly put into the newsletter that the village send out to the public?

Member Sebring – That newsletter is for two (2) months at a time.

Building Inspector Stickles – You have to remember that we are only required to mail to a certain amount of people around the area.

Brian Maher (Village Mayor) – Code RED telephone announcements can be target to specific areas and contact a large group of residents.

Chairman Plato – Think about it and we'll discuss it at the next meeting. Is there anything else before the Planning Board? None noted.

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

Chairman Plato – Called the Architectural Review Board to order.

#### **B.4 ARB, Sign 19 Orchard Street**

Member Trafton – Recluse himself due to a conflict of interest.

Peter and Lisa Vesely, Bark of the Town – Presented sample of color # HC156 Vandusen Blue to the board. The green awning will be replaced and stay the same, writing will be grooming on the front.

Building Inspector Stickles – They are also proposing to put a small arched sign in the window, white.

Peter Vesely – White with a dog and a cat.

Chairman Plato – As long as it fits sign requirements. Any questions/comments from the board? None noted.

**Member Sebring made Motion to grant approval for the sign  
Seconded by Member Wilkins, All Ayes / Motion Carried**

Chairman Plato – For the awning as presented. We should have sample colors and material sample for the board to see.

Peter Vesely – I will bring them to the next meeting.

## **B.5 ARB, Proposed Sign, 82 West Main Street**

Brian Maher, representative for the Hudson Valley Honor Flight – Dickie Baxter is doing the etching (he could not attend this evening but is available by phone). Presented a picture of the sign proposed for the window, logo for Hudson Valley Honor Flight. It's not black, it is clear; it's going on the one window. The colors were part of a logo (red, white & blue) that has prioritization much like other companies.

Member Sebring – I would like to see the true colors. We make everyone conform to the colors; we like to see the colors in person.

Brian Maher – If we wanted those Red White & Blue colors we would have to make a plea to the Village of Walden board?

Chairman Plato – Or the Zoning Board of Appeals.

Note: Discussion on colors took place (called Dickie Baxter, on speaker phone to discuss colors)

Member Wilkins – Are they the colors of the American Flag?

Dickie Baxter – Exactly those colors, that's the national logo colors for the Honor Flight.

Chairman Plato – I think we're all in agreement, it's just that we have to do it legal and if we haven't done so in the past then that doesn't give us leeway not to do it legal in the future. I think you would hard pressed not approve the American Flag colors.

Brian Maher – If we go to the Village of Walden board meeting for example, it's the same problem it's the same issue. But the Village of Walden board is going to make a motion to approve it and it's still not going to consistent to the law, that's what I assume they would do and that would be two (2) weeks from now.

Chairman Plato – I think we need to refer to counsel.

Attorney Dickover – I'm really at a disadvantage. Sounds like you have waived in the past or at least varied it.

Chairman Plato – Can we adopt it based on Brian Maher confirming it's ok with the Village of Walden board, so that we don't have to wait for another meeting?

Attorney Dickover – Approval could be subject to the village engineer or counsel approving it.

Brian Maher – Perfect, that way we don't have to wait to get back on the agenda and we are still following the process.

Chairman Plato – Anybody have any objects/questions/comments? None noted. I would like a **motion that we grant final approval conditional on counsel confirming that we have the authority and right to approve those colors.**

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

## **B.6 ARB Sign 78 Oak Street, Hannaford's Plaza**

John Joseph – Colors are black for the background (historic black does not exist). All the signs will be the same shape size and colors for the small shops in the plaza. I tried to stick with the historic colors as much as possible or as close as possible. I wanted the signs to be tasteful and nice but that leaves for interpretation.

There was a discussion that took place about the colors of the signs and the following were approved:

Colors are as follows from the Benjamin Moore Historic Colors:

Thruway Logo - Black and New London Burgandy (HC-61)

Sporting Goods - Black, Concord Ivory (HC-12) and Great Barrington Green (HC-122)

Liquors & Wines - Black, Concord Ivory (HC-12) and Audobon Russett (HC-51)

True Value Logo - Black and PMS 186 (Corporate Required)

Benjamin Moore Logo – White, Red and Blue (Corporate Required)

Small shops in the plaza – Black and Concord Ivory (HC-12)

Chairman Plato – Anybody have any objects/questions/comments? None noted. I would like a **motion that we grant final approval conditional on counsel confirming that we have the authority and right to approve those colors.**

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

### **C. DISCUSSION ITEMS:**

#### **C.1 Edmunds Lane Proposed Apartment Complex**

Chairman Plato – Mr. Gerry Jacobowitz was before this board wanting us to go to the Village of Walden board with a recommendation to petition them that this was a good project. My personal feeling in this case is that the Planning Board is not in a position to do this. Any comments or question from the board?

Member Sebring – I agree with you Chairman Plato.

Member Wilkins – I agree also Chairman Plato.

Chairman Plato – We are not going to recommend either way to the Village of Walden board about the project.

Attorney Dickover – Perhaps the board would want a letter sent to Mr. Gerry Jacobowitz, the minutes reflect this discussion and comments that were made and send a copy of the minutes.

Chairman Plato – Ok.

### **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: 9:00 pm**

RESPECTFULLY SUBMITTED

June 18, 2014

Nancy LaMancuso

Planning Board Secretary