

Village of Walden  
 Planning Board Meeting  
 June 02, 2014

Chairman:	Stan Plato	Absent
<b>Acting Chairman:</b>	Jay Wilkins	Present
Members:	Brian Sebring	Present
	Lisa Dore	Present
	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

Acting Chairman Wilkins - 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 78 Oak Street, Proposed New Retail Building**

Acting Chairman Wilkins – We have received since the last meeting the evaluation for the proposed Auto Zone, any questions or comments from the Board?

Member Sebring – When do the morning hours start roughly?

John Joseph – 8-10 am and 6-8 pm approximately, this is a supplement to the traffic report that was done when we did the Hannaford remodel.

Acting Chairman Wilkins – PB Engineer Gainer have you have an opportunity to see the traffic study?

PB Engineer Gainer – I just received it now.

Building Inspector Stickle – Acting Chairman Wilkins there was a list sent to you that was generated from the comments from the Public Hearing.

Acting Chairman Wilkins – These five (5) were main items of concern that were addressed at the Public Hearing:

1. Visual elevation of the proposed Auto Zone building from Pleasant Avenue.
2. If the Auto Zone building was moved to the approved restaurant pad, how would it affect parking and drainage?
3. Increase in traffic between proposed Auto Zone and Hannaford's.
4. The proposed decrease in property values and increase in insurance costs for boarding properties.

5. Evaluation of the fencing/visual screening proposed on the hillside adjoining Pleasant Avenue. This can be done as a cross section, but would have to extend from Walkkill River up To Pleasant Avenue.

PB Engineer Gainer – Building Inspector Stickles and I worked jointly to establish the list.

Barry Medenbach – Gave a presentation/review of the five (5) concerns (presented a color aerial view of the plaza site) of the elevations and distances. The one resident's house is up at elevation of around 345 feet, as you come down the slope there's about 50 feet of vegetation that will not be disturbed. Then there is the cut face which is about 20 foot in length until you get to the Auto Zone building, the Auto Zone building elevation is at about 320 feet, the rear of the house on Pleasant Avenue is 25 feet higher than the roof of the Auto Zone building. The Auto Zone building is about 20 feet high drops down and going across that whole parking lot until you can see the face of the remaining Thruway building. The residents will be looking across the top of the Auto Zone building, if they want to see the building they would probably have to go out to edge of the slope and then they would be looking down at the roof. They would not see the rear of the building at all. The alternate locations we felt interfered too much with the traffic flow, parking, and the restaurant in the plaza not having enough parking. It would also interfere with some of the drainage issues that pass through the site. Right now the drainage we have designed can be treated and put into the system we just constructed.

Acting Chairman Wilkins – Can you address the concern about the decrease in property values?

John Joseph – I called my insurance agent who does my homeowner policy who actually is very familiar with Walden and she said there is not basis for any policy increase and that the homeowners should call her. I contacted a local realtor and her feelings are the same, a commercial district that has always been commercial there is nothing new there so there is no basis that she could think of. It has been commercial since the turn of the century.

Barry Medenbach – Over the last couple of years the improvements that are taking place to this facility are substantial and will increase the value by living next to a nicer facility compared to an older one. I've been doing this work for over thirty (30) years and I go to Public Hearings and hear people say that it's going to lower our property values. I have never seen that happen and have never seen proof to it. If anything this could potentially increase their property values because there is a nicer facility that is within walking distance.

Acting Chairman Wilkins – The last issue addressing the screening?

Barry Medenbach – Looking at the aerial photo you can see the area that is currently vegetated now. You can see some of the houses up there and that's why we have selected some holly's trees that can be selectively planted in some of those spots that you can see through, that would then block the view. This would not involve any cutting of any trees. The cut slope we are putting in is down low near the roof line of the building, right now that is just a grassed area, no trees, no real screening there, we're going to cut into that slope area more. We feel that we're going to create more of a buffer than what exists now.

Member Sebring – What effect would that have if you were to put a raised berm say 4-5 feet high with your trees on top?

Barry Medenbach – You would probably have to do some disturbance to put that fill in, so that could be more problematic that would require some clearing to then put in screening, I think it would be better to just insert the trees in the bare areas.

Member Trafton – My personal feeling is that Holly trees are good potential but there needs to be some type of multiple layered screening.

John Joseph – I'm open to suggestions or changes.

Member Sebring – What about the air conditioning on to of the Auto Zone building?

Member Dore – We had talked about the possibility of putting on the side and box it in or maybe even box it in on the roof.

John Joseph – We are looking into that.

Acting Chairman Wilkins – Any other questions or concerns from the Board? None noted. I would like to remind everyone that the Public Hearing was closed. We will listen to what you have to say but not as part of the Public Hearing, are there any questions or comments from the public?

Elaine Bezue, 32 Pleasant Avenue – I was here at the last meeting, I asked Chairman Plato if I could bring in a petition with signatures of people who where not aware that this was even happening in the Village. I did bring it and a lot of people were very upset that they were not aware of what's going on. It didn't state in the newspaper that specifically that you're going put an Auto Zone, those are plans for that big building to be in the back.

Attorney Dickover – She can submit it, you can take it, but the Public Hearing has been closed. The Public Hearing was commenced with an appropriate publication, it was publicized and the mailings were done. The legal requirements for holding the Public Hearing were fulfilled by this Board, whether the public has an objection to the notice requirements or not is a matter for Village of Walden Board and not the Planning Board. If you want to submit the petition to the Planning Board its fine but it doesn't affect the legality of the hearing.

Elaine Bezue, 32 Pleasant Avenue – It affects the whole Village it doesn't just affect us on Pleasant Avenue. I spoke to many people in the Village and they do not want it there, it doesn't bring the whole country feel of this town. You're making it look like the city of Newburgh.

Acting Chairman Wilkins – Accepted the petition.

Member Sebring – I would like to respond to one of your questions that the village residents didn't know. With all the employers and employees that work at the plaza the public has known for a long time that they were going to be closing and rebuilding with a bigger and better plaza. So it's not as though the residents of the Village didn't know.

Elaine Bezue, 32 Pleasant Avenue – What they didn't know was that there was going to be any Auto Zone.

Member Sebring – This is an add on, they can do this. They have the right to do it.

Acting Chairman Wilkins – The applicant has the right to amend the Site Plan. Back on 04/30/14 there was a legal ad put in the Wallkill Valley Times as legally required.

Michael Lynch, 54 Albany Avenue – I have a question about traffic and I am very concerned about it. In New York State Law what is the law about traffic traversing, driving thru, passing thru private property, is it legal and should it be enforced? Who is to enforce it?

Acting Chairman Wilkins – The traffic comes down from Pleasant Avenue and if the owner of the shopping center wishes that traffic to proceed down Albany Avenue then the owner would give the village permission in writing to enforce any traffic laws or regulations on that site.

Michael Lynch, 54 Albany Avenue – NYS traffic law does not allow traffic to flow thru private property, you are not above the law it isn't legal!

Member Dore – I think it is important to note that your concerns have been heard. We're all here for the same reasons; we all care about our village. We asked the applicant to look into moving the site over to where the original restaurant pad was it doesn't work because of drainage. It would cause more problems, it would hurt the existing business that is thriving there, and we have looked into everything. You have been heard, we had two (2) meetings of Public Hearings all your comments are here and we are doing what we can.

Jeff Stevens, 36 Pleasant Avenue – This is the Village of Walden what kind of cliental do you think is going to even be using Auto Zone?

Acting Chairman Wilkins – Where I work there is a new Advance Auto and it hasn't created any problem, it has decent cliental going in and out.

Frances Monagle, 30 Pleasant Avenue – I wonder what the rational was. We have Hudson Valley Tire and Auto, Advance Auto three (3) miles from here, what was the thinking that Auto Zone would be a good idea?

Member Dore – It's really not for us to decide and it is not for us to discriminate between Auto Zone and Dave's Auto.

Tom Lynch, 39 Pleasant Avenue – Who's going there, is it going to benefit any of us as neighborhood residents?

Member Sebring – That's your choice if you want to go there or not.

Elaine Bezue, 32 Pleasant Avenue – I think it was decided before the Public Hearing. I think this decision was made before any of us were contacted.

Acting Chairman Wilkins – I want to tell you that you are wrong. We have to act on the information we get. We get information from the developer, from the engineer and from the public.

Elaine Bezue, 32 Pleasant Avenue – I don't want it to be an eye sore and make my property value go down. If my reappraisal goes down I'm going to get a lawyer.

Acting Chairman Wilkins – Ok, we need to go on to the next applicant.

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

Acting Chairman Wilkins – Proposed addition and patio area for Franco's restaurant.

Building Inspector Stickles – PB Engineer Gainer have you had a chance to look at the information I sent you?

PB Engineer Gainer – No, it just came in on Friday.

Acting Chairman Wilkins – **I would like a motion to close the Planning Board regular meeting and open the Architectural Review Board.**

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

### **B.3 ARB, Sign 19 Orchard Street**

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

Attorney Dickover – Acting Chairman Wilkins, Member Trafton recluse himself on this application, you as acting chairman should appoint Member Sebring to sit in and make a determination on this matter.

Acting Chairman Wilkins – **Member Trafton has recluse himself on this application due to a conflict of interest.**

Peter and Lisa Vesely, Bark of the Town – Discussed the colors of the sign for the business.

Note: Multiple conversations/dialogue is inaudible, it was determined the applicant will need to come back to the next meeting with color chart/numbers from the Benjamin Moore historical color collection.

### **B.4 ARB, Proposed Sporting Goods, Pharmacy Building Signage.**

Building Inspector Stickles – This is just for the signs, the pharmacy and sporting goods wants to have a sign on the front “A” where you go into the pharmacy and they also want to have the same thing on the “A” that faces to the entrance to Hannaford’s. Chairman Plato had asked for a rendering showing that, how it would look.

John Joseph – Presented drawing and information regarding the signage for the different small businesses in the plaza, black background a little lighter boarder and then gold for all the small tenants.

Building Inspector Stickles – The signs were originally approved thru the Architectural Review Board. The one in question now is the trade mark signs for True Value and sporting goods.

John Joseph – True Value sign will be 11’ 6’ X 3’ with an inset border around it, it will go above the window and the arch way.

Member Sebring – Are there going to be any signs around the back towards the river side of the buildings?

John Joseph – No, I will carry the finish along where the bank is around the top and the back I will replace the bad wood and paint it. The Thruway had a burgundy color that was their trademark. They want to do the sporting goods with the black and the gold and then use Mountain Green for the background and then the wines and liquors are similar, with a sort of burnt orange for the colors of the bottles and they want to duplicate this on the other side by the Hannaford. The signs are 3’ X 8’ each.

Building Inspector Stickles – The Thruway sign is 20’ from side to side.

Acting Chairman Wilkins – What is the name of the shopping center?

John Joseph – It is still the Thruway Shopping center.

Building Inspector Stickles – It’s a Hannaford’s, Thruway sign combined.

Note: Discussion of the signs will continue at the next meeting Wednesday 06/18/14 and Board liked concept, but would like to see colors proposed.

**Member Trafton Made a Motion to close the Architectural Review Board  
Seconded by Member Duffy, All Ayes / Motion Carried**

**Member Trafton Made a Motion to reopen the Planning Board  
Seconded by Member Duffy, All Ayes / Motion Carried**

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

Building Inspector Stickles – The Board did get the application and the drawing but PB Engineer Gainer did not get a chance to look at them to make his comments.

John Joseph – Franco is proposing to do a small 15' X 27' addition for a bar area and an exterior patio for outside seating with an aluminum fence and landscaping around it. We would probably put curbing in and lose a parking space or two because it is a little tight there at the front of the building.

Acting Chairman Wilkins – What is the distance between the building and the brick wall?

John Joseph – Probably about five (5) feet.

Acting Chairman Wilkins – Is there a local law regarding outdoor drinking?

Building Inspector Stickles – No, I don't think so. We do have an outdoor café law

John Joseph – Franco needs to contact the State to find out what if any restrictions he has etc.

Acting Chairman Wilkins – Ok, have Franco come to the next meeting, in the meantime contact the liquor authority.

**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.**

**Member Sebring Made a Motion to go into Executive Session  
Seconded by Member Trafton, All Ayes / Motion Carried**

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:** Board went into executive session.

**MEETING ADJOURNED: 9:00 pm**

RESPECTFULLY SUBMITTED

June 02, 2014

Nancy LaMancuso

Planning Board Secretary