

Village of Walden
 Planning Board Meeting
 July 16, 2014

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Absent
	Brian Sebring	Present
	Lisa Dore	Present
	Jason Trafton	Absent
Alternate Members:	John Ramos	Absent
	Zak Pearson	Absent
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 05/21/14, 06/02/14 and 06/18/14. I was not here for the 06/02/14 meeting and Member Dore was not here for the 06/18/14 meeting, therefore they will have to held for the next meeting. For the 05/21/14 minutes any corrections/changes?

**Member Sebring made Motion to accept Planning Board Minutes of 05/21/14
 Seconded by Member Dore with all members voting yes.**

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

B. FORMAL APPLICATIONS:

B.1 74 Oak Street, Proposed Addition & Patio Area

Building Inspector Stickles – The applicant needs a Café approval, last night the Village of Walden Board has put that on hold until he gets Site Plan approval.

John Joseph – The biggest challenge facing us is the fact that this is on a separate tax parcel, separate ownership. The parcel is 81' X 120' it actually has none of its own parking. There is no separate deed for it, its all one deed for the plaza but separate tax parcels.

Building Inspector Stickles – You should have a separate deed for those threee (3) islands, the old bank, this parcel and Car Tech.

John Joseph – The problem I have is I can't merge it into a separate lot because I have issues where I would have to bill all the other tenants. Franco's restaurant pays his taxes directly. It shares parking with the plaza.

PB Engineer Gainer – If it's a separate parcel you provide set backs by areas. Is it possible that in the same ownership for zoning purposes it's deemed as a single lot?

Attorney Dickover – That's why the question came up the last time I was here looking at it, whether or not this parcel has to meet all of the separate set back requirements. Now raises a question whether or not it was a separate identifiable subdivided lot or was it just a tax parcel.

Chairman Plato – It's possible to have a tax parcel and not a deed?

Attorney Dickover – Yes, it's not common these days but in the past that was done and done for the kind of purposes you're talking about.

Chairman Plato – So it's not on a separate deed I would think the Board could consider as the entire parcel.

Attorney Dickover – Building Inspector Stickles is saying he believes that there is a separate deed for it.

John Joseph – The surveyor today said when it did the title it was all one ownership and it is, it's all VS Walden LLC.

Chairman Plato – That wouldn't necessarily mean that it was on a separate deed.

Building Inspector Stickles – Went to office to get copy of deed for 74 Oak Street.

Attorney Dickover – This is a deed for Oak Street Equities LLC, 2009 parcel identified as 306-1 23.1-39, 40 and 41, description says it covers four (4) parcels. It's one deed with separate tax parcels,

Chairman Plato – That's the entire parcel.

Attorney Dickover – This other is a deed dated 2004 Village of Walden Industrial Development Agency Thruway Associates containing those same combined descriptions. It appears that one deed covers all of these four tax parcels contained within it. I need to look at what the Village adopts as its definition of lots.

Chairman Plato – Counsel will research this issue. The Board can continue as if there is not a problem but we can't act until we know there isn't.

Chairman Plato – We have adopted Lead Agency, an Uncoordinated Unlisted Review for this action.

PB Engineer Gainer – Did you hear back from Orange County Planning Building Inspector Stickles?

Building Inspector Stickles – No, because I hadn't had a complete plan and I didn't know if it had to go to the Zoning Board again. If the Board sets a Public Hearing it would be thirty (30) days out anyway.

Chairman Plato – Attorney Dickover can the Board schedule a Public Hearing even though we haven't taken SEQRA action?

Attorney Dickover – No, you should complete your SEQRA review first.

PB Engineer Gainer – There's nothing preventing the Board from taking that action tonight.

Chairman Plato – We do have the EAF, we should go over it. If any member of the Board disagrees or has a comment please speak up.

Attorney Dickover – This is a short environmental assessment form dated 07/16/14 we can amend this as we go and make your determination. **(The Short form EAF was reviewed by the Board and changed/corrected accordingly by the Board)**. Change 13.A to answer Yes instead of No and identified as the Walkkill River no disturbance. The B part of that question the answer is No.

Attorney Dickover – The Board at this point if so inclined could adopt a **motion that based on this information your analysis proposed action will not result in any significant adverse environmental impacts.**

**Member Sebring Made Motion as stated above by Attorney Dickover
Seconded by Member Dore, All Ayes / Motion Carried**

Chairman Plato – Nest is to determine if the Board wants a Public Hearing on this matter.

Attorney Dickover – There is one other thing that PB Engineer Gainer has mentioned to the Board is whether or not the Board wants to waive the Technical Site Plan.

PB Engineer Gainer – In two different areas where there isn't specified information, the existing water and sewer and utility services and storm drainage they do not show on the Site Plan. You should also want to see building elevations, colors, existing utilities, etc

Chairman Plato – I think because of the size of the project and everything being done it would be good to have a complete Site Plan with water and sewer, utilities, storm drainage, etc.

Attorney Dickover – The code requires showing all of those Site Plan elements on this map. If they are not there the Board has the right to waive that requirement if the Board determines it is ok, but otherwise the applicant would be constrained to draw it all.

Chairman Plato – That would be for the final approval but the Board is not ready to do that until you do your research.

Attorney Dickover – True but the Board wouldn't be ready to do a Public Hearing on it either if you didn't have that.

Chairman Plato – If we agree that the applicant is going to put water and sewer on there and also come back to the Architectural Review Board for the building I don't see why the Board needs anything else.

Attorney Dickover – A Public Hearing on this application is optional.

Chairman Plato – Yes, I think it we should have one nonetheless.

Member Sebring – I think we should have a Public Hearing for the neighbors.

Attorney Dickover – If the applicant agrees to amend the map in accordance with public water and sewer services and showing the drainage at the site.

Chairman Plato – I would like a motion to schedule a Public Hearing. Do we need a resolution that these things are going to be done and then schedule a Public Hearing?

Attorney Dickover – No, the applicant can make that representation that he will do it in time for the Public Hearing and if he doesn't what will happen is you will open that Public Hearing maybe or not, it would be up to the Board because the Site Plan won't be completed.

**Member Dore motion made to schedule a Public Hearing for Monday 08/04/14
Seconded by Member Sebring, All Ayes / Motion Carried**

Chairman Plato – Please get the mailings out as soon as possible.

Building Inspector Stickles – I can't do the mailing until I get the notice it. You can't take action until Orange County responds and I haven't sent this to Orange County yet so my paperwork is not complete.

John Joseph – When is the next meeting? I want to do this right.

Chairman Plato – Since there is more research to be done the Public Hearing should be scheduled further out.

**Member Sebring made motion, Resolution to change the Public Hearing from 08/04/14 to
08/20/14
Seconded by Member Dore, All Ayes / Motion Carried**

Chairman Plato – I want to be sure that the people on the mailing list get notified.

Attorney Dickover – The way people would normally handle that is they would send a duplicate copy of the certified letter by regular US First Class Mail, one of each.

Chairman Plato – Would that be acceptable for you to do John Joseph?

John Joseph – Yes that would be logical.

Building Inspector Stickles – However the mailing is going to go from this parcel of forty-one (41) 300 feet.

Chairman Plato – Does it go by the tax parcel or by the deed.

Building Inspector Stickles – By the tax parcel within one property.

John Joseph – We will touch on all the ones who would care. I will have them pull the original list out and resend to all those people.

Building Inspector Stickles – Be sure that you capture all the new owners.

Chairman Plato – How does he get that information, if the town still has bad information?

Attorney Dickover – The town gets the information from the county tax department. It's based on deed filings; depending on how far behind they are I would hope they are fairly current now.

Chairman Plato – Any questions/comments? None noted.

B.2 1 North Street, Site Plan / Special Exception, Proposed Church

Building Inspector Stickles – At the last meeting the owner had to give a permission letter that is in the Board members packet, Willy Carley was asked to answer a few questions and I gave you a layout of the interior of the proposed building and occupancy.

Chairman Plato – The current membership is approximately 20 people, 6-7 vehicles on the premises at one time.

Sheila White, representative for Pastor Willy Carley – I believe its twelve parking spaces. We only occupy 6-7 at the most. Most of the members are from the community and we pick people up and car pool to the church.

Chairman Plato – The Board was lead to believe that if the membership got much of twenty (20) they would move to a different location.

Sheila White – We currently have one (1) service at 11:00am – 12:30pm; if we were to grow we would go to two (2) services starting the second at 2:00pm. If we were to outgrow that then we would have to look for another location. The goal for now is to go to two (2) services at this point.

Member Sebring – Did Willy Carley personally go around to all of the residents in the business area?

Sheila White – Yes and I know for sure Rich's Auto Shop he has given us permission to use his parking area as well. He is not open at the time of our services but at this time we aren't in need of using his parking area.

Member Sebring – What about the deli across the street, are they open on Sundays?

Sheila White – I'm not sure if they are open on Sundays, but I'm sure he went to them as well.

Chairman Plato – What about the seating?

Building Inspector Stickles – With unfixed seats un-concentrated, 15 square foot per person there was ninety (90), given the existing that they have in the area. That does not encompass the office area that would be all encompassing of the office and the two (2) areas.

PB Engineer Gainer – Parking is different by the number, it would be one (1) parking space for three (3) permanent seats if there's not then it's one (1) per each 40 sf of seating area.

Chairman Plato – Seating area would not necessarily be the total area divided by 15 square feet. Could we limit the seating area?

PB Engineer Gainer – Attorney Dickover is there any way the Board can limit the occupancy based on the available parking? Normally you would have to provide sufficient parking to attended use. They're describing a situation where they might use off site parking and even that doesn't get them very far for the parking requirements in those ordinances.

Chairman Plato – What do you feel your occupancy would be before you would look for another location?

Sheila White – The occupancy now the maximum is ninety (90) correct?

Chairman Plato – You wouldn't have enough parking for that amount of people.

Sheila White – If we get to the point where we are half-way there or say we get to sixty (60) then we will go to the two (2) services but limit the vehicles in the vicinity and start looking for another location.

Attorney Dickover – In answer to PB Engineer Gainer question, this is Special Exception Permit application to which the Board can attach reasonable conditions. One of them certainly can be tied to the amount of existing parking to accommodate a certain number of people within the building, in answer to that question I believe the Board can do that. You also have a state fire code occupancy requirement.

Building Inspector Stickles – That's the ninety (90) people.

Chairman Plato – If they contract with other areas like the auto place?

Attorney Dickover – They would have the contractual rights to parking. To satisfy the Board's concerns you might want to make this kind of a Special Exception Permit subject to a review on an annual, two or three year bases, based on their growth so that the Board has some control of what's happening in this area if it's a concern to the Board.

PB Engineer Gainer – As stated at the last meeting they are on a month to month lease, they're prepared to vacate the premises fairly quickly.

Member Sebring – My only concern is the business (deli) across the street. If he is open on Sundays and you take away his parking in front of the store or across the street from the store which he normally has people coming and going you're going to cut him short, which is not fair to him.

Sheila White – As I said before, which is a concern but most of the people live in the community where we are now and we're in the community and it's in walking distance and I just don't see us taking spots outside of the property, if we get to the point where ninety (90) is our maximum occupancy according to the fire code I'm sure that the Pastor when we start getting to that half way point that that will be a concern to start looking for another location at that point. Even taken into consideration the second service prior to getting to the ninety (90). So if we got to that point where we have to take up spaces on the street then we would definitely go to second service and if it became an issue then the Pastor's prepared to look for another location. I'm not sure if the deli is open on Sundays.

Chairman Plato – But even if he isn't he may want to.

Member Sebring – I have to look at the worst case scenario, summer time people like to walk. In the winter that's a different story.

Chairman Plato – I'd like to see this approved but I don't know how we do it to protect everybody.

Member Dore – Can we limit the number of people at fifty (50) or sixty (60)?

Chairman Plato – Then you have an enforcement issue.

Building Inspector Stickles – On the map is showing two (2) different rooms, the front room which is 675sf and a rear room.

Member Dore – Where do you do the service?

Sheila – We do the service in the larger room.

Chairman Plato – Only in one (1) room?

Sheila – Yes, in only one (1) room.

Chairman Plato – Service can only be in one room, 45 people that's if it's a 100% seating area. Get a letter from Rich's Auto that you can use his five (5) spaces and we will limit the seating area to 600sf. Find out if the deli is open on Sunday's.

Attorney Dickover – The idea of neighbors offering their parking is nice but it's not written in stone. So you will have conditions attached to a Special Use Permit which will also have to include the continuation of the parking licenses and if it is lost then the requirement would be that you would have to replace it within a reasonable period of time or that the Use would be canceled. Also because of your possible growth and parking not being available to accommodate it the other condition that you might consider is attaching is that once the occupancy exceeds the available parking that the permit also ends. I will have to write up the resolution accordingly.

Chairman Plato – Let's review this. There are fifteen (15) spaces provided you get a letter from Rich's Auto, 600sf and 15 into 600 is 40 people, maximum not to exceed 40 people.

Attorney Dickover – Is there some provision for other available parking other than the fifteen (15), is there street parking available on Sunday's?

PB Engineer Gainer – They are not in a parking district.

Chairman Plato – You can't use the on street parking in the calculations.

PB Engineer Gainer – You can park there, you just can use it in the calculation.

Attorney Dickover – SEQRA determination needs to be done. A Public Hearing on this application is mandatory because it is a Special Exception Site Plan approval. PB Engineer Gainer has given you the outlines for that. You need to determine whether or not this going to be coordinated or an uncoordinated review. If there is any other involved agency it would be a coordinated review and I suppose the question is, is there another one?

Chairman Plato – I don't think so.

Attorney Dickover – You could resolve to do an uncoordinated review and declare yourselves Lead Agency this evening, **you can make a motion as such.**

**Member Sebring Motion as stated above by Attorney Dickover
Seconded by Member Dore, All Ayes / Motion Carried**

Attorney Dickover – Secondly to type this project as being Unlisted Type, **you can make a motion as such.**

**Member Dore Made Motion as stated above by Attorney Dickover
Seconded by Member Sebring, All Ayes / Motion Carried**

Attorney Dickover – This EAF application dated 05/15/14, we can amend this as we go and make your 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 – Have answered the questions and reviewed the context of it in connection with this application this Board could resolve a resolution with that the imposed action would not result in any significant adverse environmental impact is so inclined, **that motion could be made.**

**Member Sebring Motion as stated above by Attorney Dickover
Seconded by Member Dore, All Ayes / Motion Carried**

**Member Dore made Motion to set the Public Hearing for 08/20/14
Seconded by Member Sebring All Ayes / Motion Carried**

B.3 10 Scofield Street, Discussion of Use

Building Inspector Stickles – The applicant is not present tonight. At the last meeting there was a question of the use as presented to being allowed in the B3 zone.

Chairman Plato – Yes, the Board received a letter from Attorney Dickover basically said it was. There should be no reason to have live ammunition stored at the site but I don't think that is the Board's place to say that.

Attorney Dickover – Yes, I don't see it a being the Board's concern. Your question is planning the development of the community. The security of this facility is an issue for the Village of Walden Police Department and the applicant.

Chairman Plato – What is the plan for the applicant at this point?

Building Inspector Stickles – I will contact the applicant and tell him that we are going to proceed and I will send this to Orange County so the Board can get a comment letter back from them.

Member Sebring – He is going to have the burglar alarm and security tied into the telephone to go directly to the Police Department.

Member Dore – That's not something we can base our approval on.

Member Sebring – I realize that.

Attorney Dickover – It does answer your question and satisfies your inquiry but the Board wouldn't incorporate that as a necessary condition of the approval.

PB Engineer Gainer – The applicant is willing to this.

Chairman Plato – Would it be appropriate to get input from the Police Department on this application.

Attorney Dickover – I don't think so.

Chairman Plato – Ok, there is nothing else on this application at this time. One more thing, Attorney Dickover has given us a resolution for colors for buildings and signs within the Village of Walden. I think it's practical and pretty much covers us. It does address the issues that came before us and sums up what the Board has been doing. Any questions/comments? None noted. I would like a **motion that the Board adopts this as part of the Village of Walden Planning Board policies.**

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

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

Chairman Plato – Convened the Architectural Review Board.

B.4 Mavis Tire's ARB, Exterior Colors, Signage, Exterior Remodeling

John Joseph – Presented a drawing of the four (4) sides of the building and described each side.

Color Legend from drawing

Metal fascia vertical color F-1 Green
Foam band and cornice P-5 Benjamin Moore Navajo White
Concrete block color to match adjacent building
Store front and garage door finish clear anodized

Light Legend from drawing

Light fixture – projecting metal sign lights – TMS lighting – sign 5' 70W WH F- 29 color Verde textured F

Member Sebring – Where will they be putting the tire brand names?

John Joseph – There will be none.

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

Member Sebring Made Motion to grant approval for Colors per RESOLUTION TO ADOPT POLICY AS TO ACCEPTABLE COLORS FOR BUILDINGS AND SIGNS WITHIN THE VILLAGE OF WALDEN dated July 16, 2014, colors are from Legend on the Drawing (listed above) Seconded by Member Dore, All Ayes / Motion Carried

B.5 22 East Main Street, ARB Wall/Window Signage

Building Inspector Stickles – The business owner changed the signs without getting any approvals.

Member Dore – What happened to the previous business owner?

Building Inspector Stickles – This applicant took the business over.

Gurminder Singh Chilana, business owner – We are doing the same thing, only changed the name.

Building Inspector Stickles – Size of the originally approved signs are the same, however the name has changed so all signs need to be approved by the Board.

Chairman Plato – Do these signs meet the requirements?

Building Inspector Stickles – Yes.

Member Dore – What are the colors?

Gurminder Singh Chilana – Black letters on yellow and the logo is a blue and green.

Building Inspector Stickles – Cash Can was the first approved sign on the Valley Avenue side and on the front side he is changing the name and the colors.

Member Dore – Is the yellow a historic color?

Gurminder Singh Chilana – It is almost the same as HC-4 in the color chart but not exactly.

Member Dore – The sign is already there.

Chairman Plato – I don't have any problem with it, does anyone else? None noted.

Building Inspector Stickles – The only thing that changes is the color of the sign, everything else that was part of the previous approval for Cash Can stays in place.

Member Sebring made Motion to grant approval for two (2) new signs on exterior of the building and all other conditions set for this property remain in place.

Seconded by Member Dore, 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 Sebring made a Motion to adjourn, Seconded by Member Dore, with all members voting yes.

MEETING ADJOURNED: 9:00 pm

RESPECTFULLY SUBMITTED

July 16, 2014

Nancy LaMancuso

Planning Board Secretary