

Village of Walden  
Planning Board Meeting  
July 07, 2014

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

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

**1. APPROVAL OF MINUTES:**

**2. BOARD BUSINESS**

Planning Board has received:

1. Building Inspector Stickles - ARB Application - Gasoline Station (former Hess) dated 06/12/14
2. Attorney Dickover - Proposed Addition & Patio Area @ 74 Oak Street dated 06/24/14
3. PB Engineer Gainer – Technical Review, William Carley Site Plan; 3 North Street, dated 07/03/14
4. PB Engineer Gainer – Technical Review, Oyola Enterprises, Ltd. Site Plan; 10 Scofield Street, dated 07/03/14

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

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

John Joseph – Still putting things on the map, there is nothing tonight.

Chairman Plato – We have received a letter from Attorney Dickover regarding this application. (Read out loud by Chairman Plato) In connection with the above captioned matter of your reference section 305-13 subparagraph D relating to outdoor cafes and business in mix use districts which require that outdoor cafes should not be allowed to operate in any outdoor area unless a permit has been obtained from the Board of Trustees.

John Joseph – I just received it; I'm hoping to go to the Board of Trustees on 07/15/14.

Chairman Plato – Then we should see you at the next meeting 07/16/14.

**B.2 10 Scofield Street, Site Plan Approval, Proposed Business**

Efrain Oyola, 3 Northgate Drive – Presently I am operating a home base business, at this point it is expanding and I need a retail location mostly for office work, conference and safety classes.

PB Engineer Gainer – Are you the owner of the property?

Efrain Oyola - No I am not, I am leasing it from the current owner.

Chairman Plato – We need something from you and the owner stating that you're allowed to speak on his behalf. PB Engineer Gainer you've reviewed this?

PB Engineer Gainer – I couldn't be sure and understand what the use is.

Efrain Olyola – It is not a retail location where people walk in off the streets and look at my inventory. Everything is appointments only, so anybody that comes to the location I know who is coming. Most of my dealings are online sales. The buyer or seller goes online and needs to go through a fire arms dealer. So they would contact me, I receive it for them and I conduct a background check and once the background checks are approved and all the forms are completed I turn over the firearm to the individual and it also works the other way around. If someone sells a firearm the need to go through a dealer, I would receive the firearm ship it to another dealer and location whether in state or out of state and in turn they would do the same as I do on my end. Nobody knows what I do at home except my neighbors. There are no signs and or anything like that. I don't have any plans for putting in signs that is not the type of business I want to run. I do maintain an inventory so if someone is looking for a particular firearm I may or may not have it or I would have to order it, it's not like a "store".

Chairman Plato – Typically how much inventory would you hold? Would you hold the firearms and ammunitions or just the firearms?

Efrain Olyola – Mostly firearms, I do have some ammunition for testing purposes. I would also be doing some repair work.

Chairman Plato – How would you test them?

Efrain Olyola – I belong to the Walden Sportsman Club and I would bring the firearms there for modification or testing or whatever. There would not be any live testing at the location that's just not practical. Most of the location will be used as an office space and the secondary room would be a conference room to do transactions there and on occasions I will do classes depending on the fire codes, it can hold approximately 20-30 people in there. I do have a letter from the owner that was sent into ATF letting them know that the owner understands what I am going to use the location for and that he approves it.

Chairman Plato – Building Inspector Stickles will probably review that letter.

Building Inspector Stickles – Yes, if we don't have it then he will get a letter from the owner allowing him to speak for him.

PB Engineer Gainer – It should be a letter directed to the Village of Walden authorizing you to file this application.

Chairman Plato – PB Engineer Gainer can you review your report?

PB Engineer Gainer – Initially I'm not sure just where this use would fall with in the classifications of that are permitted in a B-3 zone. The only two (2) that might theoretically apply would be an office use or retail store shop. I don't see it as a retail store and that's why I'm raising that question to you. First thing the Board has to do is establish whether it applies to any of the permitted uses, I don't know that it does. The village attorney can assist you in making that decision; you're not prepared to make that decision tonight I don't think (Technical memoranda was reviewed)

Building Inspector Stickles – I wanted to make sure the Board saw the application first and make sure everything is proper and then I will submit it to the County.

Chairman Plato – Building Inspector Stickles have you talked to Attorney Dickover about this?

Building Inspector Stickles – I haven't discussed it at length, I've given him the application and he hasn't given me any comments back yet.

Chairman Plato – The Board needs to determine if it's a permitted use before we go any further.

Building Inspector Stickles – I can ask that question of Attorney Dickover and have answer for the 07/16/14 meeting.

Chairman Plato – We'll find out the permitted use and continue with this on 07/16/14.

Efrain Olyola – I will be out of town until the following Thursday.

Chairman Plato – We can continue this at the work session on 08/04/14.

Chairman Plato – Any questions/comments from the Board?

Member Dore – I have some safety questions. This almost next door to a nursery school, is there ways that you can become locked down? It's not retail but you will be having people come there for classes and other reasons. Are there people that are aware that there are firearms inside?

Building Inspector Stickles – The Village of Walden Police Department are well aware of what he does and where he is and what he stores.

Efrain Olyola – I recently retired from the NYPD after twenty-five (25) years. The last fifteen (15) I was a firearms instructor, that's how I got into this business. I have training in weapons specifically for that reason. You never enter a classroom with a live weapon. Even though they function mechanically they're incapable of firing live rounds also you never have ammunition when you're demonstrating, etc. I've handling firearms most of my life and have never had an accident and plan not to. That's one thing I do instill in my students is the safety and security aspects. No matter how safe it is you need to be aware of your surroundings.

Chairman Plato – What type of classes do you have, on pistols, rifles, on loading ammunition?

Efrain Olyola – Mostly it will be safety classes. When someone applies for a pistol permit they have to go through a NRA safety class and learn how to handle it, secure, load, etc.

Chairman Plato – What about making you own ammunition?

Efrain Olyola – There is no black powder, at this point it's not feasible to get into reloading.

Member Sebring – What security will you have on the doors and windows, for the people that may not know that you may not keep the pistols and ammunition there?

Efrain Olyola – I am making inquiries on security systems that would notify me and also notify the police. The main reason I picked the location is the proximity to the police department. As soon as I get things done I will commit to an audible alarms system with notification to the police department and myself personally by email and cell phone. So if something happens or gets triggered I will know immediately. The police department will know before I do.

PB Engineer Gainer – Are there any State or Federal requirements?

Efrain Olyola – Just that I use every reasonable means to secure, which is open to a lot of different interpretations. I tend to go a bit over board, after 15 years an accident is not a possibility it should never happen. Safety only buys you time; I believe I keep things pretty well secured. The local authorities are aware, they get notified everytime I do a local sales transaction and they get a report when I renew my application and also a change of address they get a copy of the originals. They are well aware of what I do so if something happens at my location they know about it.

Member Sebring – Is there a requirement for securing the site?

Efrain Olyola – No, not yet in New York State, it is hard to determine what's adequate, by using the term "reasonable".

Chairman Plato – Ok, any other questions/comments? None noted.

### **B.3 3 North Street, Site Plan/Special Exception, Proposed Church**

Willy Carley, Applicant – We will hold services there the hours are usually 11:00am – 12:30pm on Sundays, outside of the hours of the business that is there. On Wednesday we have Bible Study 7:00 – 8:00pm.

PB Engineer Gainer – The Board will also need a letter from the property owner that you have permission to represent them in this application.

Member Sebring – Can we get a diagram of what the building looks like inside, the size of the rooms etc.?

Building Inspector Stickles – This application as in PB Engineer Gainer's report was ARDAC which has been in front of the Board for the 1800 sq. ft. rear building and the front building that was a first floor business and a second floor apartment. Nothing has changed except for the use that they want to put in the back part.

PB Engineer Gainer – The issue then was to ensure the site had sufficient parking. In the Site Plan approval previously granted for the site the Board required that on-site parking be provided. However, only limited parking could be fit into the developed site. The applicant should therefore discuss the expected occupancy and use of the "church" building for staff and church services and also recognize that additional parking spaces should be set aside for the other uses which are permitted at the site.

Willy Carley – If there is an extreme detriment to the neighbors that's a good thing in my opinion because that means that there are more members and then we have to relocate. I absolutely understand.

PB Engineer Gainer – Access into the rear parking lot is very difficult and very narrow but it is used occasionally for the twelve (12) spaces in the back. It's not the normal two (2) lanes access drive in/out.

Member Sebring – There are only seven (7) spots in the back.

Willy Carley – No, there are twelve (12).

Member Sebring – I was there last night and checked the parking situation. There are not twelve (12) spots in the back.

Willy Carley – NO, not in the back, I'm talking in total.

Chairman Plato – I think we should look at the Site Plan. We should also have a calculation of the church membership/attendance.

PB Engineer Gainer – Yes, to be sure that it's not creating a difficult situation that doesn't fit on the property.

Willy Carley – On average we have about five (5) or six (6) cars now. We do commute back and forth helping parishioners to attend services. When it gets to the point where it is creating a nuisance then we will look for another place.

Member Sebring – How long have you been using this building?

Willy Carley – Approximately six (6) months.

Member Sebring – Have you had any increase in membership since then? Within a year if you new then you're going to have a larger congregation which means more parking spaces will be needed.

Willy Carley – Correct and I have talked that over with the property owner Mrs. Moore and we did a month to month lease and she is fully aware that if it appears that things are getting to big then we will go to two (2) services and then we would have to look for another location. Our current service is 11:00am – 12:30pm then our plan if we grow will be 2:00 – 4:00pm for a second service. That will give people enough transition time and then if that happens we will have to start looking for another location. Services are only on Sundays and Wednesdays are Bible Studies.

PB Engineer Gainer – Are there any staff on the property?

Willy Carley – No staff, we are planning to do a vocational Bible Study for our youth which is approximately ten (10) young people. That will be in the day time and it's only going to be a week, we are looking at the week of July 20<sup>th</sup>.

Member Sebring – At what number of people do you have to start a second service?

Willy Carley – It's not so much the number of people as it is the number of cars.

Member Sebring – Well it is both.

Willy Carley – We have between twenty (20) and thirty (30) people now, but a lot are families and therefore cars are less and several families have friends that they pick up and shuttle back and forth. I can't say the number of people but definitely the number of cars. When we started talking to Mrs. Moore about it there are other things concerning the parking van. My main concern initially was that it was kind of small and now she is expanding. Since we went with a month to month lease versus a year or two (2) year lease, if that transition occurs we won't be locked into a contract for another two (2) years and the congregation gets to a certain size and then we definitely have a problem.

Member Sebring – I could see people parking out in the front on the state highway.

Willy Carley – Where ever it is legal, if there was an event that would impact parking with the neighbors, just like I would expect at my house a courtesy to say hey we have something going on can we use your area or are you going to here during these times, I would extend the same courtesy to them. Now saying that, my intent is not to bother people but we are human and things can happen.

Chairman Plato – What is the maximum you can see in your congregation?

Willy Carley – Ah man, I walk my faith. Seating, we can get up to sixty (60).

PB Engineer Gainer – Dean how does that work for seating?

Building Inspector Stickles – It goes by square footage.

Member Sebring – That’s why I was asking what the size of the building is, number of rooms, seating design, etc.

Chairman Plato – Any other questions/comments? None noted. At the next meeting on 07/16/14 the Board will need the existing Site Plan, a letter from the property owner, a calculation for occupancy and summary of parking issues/requirements.

#### **B.4 Signs for the New Thruway Plaza**

Building Inspector Stickles – I put this on the agenda just to understand that at the last meeting all the signs that were discussed were approved; contingent on Attorney Dickover reviewing it and I believe the comment letter the Board got back did allow the Board to approve them as far as color and content. I just want it on the record that the signs that were submitted were approved by the Board.

Chairman Plato – Did everyone see and review the letter from Attorney Dickover? The letter concerned signs in general because the Board has adopted a policy of sticking with the Benjamin Moore Historical Colors and has been something the Board has stayed with.

Building Inspector Stickles – You have to realize that in the last fifteen (15) years we probably have had ten (10) signs. We have had twenty (20) signs in the last year, most of them at the plaza which we never really had to deal with. This is kind of a clarification of what the Board can and can not do as far as signs, colors; logo’s, etc., so that everything still blends together and is not haphazardly all over, but still gives the Board some leeway.

Chairman Plato – PB Engineer Gainer is your conclusion the Board pretty much can do whatever it wants?

PB Engineer Gainer – Yes.

Member Dore – My conclusion is not that. My conclusion is basically yes the Board can do anything it wants but we should stick with the Comprehensive Plan.

Chairman Plato – Yes, the Board should have some standards.

Member Sebring – As long as the requests are within reason or close to the colors in the Benjamin Moore Historical Colors.

Chairman Plato – Of course there will be conflict with trade-marked signs. Then for the signs presented for the Thruway Plaza do you have info with you John Joseph.

John Joseph – I don’t have them with me now.

Member Dore – The signs look great to me at the plaza.

Chairman Plato – John Joseph has done such a good job at the plaza, I don’t see problems at this point with the signs. I did see an Auto Zone that had a different sign and it did not a stripe on it.

Member Dore – The stripe is all around the building?

Chairman Plato – Three (3) sides, but I saw one without it.

Member Dore – Dean does the stripe count as part of the signage?

Building Inspector Stickles – The Auto Zone in the plaza as I understand it is only going to have one (2) sign on its face. The stripe to me is not part of the sign, its colors of the building. However this is another sticking point with the plaza, is that our signs are only allowed to be on the face of a building, which are on Main Street. This is three (3) different buildings on one piece of property, I really think it is up to the Planning Board or the Architectural Review Board to set the tone as far as how many signs do you want on these buildings, one on each side, just one in front? I think the Auto Zone that was approved only had one sign on the front and no stripes going around the sides only on the front.

Chairman Plato – I think the stripes were on the sides too, not on the back.

John Joseph – It's more of a corporate image, it's not a logo.

Building Inspector Stickles – You had a motion to approve all the signs on the Thruway building conditioned upon the review of the colors by Attorney Dickover.

Chairman Plato – So I would say the approval stands then. The last paragraph of Attorney Dickover letter; Further the Board should determine if it wishes to provide for deviations from the policy in the event of extenuating circumstances, such circumstances may include applicants desire to use Patriotic colors of the United States red, white and blue or when an applicant is required by contract with it's landlord or supplier such as motor fuel suppliers to use national branding colors with in logo's or building colors. Under those circumstances in the absence of a Village law prohibiting and regulating formula businesses the Board might be constrained to a law such as exemption to the historical color requirement. What I get from that is that it is up to this Board and I think we already have a resolution that if Attorney Dickover said it was ok then it stood.

John Joseph – I will ask Auto Zone about the stripes.

Chairman Plato – Ok, we will discuss Auto Zone further at the next meeting 07/16/14.

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

Chairman Plato – Convened the Architectural Review Board.

John Joseph – Car Tech has decided that he has other business opportunities some place else. Mavis has elected to take over the building and do a substantial remodel to it. It will have an externally illuminated Mavis sign; the colors are PMS Yellow, Black and PMS Green. The front columns will be squared up like the others in the plaza, the base will be brick and limestone cap through out the front. The white is a Benjamin Moore color, Navajo White. The columns, base and the cornice at the very tope will be Navajo White. Doors will be stainless steel and glass.

Chairman Plato – You have signs on two (2) sides of the building?

Building Inspector Stickles – Technically you are only allowed to have signs on one (1) face of the building.

John Joseph – I will discuss the sign with Mavis. Right now the building is higher in the back and they are going to make it all one (1) level.

Chairman Plato – Does Mavis do just tires?

John Joseph – They do other mechanical work, very much like Car Tech does. They are a full service automotive shop, a family owned business with three hundred fifty (350) shops.

Chairman Plato – And you're here to?

John Joseph – To see if there are any changes the Board would like to make, I would like to get them on a bigger plan for next week and try to get it approved.

Chairman Plato – You're not changing any Site Plan?

Building Inspector Stickles – I will give the Board a copy of what a TBA store is and what is allowed. John Joseph is just looking for the outside colors and signage approval.

Chairman Plato – Ok, we will see you at the next meeting 07/16/14.

### **B.5 ARB, Awning 19 Orchard Street**

Building Inspector Stickles – The applicant is not here tonight.

### **B.6 ARB, 6 West Main Street, Canopy Colors, Signs**

Mark Dombal, 50 Industrial Place, Middletown, NY – (presented pictures of signs at location, the old Hess station) this is the ID price sign that we are proposing, externally illuminated with goose neck lighting. The canopy is a Sapphire Blue that goes all the way around, we will replace the white fascia that is existing now. I would like to put Sunoco on the ends, those signs as 21" X 135". The picture being show is a site location in Warwick, NY this location will be very similar.

Building Inspector Stickles – The monument sign is what is existing and was approved for Hess, it will be rebuilt. The canopy color is up to the Board to choose. However the Sunoco sign that goes on the canopy Hess was granted a variance to have 16" letters, your code allows only 10" maximum height. According to Attorney Dickover that carries with the property so the maximum that Sunoco could have is the 16" high letters, unless he went back to the Zoning Board to get higher letters.

PB Engineer Gainer – Do you a problem with the 16" or do you need a variance?

Chairman Plato – I suggest you go with the 16" and apply for a variance.

Mark Dombal – Yes, I would like to get approvals now.

Chairman Plato – The sign is not going to be lit?

Mark Dombal – No, just goose neck lights.

Member Dore – Are you doing anything to the store?

Mark Dombal – Just an interior renovation.

Chairman Plato – The colors for the Sunoco sign are trademark colors. Any other questions/comments? None noted.

**Member Dore Made Motion to grant approval for the sign, 16" lettering from the existing variance on the property and the colors will be Sapphire Blue and the Yellow is Panatone 109C Seconded by Alt. Member Ramos, All Ayes / Motion Carried**

**Member Dore Made Motion to adjourn the Architectural Review Board Seconded by Member Sebring, 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 Dore made a Motion to adjourn, Seconded by Member Sebring, with all members voting yes.**

**MEETING ADJOURNED: 8:30 pm**

RESPECTFULLY SUBMITTED

July 07, 2014

Nancy LaMancuso

Planning Board Secretary