

Village of Walden  
Planning Board Meeting  
August 20, 2014

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Absent
	Brian Sebring	Present
	Lisa Dore	Absent
	Jason Trafton	Present
Alternate Members:	John Ramos	Present
	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 06/02/14, we still don't have a quorum of people who were here at that meeting, so I would like to hold this over to the next meeting.

**Member Sebring made Motion to hold over the Planning Board Minutes of 06/02/14 to the next meeting**

**Seconded by Member Trafton, with all members voting yes.**

**2. BOARD BUSINESS**

**Planning Board has received:**

1. Letter from Attorney Dickover Re: VS Walden LLC Use Variance Application for Off Premises Monument Sign dated 08/04/14
2. PB Engineer Gainer's Technical Review on Franco's Pizzeria Site Plan, Thruway Market dated 08/14/14
3. Letter from the Tara Bliss Village Clerk Re: Off Premises Monument Sign dated 08/14/14

**A. PUBLIC HEARINGS:**

**A.1 74 Oak Street, 7:30pm**

Chairman Plato – Just so everyone knows the Board had the applicant send out certified letters to everyone within 200 feet. The last time we did this some people did not get their notices, either they didn't pick it up or didn't sign for it. The applicant also offered to send a letter with it this time in addition to the certified letter to make sure the people knew what was happening and no one has showed so we don't know if this worked or not.

**Member Sebring reviewed the mailings: Mailed 32, Signed Receipts 30, Returned not delivered 2**

Chairman Plato – PB Engineer Gainer have you gone over the Site Plan requirements?

PB Engineer Gainer – Yes, the referrals been concluded and we've gotten a response from Orange County and SEQRA was done a prior meeting. (Technical Review was gone over).

Chairman Plato – John Joseph did you have anything on the Technical Review that you should not be required to do or would not like to do?

PB Engineer Gainer – Are you putting lighting on the exterior?

Franco Lopiccolo – There are fixtures on the side of the building; there are a lot of lights in the parking lot already. We may not even need the lights. There are lights under the soffits.

PB Engineer Gainer – Be sure the type of lighting is indicated on the plan or any additional lighting is on the plan that is submitted for signature.

John Joseph representing VS Walden and the Site Plan application – The run off, there is nothing running off right now. If we add gutters it will probably discharge to the grass areas.

PB Engineer Gainer – Notation on the plan is fine, giving Building Inspector Stickles the ability to review while you are under construction.

John Joseph – The existing sidewalk, entrance drive and retaining wall I will freshen up.

PB Engineer Gainer – There is a sidewalk on the Thruway entrance, I wonder if there will be any pedestrian activity from the main part of the parking lot that services Hannaford's that will cross that access drive in there, and maybe you might want to stripe a crosswalk.

John Joseph – Then do a drop curb and stripe across?

PB Engineer Gainer – Yes, just incase someone wants to park over there and wants to walk in to the restaurant. It will also alert motorists there could be pedestrian activity there.

John Joseph – Plantings I'm not going to plant anything that will grow big because this is a site distance area.

PB Engineer Gainer – It should just be identified on the plan, species, number, size etc. and include a minimum 2 year warranty. Fencing around the patio should be the same decorative fencing. Just be sure these things are labeled on the Site Plan.

Chairman Plato – Was there something the Board needed from the Village Board?

Attorney Dickover – The outdoor café requires a permit from the Village Board, it's my understanding they approved that subject to planning submittal?

Building Inspector Stickles – The Village Board would not approve it until the Planning Board approved the Site Plan and the applicant has to go back to the Village Board.

Chairman Plato – Any questions/comments from the Board? None noted. Any questions/comments from the Public? None noted. Then I would like a motion to close the Public Hearing.

**Member Trafton Made Motion to close the Public Hearing  
Seconded by Member Sebring, All Ayes / Motion Carried**

Chairman Plato – If there are no further questions then I would like a **motion that we grant final approval subject to the normal paying of fees, changes that have been discussed for the Site Plan per PB Engineer Gainer Technical Review dated 08/18/14.**

Attorney Dickover – May I add to your motion? **You need to make a finding that the Board determined that the extent not depicted on the application plan set that all Site Plan elements otherwise required by the ordinance are waived. The new approval intended were given for Site Plan elements depicted on adjoining properties. The use as an outdoor café is subject to the issuance of the Village Board of a permit for that.**

**Alt. Member Ramos Made Motion as stated above by Chairman Plato and Attorney Dickover Seconded by Member Trafton, All Ayes / Motion Carried**

**A.2 3 North Street, 7:30pm**

Chairman Plato – This is a Public Hearing for 2 North Street. We have SEQRA, Negative Dec, we've limited to 40 people maximum. PB Engineer Gainer do you have any comments?

PB Engineer Gainer – No we have further comments, we've actually been in discussions informally between the Building Inspector Stickles and Attorney Dickover to discuss potential conditions.

Attorney Dickover – You do need to open the Public Hearing, SEQRA has been completed.

Chairman Plato – Do you have your mailings?

Willy Carley– I wasn't aware that I had to do any mailings.

Building Inspector Stickles – I sent you a letter of what you had to do.

Willy Carley– I haven't received it, I'm not saying you didn't send it so I wasn't aware of it.

Chairman Plato – I have the letter dated 08/05/14 (read out loud).

Willy Carley– That wasn't done so we will have to do it.

Chairman Plato – So there isn't anyone here from the public.

Attorney Dickover – You've opened the Public Hearing and can start the Public Hearing if the Board wants, it would have to be repeated the next time. You can continue it at the next Board meeting.

Chairman Plato – I would like a **motion to hold the Public Hearing of to 09/17/14 regular meeting.**

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

**A.3 10 Scofield Street, 7:30pm**

Chairman Plato – This is a Public Hearing for 10 Schofield Street. We need the mailings.

**Member Sebring reviewed the mailings: Mailed 20, Signed Receipts 19, Returned not delivered 1**

Chairman Plato – State you name for the record and your intent of what you are proposing to do.

Efrain Oyola, 3 Northgate Drive – My intent is to open my firearm dealership office at 10 Scofield Street in Walden.

Chairman Plato – The applicant has appeared before the Board several times, is there any further questions/comments from the Board? None noted. Any question/comments from the public?

Peggy Sullivan, Director at St. Andrews Episcopal Church located right across the street – I have questions about whether or not this is a good idea, parking and traffic in the square and exactly what is going to be going on there. The reason I ask is not for personal reasons but because we run a day care center at the Church Monday thru Friday before and after school. Parking is a problem in the square, noise and activity is a problem in the square, about twenty-two hours out of everyday.

Chairman Plato – Is this in the parking district?

Building Inspector Stickles – Yes.

Chairman Plato – The applicant has no requirements to provide parking. The owner of that property has been paying taxes which go towards the parking district right along. Efrain Oyola please address what your process is and exactly what you are going to be doing.

Efrain Oyola – Parking won't be a big concern with the two (2) hour limit for the limited spots. Most of the time that anybody is going to come over a group would be for classes' ten (10) to fifteen (15) people and I usually hold classes during the evening hours, it's a lot easier for people who work. That may occur a couple times a month maybe depending about how big of class I get. On weekends if needed it would be during the day preferably. As for traffic concerns, I been doing this for seven (7) years in the Village at my home and haven't had any issues or problems. The people I deal with are law abiding citizens, law enforcement, sportsman etc. the good guys. Every one I deal with is by appointments, so when someone comes to the door I will know in advance who they are.

Peggy Sullivan - So you have classes there not actual shooting?

Efrain Oyola – No, absolutely not, in order to do live firing I have to have access to a range for obvious reasons. One the class is not require to have live pellets; it's a safety class about safety in the home. Examples anyone wanting to get a pistol permit they need to take a safety class about regulations, keeping your kids safe in the home etc.

Chairman Plato – You did say also that you run a gun trading business, I don't know if that is the correct term, that you procure weapons for clients.

Efrain Oyola –I mostly do is gun brokering, it's an online office site for guns, and i.e. If John Doe wants to buy a pistol he buys it online from a gun broker that person sends it to me, I do a background check. After everything clears New York State requires a pistol permit the buyer must take the safety class, I give him a receipt for the pistol permit he takes it to the County, once the County approves it then he comes back to me with the pistol permit amended and then I transfer the firearm. If it's a longer gun I still need to do a background check but basically just need a New York State driver's license as a form of ID. Ninety percent (90%) of my work is online posting, I'm the go between, if you want to sell something you bring it to me I ship it out, if you want to buy something they ship it to me and I in return do the background check and turn over the firearm.

Peggy Sullivan – I felt a little uneasy from the letter I received.

Efrain Oyola – Your concerns are noted let me give you a little background. I'm recently retired almost three (3) years now, the last fifteen (15) years I was a firearms instructor for the police academy firing range. My job was to train fire arm tactics to basically every member of the department, even outside agencies. I have gone through an extensive amount of training myself over the last fifteen (15) years. The biggest factor in the training is safety; I have never had an accident. My type of training is intense in the way that the possibility of any type of mishap is negative. There are certain things I will not tolerate. I have trained with guns that do fire rapid ammunition, they work but they are but are not live so they can not possibly fire live ammunition. Also a live gun has no business in the classroom. I am well aware of the buildings around me, the reason I picked this location is the location and the police

department downstairs in this building. All of my records are filed with the police department, they are well aware of what I do.

Member Trafton – With your gun broker online business you will be exchanging weapons not necessarily ammunition?

Efrain Oyola – Ammunition with the S.A.F.E. Act is difficult to come by. Before the S.A.F.E. Act ammunition was directly shipped to the individual, after the S.A.F.E. Act ammunition has to go through a gun dealer someone like me. Usually the transfer of ammunition I only do for a client I already have. If someone calls me I don't know I tell him I don't want to get involved with it.

Member Trafton – So this wont be like a retail store?

Efrain Oyola – Like a gun store? No, it will mostly be a classroom setting and an office. My inventory will be in a locked in a safe; you won't walk in and see guns displayed in cases or in racks on the walls. If you were to walk in you would think it could be any type of business. I'm not going to have any signage outside, like I said before I don't want anyone walking in off the street. I will know in advance who is coming and when they are coming.

Member Sebring – What are your security measures going to be for the building itself, for the people who won't know that you don't have weapons on premise plus ammo?

Efrain Oyola – Security cameras, alarm system which is notifies me and the police department directly, motion detector sensors. The police department will know even before I will if there is a problem. I live nine-tenths (9/10<sup>th</sup>'s) of a mile up the road so I can be here in minutes, the police will be there in seconds. I just got delivery of the fireproof safe; it would take several hours for anyone to be able to get into the safe. With the alarm system, cameras, monitoring and police department downstairs if they can get into the safe after two (2) without being bothered then the entire system failed completely. So I don't see an issue as far as security.

Chairman Plato – Any other questions/comments?

Fran Pierce, 38 Orchard Street – You've answered most of my questions. The one remaining question is, you say right know that this is not going to be a firing range, do we have any assurance that a year from now that this isn't going to change?

Efrain Oyola – It's not legal in the Village of Walden. There are no ranges in the Village of Walden itself; there are ranges outside the Village of Walden. I belong to the Walden Sportsman's Club. The building is too small for a firing range, lighting, ventilation etc. won't allow for is anyway. If I need to I will go to the Walden Sportsman's Club for testing.

Alt. Member Ramos – Have you provided a risk assessment to the Walden Fire Department Chief so the first responders know what's there and where incase of an emergency?

Efrain Oyola – I have discussed this with the Police Chief and showed him the building, after everything is in and set I will do the same with the Fire Department Chief. The safe is one (1) hour at 1200 degrees of fireproofing. So it would have to be cooking for an hour at that temperature before anything goes off and will still be contained. If a round does go off outside of the camber of a gun not much really happens it's more like an explosion. It will hurt but since it's not in the gun barrel it won't have the pressure to be shot. If something does go off in the safe the safe itself will contain it.

Alt. Member Ramos – Did your permits come back yet?

Efrain Oyola – I received my State license, Tax certificate, got in contact with ATF and that's approved I expect to have that by the end of the month.

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

**Member Sebring made Motion to close the Public Hearing  
Seconded by Alt. Member Ramos, All Ayes / Motion Carried**

Chairman Plato – I like a motion to grant final approval.

Attorney Dickover – **May I add to it? This is an application where there is no formal Site Plan sketch, map, survey the Board does have the discretion to waive that requirement. Provide you make a finding that doing so does not adversely affect other health, safety or general welfare, so we incorporate that finding in your resolution similarly you waive the formal Site Plan elements required by section 305-60. These would be added as part of the Boards motion. There are conditions would be that live fire ammunition is prohibited and the storage of bulk gunpowder on the site is prohibited. These are things that were brought up in your discussions at previous meetings. The Board might want to consider the condition that the business premises maintain the security items that were detailed by the applicant, including cameras, alarms and the fire proof safe for inventory.**

Chairman Plato – Efrain Oyola, security you mentioned tonight prior to condition of approval will be maintained.

Efrain Oyola – Absolutely.

Attorney Dickover – **The Board might want to include a provision that there be no display of retail items and no exterior sign.**

PB Engineer Gainer – Also that on condition of the necessary permits with the proper address.

Attorney Dickover – The Board is going to find yourself requiring every doctor, lawyer, and dentist etc. in the village to maintain a license. It's not within the Board perimeter.

Efrain Oyola – Usually they're both the same, which is the premise location and the mailing address. Presently both are the same. Where ever the premise address is that is where legally I can operate from. I will still keep my mailing address at my home to receive it every day.

Chairman Plato – How do we stand with that?

Attorney Dickover – I wouldn't propose any changes. He has to do that to be in legal compliance with State and Federal regulations, which is beyond this board.

Chairman Plato – Any other questions/comments from the Board? None noted. **Then I would a motion that we grant final approval with the conditions that Attorney Dickover suggested, that we include all those.**

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

Chairman Plato – There are no other matters before the Planning Board.

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

## **B. FORMAL APPLICATIONS:**

**B.1 74 Oak Street, Proposed Addition & Patio Area****B.2 3 North Street, Site Plan/Special Exception, Proposed Church****B.3 10 Scofield Street, Site Plan, Proposed Business**

Chairman Plato – I would like to convene the Architectural Review Board

**B.4 72 Main Street, ARB, Monument Sign**

Chairman Plato – My understanding is, summarized in my own words that the Village Board gave the Planning Board the authority approve this sign per the sign restrictions we have.

John Joseph – Presented a picture of what it would look like and discussed ideas with the Board.

Chairman Plato – So this is a fact finding mission? What are the other businesses down there if they don't have their name on the sign?

John Joseph – There is only so much room on the sign, so I think I'm limited to those that require it as part of their lease. The gym thing seems to be shaping up good for the entire back area upstairs. He might also want some access to the sign.

Chairman Plato – I think this style is nice. What can you put on the monument sign? There are certain things we can't do.

Building Inspector Stickles – Monument signs as I understand the code are there is a certain size that it has to be.

Chairman Plato – Size is fine, but what can be put on it.

Building Inspector Stickles – Just the names of the stores. My only comment and I don't think it has anything to do with John Joseph is what is the Village Board going to do with their existing sign that announces all the small businesses on Main Street? Are they going to continue to keep the sign there or try to work with the applicant to try incorporating them into the monument sign?

John Joseph – I want to have the sign guy go ahead and proceed and skinny it down into real life.

Chairman Plato – There is a lot of information to put in a small space. How many board members like this? Several noted yes, they liked it.

John Joseph - It will be on the corner of the VFW building, it's a good vocal point in the village at a major intersection. I'll move forward and tell the sign guy to figure this out and see what it looks like. Approximately 4' X 3 1/2' and I do agree with the village directional sign on.

Chairman Plato – It would be good to incorporate the village pole sign into this one somehow and maybe get a variance to make it larger. I don't know if that is possible.

Member Sebring – What about the sight distance and traffic at the intersection coming up the hill?

Building Inspector Stickles – There is no difference coming up Oak Street right now with the control box and the sign that is currently there to see left. Right now there is a tree there too.

John Joseph – A lot of the items in this area are going to be moved back. I'll probably be back in October with more information.

Chairman Plato – Nothing more before the Architectural Review Board at this time.

**Member Sebring made Motion to close the Architectural Review Board  
Seconded by Alt. Member Ramos, All Ayes / Motion Carried**

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

**MEETING ADJOURNED:                      8:30 pm**

RESPECTFULLY SUBMITTED  
August 20, 2014  
Nancy LaMancuso  
Planning Board Secretary