

Village of Walden  
Planning Board Meeting  
November 19, 2014

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

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

**1. APPROVAL OF MINUTES:**

Chairman Plato – We have for approval the of minutes for 09/17/14, 10/15/14 and 11/03/14. I have a correction on the November 3, 2014 minutes, on page 1, where it talks about ingress and egress as being 2 ingress's and 2 egress's. Do we call it 2 in and 2 out or is it 1 in and 1 out, and therefore it would be 2 in total?

Attorney Dickover- I believe you have 2 ingress's and 2 egress's.

Chairman Plato- Since we started with 4, I think it should be clearer in the minutes, that there are 2 access points. Are there any other changes or corrections, with none I will ask for a motion to approve the minutes.

**Alternate Member Ramos, made Motion to accept Planning Board Minutes of 09/17/14, 10/15/14 and 11/03/14 with minor correction of access points.**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 123 East Main Street, Site Plan/Special Exception Use**

Engineer Ron Gainer – They have an ok from the DOT to file for the work permit.

Sam Liebman – The DOT is happy with what we have done with the Site Plan and we are ok to proceed. DOT sent a letter to me and the Board should be receiving it soon; it just came this afternoon saying we are good to go. Engineer Ron Gainer and Chairman Plato have a copy of the letter.

Chairman Plato – This is a little different than what the Site Plan shows, the way it reads?

Sam Liebman – I have another revised Site Plan with changes to the entrances.

Chairman Plato – There is a single entrance now?

Sam – This the only way that DOT will approve what we want. The entrance is for 1 car, it's a question of queuing, and 2 cars coming into the site is a problem in terms of the interior layout of the property.

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Chairman Plato – The one issue I still have is about the back of the building and keeping the traffic flowing while the cars are at the drive up window.

Sam Liebman – We can't do it, I can't get the 7 cars to stack up from the menu to the drive thru window.

Chairman Plato – Then you may have to widen the edge of the pavement.

Sam Liebman – I can't pull it back anymore because the ground is starting to sloped, we would have to put in a retaining wall there.

Chairman Plato – So their 7 car queue is from when you order to the window?

Sam Liebman – Yes, that is what Dunkin Donuts needs. At this point if we want to make changes it's not going to go through DOT, they are done. So if we want to do things ourselves we can do them, as long as we keep the 7 car queuing because that's a requirement of Dunkin Donuts.

The Board and the Applicant reviewed the revised site plan amongst there self's regarding onsite parking, drive thru window, queuing and vehicle movement thru the site.

Sam Liebman – The way the letter reads we can do anything we want on site but we have to do what the DOT wants on the outside of the site and DOT also wants a sidewalk.

Chairman Plato – I think the DOT changes are good.

Sam Liebman – The DOT wants the sidewalk so we're not going to fight it.

Chairman Plato – I thought you said something about your liability insurance.

Sam Liebman – I sent Engineer Ron Gainer a letter, I got it as a draft unsigned. The reason I had to see it as a draft is that I already notified my insurance company that I cannot be responsible for any sidewalk going into the site that takes pedestrian traffic along the bridge. That is the responsibility of DOT, they forced the sidewalk issue.

Member Wilkins – If the DOT is telling you to put it there then it's their responsibility.

Sam Liebman – That's how I see it. I didn't design that sidewalk and we have gone on record that we feel that the other side would be a better way of going. DOT has mandated this, but I can't be responsible if something happens. So what is the next step?

Engineer Ron Gainer – We were waiting to address SEQRA to be sure the DOT was satisfied with the layout and that the Board would also accept it. Even with the modifications the Board still knows the intent.

Chairman Plato – I think it looks good. Any questions/comments by the Board? None noted.

**Member Wilkins, made motion to grant a Negative Declaration in regards to SEQRA  
Seconded by Member Sebring, All Ayes, Motion Carried**

Chairman Plato – To schedule a Public Hearing for the next meeting Monday 12/01/14 is too tight for the processing of mailings, notices etc.,

Sam Liebman – I would like to have a permit on 12/02/14 for Mr. Doufekias Frostee Freeze and I've already given the plans to Building Inspector Stickles.

Chairman Plato – That is out of the Boards hands.

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Engineer Ron Gainer – I don't know if that gives Building Inspector Stickles enough time.

Attorney Dickover – The Board has a 10 day publication requirement. The documents have to be prepared and processed accordingly.

Engineer Ron Gainer – You can ask the Board for a special meeting.

Chairman Plato – We could move the Planning Board meeting to the following Monday 12/08/14 if the Board is in agreement.

Attorney Dickover – The mailing requirements, mailing the copy of the Public Hearing 10 days before the hearing, publication 5 days before.

Chairman Plato – So the mailings are 10 days, the publication is 5 days.

**Alternate Member Ramos, made motion to change the work session meeting 12/01/14 the first Monday of the month to the second Monday of the month 12/08/14  
Seconded by Member Wilkins, All Ayes, Motion Carried**

**Member Wilkins, made motion for the Public Hearing to be on the second Monday 12/08/14 @ 7:30pm  
Seconded by Member Sebring, All Ayes, Motion Carried**

Chairman Plato – Can you take a look at moving the menu board to allow for more queuing?

Duncan Cameron – It's a good idea, we will review it.

Member Wilkins – Be sure you have all your signs, colors etc. for the building so it can be reviewed by the Architectural Review Board that evening 12/08/14.

Sam Liebman – Yes, we will have colored renderings for Dunkin Donuts and drawings for the Frostee Freeze.

Chairman Plato – Any questions/comments by the Board? None noted. Ok, we will see you on 12/08/14.

**B.2 Overlook at Kidd Farm, Extension of Preliminary Approvals**

Chairman Plato – Attorney Dickover you were going to research to extension time frame?

Attorney Dickover – You should have a memo from 11/05/14. This applicant has conditional preliminary subdivision approval; we reserved and did not issue a Site Plan approval conditional or otherwise. So there is no expiration with respect to the Site Plan issues, the question is whether or not the preliminary subdivision approval expires and the Board has the authority to grant additional extensions of that approval if you so choose.

Chairman Plato – Do they ever really expire or not on the conditional preliminary?

Attorney Dickover – They do, the Board has the authority by your local provision to extend them. State law and Local law are different in the respect.

Chairman Plato – OK, so the best thing is to extend it. Any questions/comments by the Board?

Alternate Member Ramos – What is this project?

Chairman Plato – Attorney Dickover can you explain the extension process and what we are doing.

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Attorney Dickover – This is an application for a fairly large residential subdivision, it includes mix use homes 204 townhouses, together with the infrastructure roads, sewer, water lines etc. entrances onto State Route 208 and Coldenham Road. The applicant received an approval from the Board back in July 2013, it's a combined application for Site Plan and subdivision approval so the Board at that time granted conditional preliminary subdivision approval and listed a lot of different conditions to finalize that subdivision. The Board at that time reserved the decision on the Site Plan aspects, one of the reasons was to avoid the expiration issue, the applicant needed an approval from the Board to go to the State Agencies so that they could further their project. The State Agency approvals they needed included a number of items. Engineer Ron Gainer can list those off, there was a sewer extension, water line extension from the Village those are the 2 biggest ones. They have DOT issues and entrance permits on the State Highway. Those types of reviewing agencies typically will not grant any approvals unless this Board has first acted and the only action this Board could take to further the process along it to issue an approval conditioned upon them taking further action. So until the applicant gets those types of approvals they won't be back before this Board, unless they are going to change their plans in some material aspect and want the Board to approve that. So this approval and extension of approval process can go on for quite some time and it is not unusual for that to happen. There was a time up until about 2 years ago probably that approvals like this did in fact expire. The State saw the wisdom of taking that out of the State code and did in fact revise the State ordinance with respect to those types of expirations and granted to the Village and Town Boards at different times the authority to extend those types of approvals.

Alternate Member Ramos – Ok, thank you.

Chairman Plato – I saw something that said at the most only 90 days, this is calling for 6 months?

Attorney Dickover- There is a Section "H" on the revocation of approved preliminary which states that within 6 months of the preliminary approval, the owner must submit the plan in final forum and if a final plan is not submitted within 6 months, approval of the preliminary plan may be revoked by the Planning Board.

Chairman Plato- The Planning Board minutes of November 3, 2014

Chairman Plato- It is my understanding Attorney Dickover is that the Planning Board can extend the Approvals indefinitely now, but I think it used to be only two (2) 90 day extensions.

Attorney Dickover- That is correct, the Village of Walden law was amended about 2 years ago to allow for extensions of these types of projects. I believe it does say two 90 day extensions, but they do not limit the number of extensions. I did not see this until tonight, so I haven't had a chance to look at it specifically.

Attorney Dickover- I may have made a mistake with respect to that.

Chairman Plato- Should we just grant the extension for 90 days now, and then again when that 90 days expires.

Attorney Dickover- I think it probably make more sense to give them the six (6) months. There doesn't seem to be a time limit established for this issue, so just go with the six (6) months if there is no objection.

Chairman Plato – OK, any questions/comments by the Board? None noted.

**Member Wilkins, made motion to grant a 6 month extension approval to 07/01/15  
Seconded by Member Sebring, All Ayes, Motion Carried**

Chairman Plato – No other matters before the Planning Board.

**Alternate Member Ramos, made motion to adjourn the Planning Board  
Seconded by Member Sebring, All Ayes, Motion Carried**

Chairman Plato – Convened the Architectural Review Board@ 8:10pm

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**B.3 155 West Main Street, ARB, sign**

Brian O'Connor, Frohling Sign Company, Nanuet, NY, representative for the applicant State Farm – (presented pictures of the current and new proposed signs) State Farm has changed their logo so they are requiring all their agents throughout the country to conform to the new logos and change their signs. We have been in front of the Zoning Board of Appeals and have gotten approval for the number and size of the signs and basically what the applicant is doing is just changing the existing signs to the new formats, the signs will be in the same locations essentially the same copy the same colors. It's basically only a change of face, the 3 sided sign is a change of face, the one on the building itself those are individual letters those are also being removed and changed to new letters in their place. There are not changes with the lighting.

Chairman Plato – Any questions/comments by the Board? None noted.

**Member Wilkins, made motion to grant approval of what is displayed to change the 155 West Main Street signage to accommodate the new State Farm logo.  
Seconded by Member Sebring, All Ayes, Motion Carried**

**Alternate Member Ramos, made motion to close the Architectural Review Board  
Seconded by Member Wilkins, 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 Wilkins made a Motion to adjourn,  
Seconded by Member Sebring with all members voting yes.**

**MEETING ADJOURNED:**

RESPECTFULLY SUBMITTED  
November 19, 2014  
Nancy LaMancuso  
Planning Board Secretary