

Village of Walden
Planning Board Meeting
December 08, 2014

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	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	Present
Secretary:	Nancy LaMancuso	Present

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

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 123 East Main Street

Member Wilkins and Member Sebring - Counted mailings; mailed 31, returned 23, not picked up 8.

Sam Liebman, architect gave presentation – We're here tonight to seek final approval for this project in front of the Planning Board as well as the Architectural Review Board. It's with the understanding that there are still some details that need to be done for NYS DOT before a work permit can be issued. The letter that the Board had received from DOT essentially says that they are happy with the changes that have been made to the overall Site Plan that were requested by the Village of Walden Planning Board. We can start work on the site once we have approval but prior to starting any work on the street I have submit additional details to the DOT just before we are ready to get the work permit so they can review it. That part won't happen until the spring.

Chairman Plato – I thought the schedule was for March 2015?

Sam Liebman – March is when the Dunkin Donuts building has to start. If we get approval from the Board tonight Mr. Doufekias is ready to pay the necessary fees that are needed and whatever else the Board needs. We would like to get a building permit to start on Mr. Doufekias building the Frostee Freeze now, so we can start that building it now. It will be completed the beginning of March 2015 and everything will be taken out of the current location and then Dunkin Donuts will start construction on their building. The Dunkin Donuts lease will be up in their current location in the beginning of March 2015. So as long as Mr. Doufekias can get 3 months his new building can be put up, but that means we have to start this week depending on the weather that's how close the time schedule is.

Member Wilkins – Is Dunkin Donuts going to own the new building?

Sam Liebman – Mr. Doufekias owns all the buildings on that property, Dunkin Donuts will have a 25 year lease for their new location. Dunkin Donuts will do the construction on their own building and the Dunkin Donuts representative Duncan Cameron who is here tonight will be overseeing the construction of the Dunkin Donuts building.

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Chairman Plato – If anyone from the public would like to see the Site Plan please come up front and Sam Liebman can review it with you.

Sam Liebman – The Pizza restaurant will remain, Dunkin Donuts will build on the current site of the Frosty Freeze and will be a little larger and a new building will be built for the Frostee Freeze which will be a little smaller. We are looking tonight to get approval to start the new Frostee Freeze building. The Frostee Freeze will be under construction hopefully over the next 3 months and the Dunkin Donuts hopefully will start in March 2015. There's extensive work that needs to be done on Route 52. Right now there are no curb cuts, there is going to be a sidewalk and only 2 curb cuts for ingress and egress of vehicles. This will reduce the on and off to 2 precise spots and we need them in the location planned so that there can be a drive through for Dunkin Donuts that allows cars to come off the road and get in line for the drive through window. NYS DOT has already approved and accepted these points of ingress and egress and there is a letter on file for this. The changes that were requested at the last meeting we've made and we have the parking towards the back area that the Board asked for it. The ingress and egress now has lanes to allow for channelizing of the vehicles on site, and it is now acceptable by the D.O.T.

Chairman Plato – Engineer Ron Gainer have you seen this?

Engineer Ron Gainer – I sent him comments last week, this is a revised plan. The DOT has supported the design and has not issued a highway work permit. A highway work permit is probably still subjected to further review; it's going to be their requirement to post bonds, that's DOT's final signoff. The Board has a letter endorsing the final concept that these revised changes with the right of way access.

Member Wilkins – Engineer Ron Gainer can the DOT make changes to what the Board approves?

Engineer Ron Gainer – If they do the applicant would have to come back to the Board for further approval, right now the applicant is presenting this as the final documents that he believes all agencies will accept.

Sam Liebman – If the DOT makes and changes to what's here they have to submit it to the Planning Board you're the Lead Agency.

Member Dore – Where are the plantings?

Sam Liebman – They are noted on the Site Plan; they have to be kept no higher than 2ft.

Chairman Plato – The sidewalk is 6ft from the pavement?

Sam Liebman – The sidewalk is 6ft, it was originally 5ft but the DOT wanted 6ft because of the 2 curbs, one on each side of the sidewalk.

Building Inspector Stickles – Will there be a crosswalk on the right hand side of the boulevard across the street?

Sam Liebman – No the DOT wants the sidewalk instead, they're intention is they do not want a crosswalk period. The DOT wants everyone to stay on the side of the site, not to cross over Route 52.

Chairman Plato – Can the Board request a crosswalk too?

Sam Liebman – Essentially what the DOT said was if the Village of Walden does not want the sidewalk they won't force it. We all agree that it was crazy to put a sidewalk there. It's the Village of Walden that fought not to have that sidewalk to be used because of the narrowness at the place where it crosses the bridge. The Village of Walden wanted to discourage pedestrians from using that side of Route 52. The DOT has another position that they want the village to continue the sidewalk. I'm not fighting the DOT; I have to do what they want.

Attorney Dickover - This Board can require sidewalks or not as you deem necessary.

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Chairman Plato – Can we do that on a state road?

Attorney Dickover – It's on site?

Sam Liebman – No, the sidewalks are on the state road.

Chairman Plato – The sidewalk on the bridge is probably 2 ½ft wide which is pretty narrow for a sidewalk on a state road. I believe the Village of Walden put in at least 20ft from there a walk bridge a sidewalk which is much safer. To use the sidewalk on the bridge I think is not safe and I do agree with Sam Liebman on that.

Attorney Dickover – So the Boards feeling to require a sidewalk here is going to encourage pedestrians to use an unsafe crossing. Engineer Ron Gainer do you know what the ordinance says about requirements for sidewalks?

Attorney Dickover – The sidewalk is entirely within the state right of way, the sidewalk was not offered as part of the original Site Plan. As part of the negotiations Sam Liebman has had with DOT they have insisted that the sidewalk be extended within their right of way with standard DOT details.

Engineer Ron Gainer – The DOT is trying support the use of the existing crosswalk that's over by the current Dunkin Donuts site and pedestrians also have access to the park and then would stay on the south side of the road.

Sam Liebman – The village had a very big concern about using that narrow sidewalk on the bridge because parents insisted the children, especially those with bikes and in the winter with the snow that is plowed onto that sidewalk, were not safe walking over the bridge. The Village Board had a meeting with the homeowners and tax payers of the village and they said they wanted a bridge and sidewalk on the other side of Route 52 redone.

Chairman Plato – Has the DOT done a site visit?

Sam Liebman – They have never done a site visit, my contact said if there was a letter from the Village of Walden insisting that they don't want a sidewalk on the bridge then the DOT won't push it.

Member Wilkins – Thank would have to be from the Village of Walden Board. I'm not against the project but if the Planning Board approves something tonight and DOT says they're going to make a change then what do we do?

Chairman Plato – The sidewalk is on the DOT property, so if they really wanted the sidewalk then you do the sidewalk. But I would still recommend that there is a crosswalk to the other side because it is still unsafe at that bridge. I would have given more detail on the Site Plan about the narrowness and how it looks going into a 6ft sidewalk.

Sam Liebman- I did, I gave them pictures too and again asked to get someone from DOT to come out and look at the site personally. With the traffic study that was done the engineer emphasized what we are saying. The sidewalk issue is separate from tonight. Tonight we're going ahead with showing the sidewalk on the Site Plan.

Chairman Plato – Ok. Any questions/comments by the Board? None noted. We will open the Public Hearing.

Jenn Fuller, 154 East Main Street, Walden – I live opposite the property, I am the closest house. My biggest concern is noise. It's relatively quiet now, Pizza Plus is obviously not in operation right now but when the Frostee Freeze is open and running it is seasonal. Not only will there be a new business there but I'm also wondering about the operations of the Dunkin Donuts, typically they are open at 5am and the workers probably show up at 430am. That's a problem for me; I work a lot of 12 hour shifts at different hospitals in Nyack and other areas in that area. So it would be difficult for me to come home late at night and then worry about being woken up at 5am and then in the summer months when the Frostee Freeze is open until 9-10pm, you still have people that linger after they close, it's not uncommon in the summer for me at 11pm to have to go over and ask people to be a little quieter because the sound carries quite well. I'm concerned that you have 2 very opposing hours of operations,

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one very early in the morning and other very late at night. Then any possible illuminated signage I'm concerned about too.

William Sestri, 170 East Main Street, Walden – I'm really in favor of the crosswalk, it would make it easier to get ice cream. I'm concerned about the lighting. I once sat on the Planning Board so I know how difficult this is and I don't know what the statute says about it, but the lighting that is there now is not offensive. Dunkin Donuts sign will I have a type of lighting on it?

Chairman Plato – They can't have neon, internally illuminated lamps, they have to have a sign with goose neck lamps.

William Sestri – I also would like to know what the hours of operation will be for Dunkin Donuts, early morning is fine but late at night I'm not happy with that.

Chairman Plato – Unfortunately I don't think the Planning Board has any authorization on the hours of operations anymore.

Member Wilkins – Dunkin Donuts is open early in the morning, Frostee Freeze won't be they're open later in the evening.

Chairman Plato – That's the concern that instead of Frostee Freeze being 10am to 10pm, now with Dunkin Donuts it will be 5am to 10pm.

Sam Liebman – Duncan Cameron what are the hours of Dunkin Donuts operations?

Duncan Cameron, Dunkin Donuts construction representative – I can't speak to operations, every store is different. Generally speaking my recollection of our existing stores is what the tenant would need, as for the number of employees that comes in early in the morning to set up is usually 1 person. Thank you for your comments.

Chairman Plato – What about truck deliveries?

Duncan Cameron – Truck deliveries, once a week they usually get the big delivery and again that is a schedule that is determined by another department, I'm from the construction side of it. But I can tell you I don't believe that it will be much different than the existing time frame that the Dunkin Donuts has now, so I don't know if there is an issue there. If neighbors do have a problem they can certainly speak with someone at the store and we'll try to make any adjustments that we can because we are neighbors and we want to co-exist.

Jenn Fuller – Is there anything that is proposed as far as noise reduction such as shrubs, besides basic landscaping? It's a very nice design.

Duncan Cameron – We have shrubs the front.

Sam Liebman – We can't go higher than 2ft unfortunately.

Catherine Passineau, 170 East Main Street, Walden – In the event that there is not a sidewalk, what will there be, a barrier and shrubbery with entrances and exits?

Sam Liebman – The entrances and exits will stay where they are they will not change and there will be curbs and planting to prevent the cars from going on and off the site where ever they want to, so it will be controlled.

Chairman Plato – If the sidewalks weren't there and we wanted plantings there but it's in the state right of way then we really can't do it?

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Attorney Dickover – The sidewalk is currently shown on the Site Plan so if the Board is going to approve a plan the Board is going to show it as planned. You are then approving it with the sidewalk, you might be able to with some clever drafting make provision for the sidewalks as shown as optional if not required by the NYS DOT permit in which event they should be replaced with plantings, fencing etc. This is a problem, there are sidewalks shown there on the Site Plan.

Chairman Plato - Can we do an approval as presented and then if it does change then do an amended Site Plan.

Attorney Dickover – That's correct, if you want to try and draft something tonight that deals with it being optional if not required by the State DOT, frankly I don't like that idea.

Sam Liebman – At this point the DOT requires it and the only way they will take another position is if the village says that the use of the sidewalk requires the people to use that bridge and that is a very dangerous situation.

Attorney Dickover – I think you would be hard pressed to find counsel for the village recommending that the village send a letter to the DOT that the sidewalk is not required. With absence of some very firm backup from engineers, traffic safety and other safety specialists you are not going to get an attorney to write that letter and recommend that the village sign it. If the village engineer wants to sign it or village planner wants to sign it that's a different issue. If they want to recommend to the Village Board that they sign it fine, but I think you will be hard pressed to find lawyers telling the village to sign it.

Member Wilkins – We have a lettered from the NYS DOT dated 11/19/14 which states in there about having a 5ft sidewalk.

Attorney Dickover – I understand that's why it's shown on the plan.

Chairman Plato – It's presented a certain way and I think that's what the Board should act on.

Sam Liebman – If we were going to make a move on this I'm not going to involve the Planning Board at this point. I will speak to the Village Board.

William Sestri – Is there any plans for a bridge across from the park to the site, is it shown?

Sam Liebman – Yes, it's not shown because it is not approved yet.

Member Wilkins – Who would build that bridge?

Mr. Doufekias – I think the Public Works is planning something.

Jenn Fuller – Is there any plans for outdoor seating for either Dunkin Donuts or the Frostee Freeze?

Chairman Plato – My understanding is that outdoor seating would be the same as it is now.

Sam Liebman – Yes, it is shown on the rendering that you are about to see that there is one table in front with an umbrella but that is because it is a standard rendering.

Building Inspector Stickles – Dunkin Donuts would also have to get approval through the Village Board for outside seating.

Sam Liebman – The seating that is currently behind the building is what it will be.

Engineer Ron Gainer – Normally you seek to have all the site improvements shown on the Site Plan drawings, what Sam Liebman is offering in lieu of these details now is a Site Plan note for all the details that are necessary that he would be putting on the drawing for the DOT work permit application and then file under the village. It is

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obviously part of the approval to consider he hasn't produced that, he will with the work permit approval for your records later. He is offering to do that on the work permit approval if that satisfies the Board.

Sam Liebman – The village doesn't give a Certificate of Occupancy on either of the buildings until that is presented and is a work permit.

Attorney Dickover – Engineer Ron Gainer at that point the improvements would have to be in place as well to get a Certificate of Occupancy.

Sam Liebman – Well it won't be in place because the drawings won't be prepared and won't connect into the sidewalk until after the winter and Mr. Doufekias will be opening his building in the beginning of March 2015. The work permit will be approved but the work won't be completed.

Engineer Ron Gainer – I understand but the access you are proposing should be in place, that's how you're going to get into the site.

Sam Liebman – Yes, that will be in place a curb and there will be revised access. The control of ingress and egress will be in place and the access to Dunkin Donuts building will not be completed.

Chairman Plato – If you can have the curbing in place why couldn't you have the sidewalk in place?

Sam Liebman – Because the curbing is going to be on our property it's just one curb at this point.

Attorney Dickover – Are you asking this Board to allow a Certificate of Occupancy to be issued for the Frostee Freeze before all of the on site improvements are completed?

Sam Liebman – No.

Attorney Dickover – I thought that was what I just heard you say.

Sam Liebman – I am asking that the Board issue a building permit now; they can't issue a Certificate of Occupancy until everything is completed with the exception of the sidewalk.

Member Wilkins – But Dunkin Donuts will not ready by March 1st, 2015 will they?

Sam Liebman – No, they won't be ready until June or July 2015.

Member Wilkins – So there is going to be 1 permit?

Sam Liebman – No, there will be an approval when the plans are submitted. These plans that I'm presenting to Building Inspector Stickles with my stamp on it are the building plans for Mr. Doufekias' Frostee Freeze, that is phase one so to speak. Then there will be plans submitted to Building Inspector Stickles in a month or two from now I'm not sure but another architect, I'm not going to be doing the Dunkin Donuts building they have their own architects. It has to be in the location that's shown on the Site Plan that the Board is approving. Mr. Doufekias building will be completed in March 2015 and at that point we're going to be asking for a Certificate of Occupancy. My intention is that we will have the documentation to the DOT; they have already advised us that as long as the access points are built so the cars can go back and forth that would be acceptable to them. I'm satisfied with that and that gives me more time to argue the sidewalk issue.

Member Wilkins – Are you going to get the stripping done before March 1st, 2015?

Sam Liebman – I don't know. The stripping is put down with tape and is primarily for the parking spaces.

Chairman Plato – Attorney Dickover what are your thoughts?

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Attorney Dickover – I'm not satisfied that's an adequate proposal for this Board. Projects like this typical get built out before Certificates of Occupancy are issued. I think what makes this a little bit different is that the building that's being asked for a C.O. is one that will go into operation before the other, it becomes a phased construction. The problem that the Board has is that the infrastructure for the travel lanes and the parking on this site are interrelated to each other and so this applicant is asking the Board to allow for a C.O. to be issued for one building while the rest of the work isn't done and expect the Board to allow that to occur.

Chairman Plato – Possibly I'm hearing something different. The onsite work except for converting the existing building to a Dunkin Donuts would be done; the work that wouldn't be done would be offsite which would be sidewalks along the road.

Attorney Dickover – I heard that too, and then I heard that the striping wouldn't be completed and that's onsite. So I'm wondering maybe the Board really needs a phased construction plan here before the Board acts on this.

Chairman Plato – What won't be done before you get a Certificate of Occupancy?

Sam Liebman – The sidewalk.

Chairman Plato – All the on site improvements will be done?

Sam Liebman – Yes.

Member Dore – How can that be done if the Dunkin Donuts isn't built out in the back the drive lanes are incomplete etc.?

Sam Liebman – The access to Dunkin Donuts will be limited. There will be only one ingress to the site. Striping will occur along with all the parking spaces, the curbing will be in on the property. There is going to be a bond posted that will protect the village to see that all of the work is done and the amount of the bond will be coming through when the bidding is done for the site work.

Duncan Cameron – With regards to the parking lot, ingress and egress a lot of time what Dunkin Donuts will do is set up temporary barriers. From the safety perspective if the concern of the Planning Board is ingress and egress into the site we can set up some of those temporary barriers that would cordon off the Dunkin Donuts area and that would hopefully eliminate some of the Board's concerns in regards to the landscaping and striping.

Member Dore – I think the concern is for the Certificate of Occupancy for the site as a whole.

Chairman Plato – Let's follow up on Attorney Dickover idea about phased construction.

Attorney Dickover – The issue that Duncan Cameron just raised is part of the general construction. Cordoning off the Dunkin Donuts building is part of that, that's going to be necessary for public safety as well as of the safety for the customers coming in and out of the Frostee Freeze, so traffic is going to have to be diverted in some type of the construction plan for the safety component of it.

Chairman Plato – I can see things like the additional parking being put in the circle has no striping and gives more room for traffic to get around while they're working on converting the building because you have more space and it is not needed at that time.

Attorney Dickover – This is something you would give some thought to in a phased construction plan. You're hearing it for the first time tonight.

Chairman Plato – We should have a plan for each phase.

Engineer Ron Gainer – Is it possible for the Board to identify the improvements that are necessary and need to be completed.

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Sam Liebman – Yes a Planning Board approval based on the conditions set. I'm looking for a complete building permit for the Frostee Freeze for everything.

Chairman Plato – Building Inspector Stickle if the applicant has preliminary approval it's ok?

Building Inspector Stickle – The applicant has to have the bonds, etc...

Engineer Ron Gainer – A conditional Site Plan approval is needed.

Attorney Dickover – Provisions for issuance of the building permit for the first building will be within those conditions. We will work it out as we go; there are a lot of things going on with this application.

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

**Member Wilkins, made motion to close the Public Hearing
Seconded by Member Sebring, All Ayes, Motion Carried**

B. FORMAL APPLICATIONS:

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

Attorney Dickover – Reviewed the proposed Resolution of approval and for both Special Exception Use and permanent Site Plan approval for the Frostee Freeze, we can amend this as we go and The Board can make its determination. (This 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.

**Member Wilkins, made motion to adopt the Resolution as presented
Seconded by Member Dore, All Ayes, Motion Carried**

B.2 Overlook at Kidd Farm, Phasing modifications:

Mr. Jacobowitz, representing Overlook at Kidd Farm project – From the previous meeting was a granting of an extension of the preliminary approval, there was a letter submitted explaining the status of all the approvals. We are awaiting comments to come back to us from the appropriate departments. The approval we have expires the end of this month, we would like an extension.

Chairman Plato – The board did take action and extended it for six (6) months or until July 1, 2015.

Mr. Jacobowitz – Thank you for that.

Mr. Jacobowitz, Handed out two (2) proposed phasing plans (referred to as red version and blue version) – We want to try and plan ahead and when we've gotten the outside regulatory approvals we will naturally be back and at that time will ask for the Boards final approval. We are going to do it in sections, because the scope of the project is fairly large and sectionalization is the thing to do. First because of the disturbance limitation by DEC and secondly market issues and third the nature of the public improvements for the water and sewer, making sure there is adequate access during construction.

We haven't made up our mind that is why the Board has 2 plans. The red plan is showing the first phase what is identified as section 1 and 2 the club house and the reason for that is the main entrance will be off of Coldenham Road that will be planted and esthetically attractive and for marketing purposes will look the best. As you can see there is a lot of work that has to go in before we can build unit #1, so we said how else do we go about this so it makes it economically feasible and that is what brought plan 2 the blue plan into play. The blue

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plan has some benefits because we would be coming in off of Route 208 and it would put more focus on the commercial area, which is what we would like to develop here as well. It also allows us to do what is denominated section 3 which is much smaller.

Chairman Plato – Both plans the red and blue are coming off of Route 208?

Mr. Jacobowitz – Route 208 on the red plan is for a temporary construction entrance. We want the construction equipment and vehicles coming into the site off of Route 208 not Coldenham Road. The blue plan, that entrance becomes more important and will be finished more and the section 3 is smaller than the red plan. It gives us everything we need, an access off of Route 208 and an emergency access out to Coldenham Road which is part of the plan, it provides us with a storm water facilities. The road serves both sides with units and then will have more units per lineal feet of road/sewer/water lines/drainage and so on.

We haven't put pencil to the paper yet to compute which way will be least expensive to construct but we thought we should share these with the Board now because hopefully we will be back within 6 months and will be able to say here is the sectionalization plan we want the Board to approve and why and this is how it works etc.

If we do it by sections we must have them cohesive, they have to be able to stand on their own. Because if we build section 3 and we never build anything else we have to know that section is viable in and of itself even if we never build anything else. That is true of each of the sections. The blue plan makes it easier to accomplish that. What we lose coming in from Route 208 is the attractiveness of the main entrance that's going to be landscaped with the pond and the club house and that kind of thing. But for the first section we may be able to overcome that issue. These projects get sold by eyewash, how does it look; if it looks inviting if it looks attractive you've helped yourself in marketing the units.

Another thing we have to try and juggle is no matter what we do with the commercial, right now could be 2 lots or it could be 3 lots or it could be 4 lots, as soon as we put a line anyplace you can guarantee there will be someone who will come in the door and say if the you just put the line over there instead of here I'd like that site. So we are going to hold that back as long as we can to give us the maximum flexibility in dividing up the piece. That might also include shifting that road location and we took a look at it and the road could be shifted to facility altering the size and configuration of the commercial parcels. We don't want to do that; our hope would be to be able to do it exactly as you have it on the plan but every one of these companies have footprint that is their footprint and you're not going to talk them out of it so you have to accommodate it.

Member Wilkins – You just made the statement if worse came to worse if you didn't complete anything else you would complete section 3 as a standalone deal. Don't you have to build section 1 and 2 the club house?

Mr. Jacobowitz – If we include that in as part of what we must so as section 1 the answer is yes, the Attorney General will make us do that. This plan is going to have to go to the Attorney General to approve the homeowners association, by laws, rules, regulations etc. Yes, if we say we're going to make section 2 that club house as part of this project then we will have to have that scheduled as part of our approval.

Attorney Dickover – Wasn't the question if you're going to build section 3, which is the blue plan, wouldn't still also have to build the club house?

Mr. Jacobowitz – Not if we don't market it that way.

Attorney Dickover – Depends on how you send it to the Attorney General's office?

Mr. Jacobowitz – Yes.

Engineer Ron Gainer – With either plan understand that what you see today, the developer proposed 5 separate phases and it was presented in accordance with the layout that the Board sees. Phase 1 was the initial portion of the project off Coldenham Road, that stopped in the middle of the conditional road but even as part of phase 1 the Board mandated that the emergency access be brought out to Route 208 be provided and not only did the Board want the emergency exists you wanted the back road and water main. So the Board wanted that cohesiveness of the project for the applicant to move forward.

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Phase 2 became the balance of that roadway, permanently construct the access and new construction out to Route 208 and then phase 3 was just one lane to the west just adjacent to the commercial area and phase 4 and 5 just went up the hill they were smaller sections. The Board had mandated when this was discussed originally that the club house would be in section 2, that's how it was originally presented. Basically the phasing was driven by the applicant, the Board wanted the water main, the access and in the early phases the club house provided for any residents of the community and the applicant is permitted to suggest other phases and that's all the applicant is doing tonight. The Board has no obligation to react to this, the point is that the applicant is trying to present that they are going to further review the size of the phases. The Board might still have preferences of what you want to see done and the Board will provide that information to the applicant once they come back and are ready to pursue this in all seriousness.

Chairman Plato – I think it would be appropriate to give the Board the details of what you're doing but maybe a little bit more detail about the different phases and if the Board chooses one or the other what are being given up or gained and the differences.

Member Sebring – How much sewer would be going to Route 208 from the top section?

Mr. Jacobowitz – None, all the sewer goes the other way.

Member Wilkins – If you just completed section 3 would you ever consider opening that road other than for emergency exist.

Mr. Jacobowitz – It definitely would be done, a finished public road built to the proper specs as required and if we did the red plan it would still be finished as any public street. Initially it will be for emergency or construction use only but when the project is finished that road becomes a permanent full service road.

Chairman Plato – I believe we have an ordinance on the limitation of how long a road can be which is dead ended, we have to take a look at that.

Engineer Ron Gainer – The Boards current approval discusses the issue of when the applicant has to have the emergency exists built before they get a Certificate of Occupancy. The Board granted that early on in this process and that's in the Boards current preliminary approval. If the Board wants to consider alternatives you could put a time frame of obligation to finish the roadway permanently. This is only being presented for discussion; there is no need for the Board to act on it.

Mr. Jacobowitz – We might come back with something different after we here from the other agencies. I didn't want to walk in here 6 months from now and present these thoughts and ideas, we wanted to give the Board a chance to understand it and digest it and then we will be back with something hopefully.

Chairman Plato – I think the concerns are if you do the blue plan then the club house you don't have that, if everything was to stop at the time. The Board is definitely concerned about the length of the roadway and if the roadway is blocked and are unable to get emergency vehicles in.

Building Inspector Stickles – With the blue plan will that emergency access that is on the entire parcel be paved so that you can get in and out and not just have the grass pavers?

Attorney Dickover – That question comes up because Mr. Jacobowitz said that road would be completed through that there would be 2 accesses.

Engineer Ron Gainer – The applicant would have to reconfigure the design.

Member Sebring – If you were to do the red plan all your water and sewer comes from Coldenham Road, you would be using all the lines all the way around the entire project. But if you use the blue plan then you are running the water and sewer up through vacant land at this point and time. You are getting more results out of the red plan because your water and sewer will be used quicker.

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Mr. Jacobowitz – Yes, there would be more units per lineal foot, we haven't worked out all those numbers yet.

Member Wilkins – On that same thought if you were to do the blue plan, when your water main is done would you be putting in fire hydrants at the same time all the way through?

Mr. Jacobowitz – I would think so and Engineer Ron Gainer would weigh in on that and decide what needs to be done.

Member Sebring – I would think so. You are there once it wouldn't make sense to go back and redo it.

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

Mr. Jacobowitz – Thank you for your time.

B.3 47 Walker Street, Request for Approval Extension:

Building Inspector Stickles – This was 3 lots that they wanted to combine and make into 2 lots. The applicant is just looking for a 1 month extension; the time ran out 12/01/14. So he can get his maps done by Harold Weeden so he can get them to me.

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

Attorney Dickover – My suggestion is give the extension a firm date. This Board had extended the approval to 12/01/14.

Chairman Plato – I would like to have it extended to 03/01/15.

**Member Sebring, made motion to extend to 03/01/15
Seconded by Member Dore, All Ayes, Motion Carried**

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

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

Chairman Plato – Convened the Architectural Review Board.

B.4 123 East Main Street ARB

Sam Liebman – Frostee Freeze will have the same look as what is there now it will just be a smaller building. The awning will be the same awning that is on the currently building; it is going to be removed and put on the new building. The proposed colors will be:

The building will be a Hardie Plank Arctic White

The doors will be a hollow metal door, Hardie Plank Cobble Stone

The roof shingles are going to be an architectural shingle Timber Line Weather Wood

The cone will be removed from the existing building and place on the new building

The brick will be the same color as on the Pizza Plus building currently, color is -----

The awning colors are the same as what are there now, two stripes of white and the rest is red

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

**Member Wilkins, made motion to approve as presented
Seconded by Member Sebring, All Ayes, Motion Carried**

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Duncan Cameron, Dunkin Donuts construction representative, presented a generic rendering of the new Dunkin Donuts building – Depending on the architect the building is usually an Effis or Hardie Plank finish, with cultured stone or without cultured stone. I don't know that they would be going for in the rendering here.

Chairman Plato – This looks a bit more modern than what ones that I've seen.

Duncan Cameron – Yes, they're stepping it up a bit with the Effis, instead of just doing all Effis now they are doing a blend with the hardie plank.

Engineer Ron Gainer – This rendering shows exterior seating?

Duncan Cameron – I understand the seating will be in the back.

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

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

MEETING ADJOURNED: 9:35pm

RESPECTFULLY SUBMITTED
December 08, 2014
Nancy LaMancuso
Planning Board Secretary