

Village of Walden
Planning Board Meeting
November 18, 2015

Chairman:	Stan Plato	Absent
Members:	Jay Wilkins	Present
	Lisa Dore	Present
	Jason Trafton	Present
	Zak Pearson	Absent
Alternate Members:	Re Hagele	Present
Planning Board Engineer	Ron Gainer	Present
Building Inspector:	Dean Stickle	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Nancy LaMancuso	Present

Acting Chairman Wilkins - Called the Planning Board meeting to order at 7:30pm

1. APPROVAL OF MINUTES:

Acting Chairman Wilkins – Approval of minutes for 07/15/15, any changes additions or deletions? None noted.

**Member Hagele, made Motion to accept Planning Board Minutes of 07/15/15
Seconded by Member Trafton, with all members voting yes.**

Acting Chairman Wilkins – Approval of minutes for 08/03/15, any changes additions or deletions? None noted.

**Member Hagele, made Motion to accept Planning Board Minutes of 08/03/15
Seconded by Member Dore, with all members voting yes.**

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

B. FORMAL APPLICATIONS:

**B.1 Overlook at Kidd Farm, Action on Phasing Layout, Discuss FEIS, and
Proposed Resolution of Phasing**

Acting Chairman Wilkins – Attorney Dickover do you have anything on this?

Attorney Dickover – The Board did submit resolution granting section approval to draft.

Building Inspector Stickle – The Board was emailed this.

Attorney Dickover – Mr. Jacobowitz called me with a concern as to #2, Mr. Paz is here to speak to this and the backbone water main completion. The proposed resolution calls for it to be completed as part of the construction of the first section, whichever section that may be. The concern expressed to me by Mr. Jacobowitz is economically it doesn't work for them. When we embarked upon this drafting process it looked as though they want to complete the water main at the time they are completing the last of sections 1, 2 or 3, so it would be done at that time. The comment that has been made is that the Findings Statement for SEQRA purposes does not address when it is to be completed. My response to that is that the Findings Statement and the resolution is that this Board calls for a looped water main and it can't be looped if they're going to be stubbing it. What I expect

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they are going to be asking the Board, if that they want to stub it until all 3 of those sections have been or are in the process of being built so that they can do that work at that time. I'm not aware of any other issues; there may be some I suspect that is why Mr. Paz is here to go over them.

Mr. Brian Paz, representing Overlook at Kidd Farm Project – I think the water main is the main and primary issue and I think Attorney Dickover spoke correctly about that. I think the intention is for the first section is to come in off of Route 208 for now and the water line would be constructed from Route 208 and would come in from Route 208 and as you said stubbed, unless it's not physically possible to do that, which I don't see any reason why it wouldn't be. Obviously the expenses are substantial and significant here with this water main and if it's not needed in section 1 for the houses on section the full length and those expenses can be spread over at least until say the 3rd section that would certainly make it simpler for the developer and as long as the homes that Certificate of Occupancies are granted for are receiving the public water that they anticipate and are entitled to then I don't see why a sectioning of that should be a problem. It would probably be consistent with the completion of the roadway. I believe it was raised last time that it would be easier doing it up front because you have the road etc., The top course of the road is the main and most expense part of the road and I think the way this is set up, section 2 the completion of it the road has to be basically finished but for the top course I believe is what this resolution says. My understanding is for the developer to put the piping in subsequent to that is still cheaper than laying the whole thing up front and since they haven't put the top course in the road will be perfectly fine when it's completed because that's when they are going to do the top course and I think that's the way the resolution anticipates its. For any developer of this property it makes economic sense, it's a very substantial economic outlay and the other items are agreeable as I understand it and that's the one issue. If we can maybe accommodate this it would be greatly appreciated.

Member Hagele – You want the latitude until the end of phase 3?

Mr. Brian Paz – Yes.

Member Hagele – How much will it cost to do that water line?

Mr. Brian Paz – I don't have the figures in front of me but I can tell you it is a substantial outlay probably in the 6 figures. Some things obviously have to be done, the road has to be done to a certain extent just because you need it for thru traffic, emergency and construction vehicles etc., this is something that isn't at that level necessity that it can be done in a little more phasing.

Building Inspector Stickles – When you section this and stub it what kind of fire protection are you providing for the homes and or the commercial that are already being built? Is it going to be enough that would be my only concern?

Mr. Brian Paz – Obviously it would have to be. Nobody is going to do something that doesn't meet the minimum requirements for both the water and the units themselves plus whatever the fire department needs etc.

Engineer Ron Gainer – Looking at the overall phasing plan, I would estimate that there's something over 3,000ft of pipe that is necessary to extend along that proposed roadway between Coldenham Road and Route 208 so it's a significant expense no question. However that point is well taken but there is part there that we have not analyzed; the concept of a stub road and the availability for fire protection coming from one side or the other. It's always been recognized that having that backbone main so that water flows into the project came in from any direction. So I can't speak to the issue as to whether it would be adequate as a stub water line. It may be but I just don't know without some evaluation.

Member Hagele – Is that something that can be determined?

Engineer Ron Gainer – It can be analyzed.

Member Hagele – Are you planning to run gas mains in the streets?

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Mr. Brian Paz – I can't tell you that.

Acting Chairman Wilkins – I would assume so.

Mr. Brian Paz – I would assume so also, quite honestly but I don't have that information on me so I don't want to mislead the Board.

Engineer Ron Gainer – Referring to the issue of the water main, the draft resolution does specify a thru road is completed all the way from Coldenham Road to Route 208 before the issuance of the last Certificate of Occupancy in the second section to be built, so whatever second section is built that thru road is built just as you've seen it here, that it goes all the way thru section 2 and 3.

Member Hagele – But not necessarily with the top course.

Engineer Ron Gainer – Yes, but it's only the top missing, everything else is in place the binder, foundation, drainage, water, sewer, gas etc. all that needs to go into the ground. Mr. Brian Paz indicated that the Findings Statement offers no specifics as to the timing of the water main, although it was understood it was to be looped and that's the rationale to say it should be done in phase 1 and that is how the Board had discussed it at recent meetings. That's a decision that the Board has to make, and if there is any relief to be give it should be based upon fire protection and it should also recognize that the thru road based on the draft resolution should be completed by the end of phase 2 and certainly you want the water main in the ground no later than phase 2 if you grant any relief from the verbiage in the agreement

Acting Chairman Wilkins – Mr. Jacobowitz had mentioned going phase 1 and 2 or phase 1 and 4, so if he does phase 1 and 4 then phase 2 is out as far as the road being completed?

Attorney Dickover – No, that's why I refer to it as the first section to be constructed and then the second section because it gets confusing when talking about it. The sequence is section 1 is first, section 4 is second the thru road would have to be completed absent the top course.

Mr. Brian Paz – No matter what the Site Plan gives numbers to, it's the order which they're built is the idea.

Acting Chairman Wilkins – So it's by the completion of the second section to be built no matter what number it is?

Attorney Dickover – Yes. Going back to what Engineer Ron Gainer said, there are considerations for not requiring the water main to be built thru in the first phase to be constructed. One is the engineering question has been raised about fire protection, along with that goes whether or not the stub water main will adequately supply the homes in that section whichever one might be built. Another is that when the Board considered this project originally it was to be a looped water system and what is the engineering effect it will have on the entire water system if it's not a thru system. I don't know the answers to these, they're engineering and viability questions, will a stub water main service the residential units and can the Village of Walden water system tolerate a stub water main?

Acting Chairman Wilkins – Wasn't that one of the issues the Board brought up about having a water study done to determine what is available?

Attorney Dickover – No, that's the Edmunds Lane pump station and that's a feasibility study. The Findings Statement did not require a water study, you had adequate water capacity but I don't know what the effect of a stub extension would be, maybe there's none. Another consideration is that the resolution contemplates the applicant bonding the public improvements, so if they're not going to build the entire water main at inception perhaps they still need to bond it and maybe the bonding of the complete water line you would be comfortable enough to allow them to proceed and the other thing is what is the effect on the entire system if they don't build

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out the rest of the project and you're left with a stub water main? There are things that need to be discussed and thought about and maybe Mr. Brian Paz can address them.

Engineer Ron Gainer – The issue of the viability of just a stub water main that's strictly engineering. Whatever size pipe is laid thru section 1 will be adequate for service for the domestic needs, the design of the water main's diameter is based on providing fire protection is done with the pipe thru size. There is no question no matter whatever extension maybe dead-ended in phase 1 it still will be adequate service for the domestic needs of that phase alone. As I said the design of the project intended that it be looped and that's how the engineering review was performed. It's an easy matter, it's time and expense but it can easily be determined whether the stub water main will be sufficient or could be sufficient to service just the first phase.

Member Dore – Engineer Ron Gainer what happens if it not sufficient, what is the effect on the rest of the community.

Engineer Ron Gainer – You don't get the benefit of the system reliability that you would have with 2 very large water mains that can service that entire area of the Village of Walden. If one part of the system goes down between Route 208 and Coldenham Road and that was the Village of Walden's intent from the beginning in analyzing this project.

Member Hagele – The point of that is that it is an advantage to the Village of Walden just beyond this development.

Engineer Ron Gainer – Absolutely, there is a benefit to the Village of Walden independent of any development of this. As Attorney Dickover and I have drafted this resolution we've identified it as to be done in phase 1. It's been the understanding that you've always envisioned that a looped water main was what was necessary. As I have said from a fire protection issue just for the project alone it may be sufficient to service phase 1 just as a dead-end. That's for the Board to make that determination as to whether it's more policy or decision on what the Boards original consideration with the findings of the approval. But all of the documents have specified that there would be a looped water main and so in the drafting of this resolution we said it should be in the first phase. The resolution addresses the issue of thru road which very specifically was identified as to be done at the end of the Findings Statement has to be completed by phase 2.

Acting Chairman Wilkins – We don't know what commercial uses will be put in, what if a car wash was to go in there too, is that going to affect how much water is needed?

Engineer Ron Gainer – The Board would have to make some assumptions as to estimated system demands. It can be analyzed what the system demand would be coming from one direction only off of Route 208.

Acting Chairman Wilkins – Then the clubhouse would be completed by the end of phase 3, the first Certificate of Occupancy in phase 3?

Mr. Brian Paz – Section 3 of the resolution, before issuance of the last Certificate of Occupancy for section 3.

Acting Chairman Wilkins – So the water line would be in at the end of phase 2?

Engineer Ron Gainer – If the Board permits it; right now it's written to be done in phase 1.

Acting Chairman Wilkins – The Edmunds Lane pump station will be at the end of phase 3.

Engineer Ron Gainer – The Edmunds Lane pump stations study has to be done as soon as they file for the next phase and that study will determine when it is needed.

Mr. Brian Paz – As far as the resolution for the water main would it possible to change some of the language just to indicate that the completed part of the construction of the project and that there will be further engineering

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study of it and based on that engineering study will determine during what section of the project the backbone water main will need to be completed. Would that be sufficient for these purposes, so that we can do the resolution because everything else I think we're good to go and it doesn't lock in the Board in to any 1st or 2nd or the applicant. As Engineer Ron Gainer indicated the stub probably works fine for the 1st section, we would be very happy to get the resolution and be able to have the engineers discuss as to the proper timing of the full backbone water main and as what is mention in the discussion. What happens if they don't complete it, there was mentioned that there's a bond that has to be put up and the purpose of that bond is to make sure that it does get completed and if it doesn't then the Village of Walden can use that bond to go ahead and complete it. I'm not saying that's what will happen here but as I understand it that's the purpose for the bond to make sure the public improvements are completed and if they aren't by the developer/builder then that bond gives the Village of Walden the funds to complete it.

Engineer Ron Gainer – Just to be clear, I did not provide any indication that the dead-end water main wouldn't be adequate, I'm just saying that it needs to be studied in order to reach this conclusion.

Member Hagele – If we were to modify the resolution in any way, I would prefer it to be that it would be left that it would be done by phase 1 unless an engineering report done in the interim would allow phase 1 to be completed without any negative impact and at which point it would be then done by phase 2.

Engineer Ron Gainer – And also bonded in phase 1.

Member Hagele – Correct.

Acting Chairman Wilkins – If they were only to complete phase 1 and phases 2, 3 and 4 were not to be completed for whatever reason then Village of Walden wouldn't go in and use that bond to put that water line in and it would still be a stub?

Engineer Ron Gainer – That's why I recommend a bond be posted and to tie its construction to some date certain, otherwise there's no point for the bond and you can't claim the bond. But if it never goes past phase 1 then what's the difference?

Member Hagele – Well it helps the entire Village of Walden to have the entire loop.

Engineer Ron Gainer – Right, so at what point do you make a claim against the bond if this isn't specified?

Acting Chairman Wilkins – Would that be the Planning Boards decision or the Village of Walden Trustee Board?

Attorney Dickover – There would have to be a time frame for which you would activate the bond. You really don't want to call on those bonds, the only reason you would do it is because an engineering study perhaps as you suggested to be done in the interume demonstrates that this needs to be a looped system. It may also become an argument for the applicant to use that they don't need to bond it through to completion, but that is for the Planning Board to decide. The prospect that Member Hagele suggested is that to require it to be completed as part of the construction of the first phase to be constructed unless an engineering study can be done in the interim at the applicants cost, to the satisfaction of this Board that demonstrates that a stub water main would be adequate for water supply and fire protection within that first construction and require it to be bonded to completion at that time. If it is perhaps and inequitable argument that the Village of Walden doesn't get a guarantee that the system will eventually be put in.

Engineer Ron Gainer – If the Board does consider not mandating a loop water main in phase 1 it should mandate that the loop be completed by phase 2. So no matter what phase happens next and the development does move forward the Village of Walden does get what it wants.

Acting Chairman Wilkins – Approval for the construction of the second section, the Edmunds Lane pump station must be upgraded as part of the study says, number 3.

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Engineer Ron Gainer – There's no question that this does specify that the study does get done on the adequacy of that station and that study has to be done as part of the prior approval phase of the second construction phase. Is the Board willing to consider not requiring the loop water as part of phase one depending on the applicants engineering study?

Member Hagele – I think it's very realistic if the applicant were only coming before this Board for phase 1 and that's all they were going to do, that a loop wouldn't even be considered. So if work was to be stopped after phase 1 what's the difference if the loop is not done? The loop is obviously a big advantage for the Village of Walden and that's one of the reasons the Village of Walden approved an ambitious project like this in the first place, was there was an advantage to it. If the applicant can come up with an engineering study to demonstrate that the loops not required for phase 1 then we could in good conscience allow them to complete it for phase 2. That's my opinion.

Member Pearson – I would agree with that.

Mr. Brian Paz – So are you willing to make the backbone water main similar and consistent with the road as you said? Because the road has to be completed by the second phase before the last Certificate of Occupancy issues for the second phase, that would be easy to make that language in this resolution here tonight. If you want something like an engineering study that just says for the first the stub water system will be sufficient for domestic needs and fire protection, that's also something you can add.

Member Trafton – I think that's what we're getting at.

Acting Chairman Wilkins – Do you anticipate there is one developer for the whole project?

Mr. Brian Paz – I think the hope is there will be one person that is there and that is what would make the most economic sense.

Attorney Dickover- If the Board wants to consider that change, I think I can read it to you as to what it will say. Reading from the Draft Resolution, the backbone water main would be completed as part of the construction of the first section constructed, unless an engineering study that is to be done by the applicant satisfactorily demonstrates the stubbed water main is acceptable for fire and domestic uses within the first section. In which case the water main shall be completed as part of the second section that is to be constructed and if delayed will be completed within a period of X-number of years, terms of which shall be addressed in the Developer's Agreement and completion of the water main shall be bonded thru its entire course. It will be completed prior to any issuance of any Certificates of Occupancies in the first section, and if delayed they've been completed prior to the issuance of any Certificate of Occupancy for units in the section. It will be located within the limits of the thru road as shown on the Sectioned Site Plan.

Acting Chairman Wilkins – It makes sense.

Member Hagele – I thinks that's reasonable.

Attorney Dickover- If the Board were to adopt that resolution tonight the applicant could proceed to the subdivision process, but they would also have to address the water main issue in the meantime. Based upon the results of that when they come in for their final approval, because you have preliminary subdivision approval, and they do not have any Site Plan approval yet, they would need to come back in with an application for final subdivision approval, and you can request a resolution granting them Site Plan approval and in that set of plans I suspect they would then address the stubbed water main as well as the other Site Plan improvements that are being called for.

Acting Chairman Wilkins – Engineer Ron Gainer you're ok with all this?

Engineer Ron Gainer – I think I've heard it all, I think Attorney Dickover has it all.

Attorney Dickover – You can adopt a resolution as it's been drawn subject to the verbal changes that I put forth.

**Member Trafton, made motion to adopt the amended resolution as stated by Attorney Dickover above
Seconded by Member Dore, All Ayes, Motion Carried**

B.2 Overlook at Kidd Farm, Preliminary Approval Extension

Acting Chairman Wilkins - Mr. Brian Paz you currently have an extension until 12/31/15. What are you requesting at this time?

Mr. Brian Paz – I am requesting the maximum preliminary extension this Board is willing to give, 6 months?

Building Inspector Stickles – The last 2 were 90 days.

Mr. Brian Paz – If you want to make it 90 days and we'll come back that's fine.

Attorney Dickover – That would be 90 days from 12/31/15.

**Member Hagele, made motion to approve the extension of the preliminary approval to 03/31/16
Seconded by Member Dore, All Ayes, Motion Carried**

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

Acting Chairman Wilkins – Opened the Architectural Review Board

B.3 88 West Main Street, Architectural Review Board, proposed sign

Building Inspector Stickles – The applicant is not here.

Acting Chairman Wilkins – Then we will table it at this time.

B.4 2 S. Montgomery Street, Architectural Review Board, proposed sign

Acting Chairman Wilkins – A proposed sign.

Member Dore – Building Inspector Stickles is the sign already up?

Building Inspector Stickles – Yes.

Faith Moore, business owner – There are 3 signs, one in the front and 2 are actually going on the side of building in the back, because the way the buildings are people are stopping in the driveway and parking there and then those people parked in the back are stuck and can't get out.

Member Dore – To show you're allowed to park there?

Faith Moore – To show where the actual parking is, in the back, the one sign says parking in the rear and the other they will see it to follow with the arrow. There will only be one sign in the front.

Member Hagele – How big are these signs?

Faith Moore – 24x36

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Building Inspector Stickles – What is it made of, composite, wood?

Faith Moore – Mixture.

Member Dore – How close to the sidewalk?

Faith Moore – About 10ft back up on a slight hill, it's nowhere near the sidewalk.

Member Hagele – These seem big, do they comply with zoning?

Building Inspector Stickles – The signs that this applicant is proposing and 88 West Main Street comply with code.

Member Hagele – Ok.

Member Trafton – When you mount it put some type of boarder on it.

Member Hagele – The purpose of the signs are to get not to park in the driveway, right?

Faith Moore – No, the parking sign is to let people know we are even there, that they are at the right location and to let them know that there is parking in the back of the building.

Member Hagele – So there is no other signage for your corporation?

Faith Moore – Nothing in the front.

Building Inspector Stickles – She is on a corner lot so the applicant is allowed to have a sign on South Montgomery Street and North Street.

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

**Member Dore, made motion to approve the sign as presented
Seconded by Member Trafton, All Ayes, Motion Carried**

B.5 113 Orange Avenue, Architectural Review Board, proposed sign

Building Inspector Stickles – I don't believe I gave anyone copies of this but it's in the folder.

Acting Chairman Wilkins – This is the corner of Coldenham Road and Route 208. Are you asking for 3 signs or one?

William Gattuso, business owner – 3, one on the Coldenham Road side where there is a light already there and then the front on the Orange Avenue side and then the sign posts out in front.

Building Inspector Stickles – The 2 on the building are allowed, the one out by the street is not. If you want that then you would have to be to the Zoning Board of Appeals.

Acting Chairman Wilkins – Right now we are talking about the 2 for the building.

Member Trafton – What is it going to be made of?

William Gattuso – Vinyl on top of composite. Clear cover like plexiglass to water proof and seal it. We will be changing the lettering slightly to make the "S" clearer.

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Acting Chairman Wilkins – So we will be approving a 4X4 for the front and the side.

Member Dore – How is the front of the building sign lit?

William Gattuso – There are 3 lights and it will be under the center one.

Member Trafton – When you receive the new font for the lettering, present a copy to the Building Inspector.

William Gattuso – Originally there was an 8 X 3 ½.

Member Trafton – How is it going to be attached to the building?

William Gattuso – We wanted to do stainless steel at the top and bottom anchors, mollies about ½ inch, you shouldn't be able to notice them.

**Member Hagele, made motion to approve a 4x4 front building sign and a 4x4 side mounted sign as submitted with revised font to be resubmitted to Building Inspector Stickles
Seconded by Member Dore, All Ayes, Motion Carried**

**Member Dore, made motion to adjourn the Architectural Review Board
Seconded by Member Hagele, 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 Hagele, with all members voting yes.**

**MEETING ADJOURNED: 845PM
RESPECTFULLY SUBMITTED**

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Nancy LaMancuso
Planning Board Secretary