

Village of Walden  
Planning Board Meeting  
June 15, 2016

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

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

**1. APPROVAL OF MINUTES:**

Chairman Plato – We are unable to approval of minutes for 04/20/16 as only 2 members of the Board from that meeting are present tonight. They will be held over to the next regular meeting.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 78 Oak Street, Suite 11, Site Plan Amendment**

Building Inspector Stickles – I was unable to attend the last Planning Board meeting on 06/06/16. The reason I had asked them to come to the Board for a Site Plan Amendment is because they are going to have 2 businesses in one area. I wanted everyone on the Board to be aware of this. The Martial Arts is going take about  $\frac{3}{4}$  of the space Ignite Fitness currently occupies and Ignite Fitness will be using the rear area, there's no changes to parking or anything else, it's just for everyone on the Board to be informed.

Member Wilkins – I think we felt that both uses were about the same.

Chairman Plato – Attorney Dickover what's your thoughts on this?

Attorney Dickover – I think the Board can adopt a resolution referring the matter back to Building Inspector Stickles for issuance of the Site Plan waiver.

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

**Member Wilkins, made motion to refer the matter to Building Inspector Stickles for issuance of a Site Plan waiver**

**Seconded by Member Pearson, All Ayes, Motion Carried**

Attorney Dickover – I have prepared that resolution for the Board tonight.

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Chairman Plato – Read resolution to the Board. Ms. Parker when you do get your sign you will have to come before the Architectural Review Board for approval.

Kim Parker, Han Ho II Martial Arts – Thank you, then next step is for the sign?

Chairman Plato – Yes, where you want to put it, what it's going to look like. Building Inspector Stickles can help you with the sign requirements/limitations etc.

Member Wilkins – You might want to take a picture of the actual building and then show the Board on the building where it's going to be.

Kim Parker – Thank you.

## **B.2 Walden Glen Trailer Park, Easements**

Chairman Plato – Attorney Dickover have you had a chance to review this?

Attorney Dickover – This is a project that had conditional approvals from many many years ago. They came in and have told the Board that they believe they are about to fulfill the last of the number of conditions. The difficulty I had with it is that their Site Plan approval expired pursuant to the Village of Walden code years ago. I've been here about 1½ years and the applicant hasn't been here since I've been here and there's no indication that in the records that the applicant ever came back for an extension. Sometime you might think you have some latitudes or some discretion in entertaining this application, but the Village of Walden code is quite specific. It says the approval shall expire, the word shall means must, and there is no discretion involved there. The memorandum I prepared back to the Board on this is that their approval might have expired. I don't believe you can breathe new life into it except upon a new application. They probably should file at least a new Short for EAF with it, at that point and time the Board can review it to determine whether or not there have been any changes in the zoning ordinances that would affect the approval. Changes in the neighborhood that might affect the approval, changes in the state regulations of which I suspect there's been a storm water discharge regulation change that they would need to address if required and any other state or local law zoning regulation rule etc. that might apply. If the Board upon that review can determine that there are no changes necessary the Board could reaffirm if you decide to the prior approval and conditions and reaffirm the SEQRA determination that was made 7 years ago and then the applicant would then be kind of back to where they are now. Perhaps without incurring tremendous expense there is going to be some because Engineer John Queenan will have to look at the project again just to make sure there are not changes in the applicable rules and regulations.

Member Wilkins – Would they need to get re-approval from NYS DOT for Route 52?

Attorney Dickover – That's going to depend on the permit the applicant had received.

Member Wilkins – Also the Orange County Planning Department?

Attorney Dickover – All of those things have expiration dates. I believe I ask the applicant when they were here at the last meeting whether or not, what the dates of expiration were, to provide copies of those permits. I haven't seen those yet but the answer to your question particularly would depend on the date of expiration and if they're plan requires changes because of changes in neighborhood, rules, regulations etc. then those permits would probably be effected and would have to be reapplied for.

Chairman Plato – Building Inspector Stickles please convey this to the applicant.

Building Inspector Stickles – Attorney Dickover sent me the same memo, I will contact the applicant and copy the Board with the information I receive.

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Engineer John Queenan – Chairman Plato the applicant did drop off plans, SWPP (Storm Water Pollution Plan) report and a bulk of correspondence this afternoon to our office. I looked through it very quickly, their storm water report references 2008 standard which they don't apply anymore, their health department has expired and their DEC has expired.

Attorney Dickover – I know the Board has had issue with escrow account in the past with other projects not this one, is that going to be a concern that you will want this applicant to replenish an escrow account?

Chairman Plato – I don't think we've done that. The only one that I recall where the Board did an escrow account was with the large project.

Building Inspector Stickles – This applicant has historically paid everything.

Chairman Plato – That was simply because of the size of it. Any other questions/comments by the Board? None noted.

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

Chairman Plato – Convened the Architectural Review Board

Chairman Plato – Approval of minutes for 05/02/16, any changes additions or deletions? None noted.

**Member Pearson, made Motion to accept Planning Board Minutes of 05/02/16  
Seconded by Member Wilkins, with all members voting yes.**

**B.3 41 Main Street, Architectural Review Board, Exterior Signage**

Carlos Velsquez, Business Owner – We would like open a Boost Mobile Prepaid phone store. We will sell prepaid phones and accessories.

Building Inspector Stickles – The applicant presented a sign that is interiorly lit, which I told the applicant the Village of Walden regulations do not allow. Any signage he puts on would have to be lit from the outside.

Chairman Plato – You can't have a sign for example made of plexi glass internally illuminated, you have to use goose neck type lamps to light the sign.

Carlos Velsquez Velsquez – We own a store in Newburgh also with a sign.

Chairman Plato – This is a sign ordinance in Village of Walden, there are some that are grandfather in but all new applications have to conform to the new sign law.

Carlos Velsquez – What about the colors?

Chairman Plato – What sign do you want to do from these that you gave to the Board?

Carlos Velsquez – They will do whatever the Board chooses for approval.

Chairman Plato – Is this a trademark sign?

Building Inspector Stickles – The only thing I'm going to say is if it doesn't match Main Street we're all going to hear about it.

Chairman Plato – We have in the past approved signed that are basically registered trademarked.

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Member Wilkins – Is this a franchise?

Attorney Dickover – I think your question is this company a franchise where you paid Boost Mobile a sum of money to run the store for them?

Carlos Velsquez – No we don't pay them.

Attorney Dickover – How many other Boost Mobiles are there around the country?

Carlos Velsquez – There a lot of Boost Mobiles, everyone owns a store individually.

Attorney Dickover – Do you have a contract with Boost Mobile?

Carlos Velsquez – Yes we signed a contract.

Attorney Dickover – Then it's a franchise. Do they require you as part of your contract to use those colors, black and orange or can you vary the colors?

Carlos Velsquez – They said we can do the colors with whatever color is on Main Street.

Alt Member Kraus – So if the Board wants a certain color you can do it?

Carlos Velsquez – Yes.

Chairman Plato – The Village of Walden uses the Benjamin Moore Early American color chart.

Member Wilkins – You can get the color chart down at the True Value store in the Thruway Shopping Center.

Chairman Plato – You should choose which ever of these sign layouts will fit you for your business, use those colors from the Benjamin Moore Early American chart and present it to the Board. What colors in what space and present that to the Board.

Member Wilkins – Also on page 2 you're going to have to modify the interior LED lighting you have in this design. It has to be exterior lighting, interior lighting.

Chairman Plato – You can present it at the next meeting. Tentatively the work session will be re-scheduled for Wednesday 07/06/16 due to the July 4<sup>th</sup> holiday on Monday. If you have any questions contact Building Inspector Stickles.

Carlos Velsquez – In the meantime can we open the store?

Building Inspector Stickles – Yes, you can put a temporary sign in the window until you get your approval.

**C. DISCUSSION ITEMS:**

Member Wilkins – Building Inspector Stickles, at what point will the Planning Board take action on the 3 signs located at the Thruway Shopping Center?

Building Inspector Stickles – John Joseph, representative of VS Walden LLC the Landlord of the former Thruway Shopping center has to come back to the Board for a couple of things. He has told me he will come back to discuss the signs. He also went in and talked to Smokers Choice about changing the sign to conform to the signs that are down there and he would be willing to pay for them. I don't know what the outcome of that meeting was

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at this time and he did go and talk to the other business to conform with their signage. The only thing that was changed was the Thruway Hardware, Sporting Goods and Hannafords. They had their own signs approved.

**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 Pearson, with all members voting yes.**

**MEETING ADJOURNED:                      800PM**

RESPECTFULLY SUBMITTED  
June 15, 2016  
Nancy LaMancuso  
Planning Board Secretary