

Village of Walden  
Planning Board Meeting  
June 06, 2016

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Present
	Zak Pearson	Present
Alternate Members:	Larry Kraus	Present
	Lisa Sebring	Present
Planning Board Engineer	John Queenan	Present
Building Inspector:	Dean Stickles	Absent
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:**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 29 Grant Street, Site Plan Approval**

Sam Cichon, Owner – We are in the last stage of the DEC Brown Field Clean-up for the mediation and they want the parking lot paved in order to receive the Certification of Completion. At the DEC meeting last month I talked with them because I knew there was going to be an issue with drainage. I spoke with Building Inspector Stickles and he said the might be an issue with the drainage also. So I asked the DEC if it would be ok to put a berm along the Grant Street edge and the Elm Street edge, they said they would be fine with that. We're also going to put in a berm along the retaining wall behind the two houses to keep water away from them and basically we're going to pave what was already paved once upon a time plus that lawn area.

Member Wilkins – Building Inspector Stickles said it was ok where it was?

Sam Cichon - Yes. We will also be putting ventilation in the basement and I would like to add a couple of lights to illuminate the parking lot, one light on the office building which is the white house, a second on the steel building in the back and a third on the main building.

Alt Member Kraus – What is the berm going to be?

Sam Cichon – A pile of dirt two feet high.

Alt Member Kraus – What's the purpose of it?

Sam Cichon – Is to provide a little bumper zone between the parking lot and the side lawn. The paver said when he does the prep work he should be able to just fold the sod back and put the berm in then.

Chairman Plato – John Queenan have you looked at this?

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Engineer John Queenan – Yes, I have a lot of questions and have a review sheet for the Board and applicant. Mr. Cichon you're paving the parking lot because of the DEC?

Sam Cichon – The DEC requires it.

Engineer John Queenan – Can you get the Board a copy of that requirement?

Sam Cichon – I believe that was in the Brown Field Clean-up Site Plan.

Engineer John Queenan – The Brown Field Clean-up you provided had some documentation but it didn't give the schedule of compliance, it was basically a boil plate. The Board should see that it is required. On the application you're saying you want to park, rent space and have businesses and flea markets, there's a lot going on. I don't know how we want to approach this with Site Plan and tying this into a parking area, the map has to be updated. The Board needs a full size map, it should show parking stalls, how the parking is going to flow traffic wise. Make sure there are proper 9x18 parking spaces, 24' wide isles; there is a lot more detail that has to go into the Site Plan.

Chairman Plato – Did you say the DEC required you to pave it?

Sam Cichon – Yes.

Chairman Plato - Why would they do that?

Member Pearson – Maybe to cap it?

Sam Cichon – There's a plum of trichlorethylene that is left over from Spence Engineering that has seeped underneath the building and most of it being underneath Grant Street right now.

Alt Member Kraus – They want to seal it in.

Sam Cichon – Yes.

Engineer John Queenan – Some of the other major comments I have are on storm water. Putting up the berms but how does the water actually drain out?

Sam Cichon – We are using a baby binder pavement so it's going to be quite porous.

Engineer John Queenan – The Board is going to need all this in writing from DEC because it's not making sense that they want it capped, but then they are going to allow a porous pavement. On the EAF you identified that there is going to be over and acre of disturbance that would require a permit from DEC for a storm water permit.

Sam Cichon – 40,000 sf is an acre?

Engineer John Queenan – No, but on the EAF you put 1.5 acres to be disturbed.

Sam Cichon – That was a mistake because the building takes up a large portion of that.

Engineer John Queenan – That needs to be clarified. These things are in my comments (handout) for you to go thru. There are a number of issues with the EAF that you just need to clean up, I did the map for you and that automatically answers a lot of questions. On the Site Plan we need a Zoning Table. There is a list of items that need to go on the Site Plan Map, and if you have any questions call Building Inspector Stickles or myself.

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Chairman Plato – Once again what are you planning to do at the site?

Sam Cichon – First thing I just want to rent space I would like to get the biggest tenant in there possible. If not I will take the first floor area and try and run a flea market on weekends until I can get some serious tenants.

Member Wilkins – John Queenan do you want the applicant to submit a new part 2?

Engineer John Queenan – Yes, I would like the applicant to submit a new Short EAF with the comments addressed. Also the correct acreage, full size Site Plan then from there we'll work to get the engineering details on it.

Chairman Plato – John Queenan on your review is there anything you may have missed?

Engineer John Queenan – Probably because the application was a little vague as to what was going on. The DEC issue I think is separate from his Site Plan of what he intends to do with the building so I would like to see that correspondence from DEC saying that this has to get done and then we'll go from there.

Chairman Plato – Ok, then we know where we're going with this. Any other questions/comments by the Board? None noted.

**B.2 78 Oak Street, Suite 11, Site Plan Amendment**

Mike Barnard and Kim Parker, Han Ho II Martial Arts – We have an existing martial arts school in Slate Hill for close to ten years and we would like to do that here. It would be Korean Martial Arts as well as mixed martial arts, in addition to that we also are known and specialized with law enforcement defensive tactics. We were just at the police academy in New Windsor this past week for a full day training of officers from all over Orange County. We teach special woman's self-defense classes etc.

Alt Member Kraus – This is going to be where?

Rep – The building right behind Hannafords where there is Anytime Fitness. There is a night fitness section and Bruce Line the owner knew I was looking for a spot out in this area and mentioned to me that it might be a good fit that we might sub-lease a section of Anytime Fitness. Then we could work with each other, cross promotions, it seems to be a good fit.

Alt Member Kraus – Fantastic.

Member Pearson – Yes, that's fantastic.

Member Wilkins – It's a good location.

Engineer John Queenan - Basically just as he described it, correct me if I'm wrong. You are going to use 4,800sf of the existing night fitness space. You're in the rear building behind Hannafords and you're located in the B-1 zoning district. Just to clarify for the building department files, you might wish to submit a location plan of the building and sketch on the exactly the space you are taking.

Mike Barnard – I met with Building Inspector Stickles and we went over it and it's a pretty simple build out inside.

Engineer John Queenan – Ok, as long as he has something.

Member Trafton – Where is the entry going to be?

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Mike Barnard – If you're standing with your back to Hannafords you would be facing the entrance.

Member Pearson – Yes, it's on the south side of the building.

Chairman Plato – Attorney Dickover does this even have to come before the Board?

Attorney Dickover – Building Inspector Stickles asked me that question when this was first proposed. I'm looking at the application for the first time tonight and haven't reviewed it. I think it's a valid question but I'm not prepared to answer it tonight, I wanted to hear what the application was, what the space was to be occupied, what the use was proposed. It may fall within the approval that was previously granted by this Board. Question for the applicant, are you taking more space than is currently occupied by Anytime Fitness?

Mike Barnard – No, we are not adding on anything the build out is strictly within what already exists.

Attorney Dickover – Anytime Fitness has an approval for the use of a certain part of the building, not the entire building but a portion of it. Are you going into the space that this Board previously approved for Anytime Fitness or are you getting more space?

Mike Barnard – It's what was already approved and is already being used.

Chairman Plato – So you're carving out a piece that they have for this?

Mike Barnard – Yes.

Attorney Dickover – A Board member asked about entrances. The Board may recall when we reviewed this application previously there was a concern about entrances and what they looked like, exterior colors of the building, signage and things like that. Can you the applicant address the question about the entrance for your space, is it going to be an additional entrance, are you going to use the existing one.

Mike Barnard – We are using the existing one; I understand that Bruce Kline said that they were putting in a glass door there? I am aware as far as the signage it has to be architecturally approved and we will have the Han Ho II martial arts sign there.

Member Pearson – There is an existing door on the south side, there is not a glass door there now.

Chairman Plato – I think there was a plan for a door there.

Member Wilkins – Once you occupy your space will there be any additional space in that building that will be unoccupied?

Member Trafton – There is a downstairs space.

Attorney Dickover – That was approved for storage or warehousing.

Rep – We have nothing to do with the downstairs. Right now Anytime Fitness is calling that section Night Fitness. They had an indoor soccer field in there; they were doing regular soccer practice there, that is popular during the cold season. So what they are doing is leaving a section of that, where they can go in and practice soccer but not on a full field and the front end of it will be the space we will utilize. When you walk inside we will have our section walled off but with a door that leads to that back section so that we have a fire exit. We will keep the hallway as it is leading up to the exit door.

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Attorney Dickover – Other issues were signage, any signs that you propose you will have to come back in front of the Architectural Review Board. So when you're ready for signage you will need to make an application for the signs before you put them up. Parking is there any proposed or concept for parking that might be in addition to what is there already?

Mike Barnard – No, we felt it was adequate and we were just going to share what is there, we are not going to do assigned parking we will just share it.

Chairman Plato – I recall there is a lot of parking.

Member Wilkins – How many occupants would you have at one time, what would be a maximum?

Mike Barnard – At one time, I think a max might be 30-40 in that area, the classes are staggered. Even if we had 200 students they're not going to be there at the same time.

Chairman Plato – You should include that information also and verify the parking too.

Member Trafton – The hours of operations.

Attorney Dickover – For information purposes to have on file, it's good to have it but you can't dictate it.

Mike Barnard – If we blue print what we already have it would be late afternoon into the evening. When school gets out we can have classes for the children and then it goes into the early evening up to about 9pm max for adults. If the business is doing really well and we see that we can add on some day classes usually businesses like this you add on a couple of hours during the day. It's not an all-day thing, most of it is late afternoon and evening.

Member Wilkins – Would you be done by 9-10pm?

Mike Barnard – Absolutely.

Attorney Dickover – Chairman Plato if we can get that information that has been requested by Engineer John Queenan and the Board members in time for the regular meeting of 06/15/16 this application might be appropriate for a resolution waiving Site Plan approval. I would like to just see it and get it in the records what the Boards been told.

Chairman Plato – Yes, if you could that information to Engineer John Queenan and Attorney Dickover has had a chance to review it perhaps we can finish that evening.

Mike Barnard – The information the Board needs is?

Chairman Plato - The class schedule that you're not doing anything external, you need to come before the Architectural Review Board for signage.

Attorney Dickover - The sketch of the floor plan for the proposed usage inside Building Inspector Stickles may have it already.

Chairman Plato – Is that up to the Board to have or Building Inspector Stickles?

Attorney Dickover – I think the Board needs it to make a determination that no further Site Plan review is going to be required.

Member Wilkins – This seems that it would very similar to the use we already approved?

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Chairman Plato – I think so too.

Member Pearson – Yes, it seems that he is going in an existing space.

Chairman Plato - Feel free to talk with Engineer John Queenan and Building Inspector Stickles so we can move this along.

Attorney Dickover – The space that is black out on the drawing what is it?

Chairman Plato – I see that there is an octagon on this drawing. Would you ever have in the future an event that people come and watch?

Mike Barnard – This is more for training people that want to be in an event. I don't think we could accommodate that, probably could but even if we wanted to we couldn't be commissioned to events. But there are going to be people that want to train to perhaps fight professionally and we will use it to that end so that they get use to that setting.

Chairman Plato – So you might want to state also that you're not trying to do events. Do you have any question of the Board?

Mike Barnard – Do I still have to submit class time?

Chairman Plato – Yes, we would like that for our records what you anticipate, the number of people you anticipate at any one time, class sizes.

Attorney Dickover – Some boards refer to these as narratives, it's sort of a written description for the space you're going to occupy, what it is you intend to do in there. You can address the hours you're going to be operating, the number of people that are anticipated to be there at any particular time. A description of what is going on with a statement that you're not proposing and changes to the exterior and that the changes to the interior are show on this exhibit.

Mike Barnard – This would be in addition to the explanations I gave in the application?

Attorney Dickover – Yes, those are the things that the Board has asked you for tonight.

Member Wilkins – Where do you plan to put your sign out front?

Mike Barnard – When you come into the entrance door of the building.

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

Member Trafton – If you also include a sketch of the proposed sign the Board can look at it and maybe give you some impute to move that process along for you too.

Member Pearson – The sign is a separate approval.

Chairman Plato – If you get this information to us we can look at it at the next regular meeting 06/15/16.

### **B.3 Walden Glen Trailer Park, Easements**

David M Zigler, P.L.S. from ATZL, NASHER & ZIGLER P.C., presentation – Mr. Helmer and Mr. Freeman the owners of are here also. We started in 2005 with Site Plan; Walden Glen is out on Route 52 almost at the Village of Walden line. It is a mobile home park, manufactured homes, it started out as a trailer park. Basically what we did was come to the Board because we wanted to redevelop the sight, that would be

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removing the old units as people left and then replace with new ones. But that requires us to come for a Site Plan, so back in 2006 we started the process, the Site Plan in 2007 and as we processed we had to change utilities. So we had to go to Orange County and get approval for sewer and water, new lines. Also we had to do a drainage plan. We processed this right to the end and got final approval. All of that was subject to an easement for drainage thru Winding Brook.

Route 52 at the Village of Walden line there is a pond on the left as you're going out of the Village of Walden that's where this site is going to drain to. About 2007 I think they started discussion with Winding Brook and that was with the association not just a few of the homeowners and back in 2011 we returned because we thought we were very close to getting these easements. At the time Engineer Ron Gainer was here and he wrote the letter that I included in our package about having been approved and everything. We just had to pay the fees and get the easement. That kind of fell through too very recently in the last couple of months. At this point right now they've paid for the easements, they're being executed. So it looks like we have the easements so that we could come in and get the map signed.

We understand it was approved back in approximately 2007/2008 and there's really no changes to the map, no changes to the drainage other than since that time the SWPP (Storm Water Pollution Plan) has changed so that we would have to readjust that. They're getting ready to sign and final the easements and we want to make sure if there is something we have to do or have it reviewed or give it to the Engineer John Queenan for review that we get it done properly. Whatever the Board feels we have to do to feel comfortable with it. We don't have to redo the SWPP (Storm Water Pollution Plan) just because it's just outdated and Engineer Ron Gainer could never sign it because we didn't have anywhere to drain it, so we're here now to get this started and asking the Board if they need anything else from us or what do you need to get the process moving.

William Helmer, owner – I think it's important everybody know that we thought it was pretty simple to get a drainage easement. All the water is flowing there now but its surface flow it's not in a pipe. We've dealt with Winding Brook for way to long but basically the problem was they were willing to give us an easement for payments of money but they wanted the right to rescind the easement. You can't do that, banks won't allow us to finance and we couldn't go ahead and do the work. If we got the work all done and Winding Brook decided they didn't want it anymore take it out and this has gone on for 7 years, needless to say it's cost us a fortune. But we still want to do this, we are upgrading our homes in other places and we think we can make this a show place home. We're down to about 14-15 units now out of 35 and we've just come to an agreement with Winding Brook that they will vote to give us the easement and not have the ability to rescind it. We've put all the money, Jacobowitz is our lawyer and we're hoping within the next week or two at their meeting they will approve it.

It's unfortunate, we've pointed out for years you're getting all our drainage let us put in a pipe, control it and make it right. We've looked at going down the road and that was about a \$400 thousand deal and we would have to remove water lines and change everything around. It just didn't make sense, so we're hoping that the Board will work with us now with this easement. We think we have all the approvals necessary to do it.

Member Wilkins – Do you think you might know by next Wednesday 06/15/16?

Mr. Freeman, owner – To officially tell the Board yes, we would need a signed easement. I don't know when they're scheduling their meeting to approve this. They told us they are going to approve it. We have released the money; I don't know how much more good faith we can show Winding Brook. I don't want to come back to the Board and waste your time and ours until we have that signed easement. We wouldn't ask the Board to sign it until it is in fact but we want to know that there is no other curve ball coming before we move ahead with this.

Chairman Plato – Attorney Dickover there was I believe an approval once on this, subject to the easement.

Attorney Dickover – I don't know, this is the first I'm seeing any of this. I haven't seen the approval; I don't know what the conditions were.

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Engineer John Queenan – A question on the letter from 2010 it references a water easement as well?

William Helmer – We have 2 properties, we bought the house in front and we upgraded that and there is probably a water line that goes through there.

Chairman Plato – If you could research that.

Attorney Dickover – I don't want to make it more complicated than it needs to be. What was the SEQRA determination was it a Type One Action was it an Unlisted Action was there an EIS? If there was an EIS and a Findings Statement I would like to see them.

Engineer John Queenan – I think it would be easier if you made a list for example. We need Health Department approval, we received it and it's still valid, etc. that would make it much easier.

David M Zigler – And make a copy of the SWPP (Storm Water Pollution Plan) for you to review, a copy of the resolution from the Planning Board and a set of maps. We'll make 3 packages.

Attorney Dickover – I suspect the resolution for the drainage easement was subject to Village of Walden Attorney review and approval as well, so you might to get that also.

William Helmer – I'm sure we had discussions and everyone will remember, the Building Department tried to help us all these years.

Chairman Plato – If carries through that's fine but if it doesn't I think there are probably no more than 2 members of this Board that was on the Board back then.

Member Wilkins – We will put this on the agenda for the next work session 06/06/16.

Attorney Dickover – Are permits that you received still valid or have they expired?

David M Zigler – I don't know the dates.

William Helmer – We're here to start the process again. Whatever we have to do we will do? It's not the Board that's been the hold up. Thank you.

**C. DISCUSSION ITEMS:**

**C.1 Signage Smokers Choice and Laundry**

Chairman Plato – They're signs do not conform, I was under the impression they took them down and now they're back up?

Member Pearson – I think that's enforcement issue.

Chairman Plato – I would think so, yes. We'll have Building Inspector Stickles take care of it.

Member Trafton – As long as the Board didn't approve those colors. They didn't come before the Board did they?

Chairman Plato – No.

**C.2 Burger King, Site Requirements, Colors, Signage**

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Chairman Plato – My understanding is that they are looking to possibly go into the building where the bank was in the Thruway Shopping Center.

Engineer John Queenan – Building Inspector Stickles was concerned about the colors they usually use in their signage.

Chairman Plato – What we've basically have done is, if it is a trademark type sign then the Board has gone with it.

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

**With no other matters in front of the Planning Board  
Member Pearson, made a Motion to adjourn  
Seconded by Member Trafton, with all members voting yes.**

**MEETING ADJOURNED:                      815pm**

RESPECTFULLY SUBMITTED  
June 06, 2016  
Nancy LaMancuso  
Planning Board Secretary