

Village of Walden
Planning Board Meeting
January 18, 2017

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Present
	Jason Trafton	Absent
	Zac Pearson	Present
Alternate:	Larry Kraus	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Tara Bliss	Present

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

1. APPROVAL OF MINUTES: None

2. BOARD BUSINESS

A. PUBLIC HEARINGS: None

B. FORMAL APPLICATIONS:

B.1 29 Overlook Terrace, Amended Site Plan, Emergency Generator

No one in attendance at this time.

B.2 29 Grant Street, Site Plan

Amy Haight, Project Engineer from the Chazen Companies, representing the applicant Sam Cichon explained that the proposed site, 29 Grant Street, is bordered on the East Street by Elm Street, North side by Grant Street and the West side by the Train Tracks. It is located in the MX Zone and is a former lighting plant. All buildings are preexisting. Proposing to pave approximately 39,000 sq. ft. in conformance of the ground field clean-up which required that the existing pavement be capped with asphalt. That complies with the NYS DEC regulations and they have already signed off on the plan already. Proposed uses are all possibilities, there are no tenants lined up as of yet. The parking we are showing is based on the proposed uses and we tried to be conservative. On the map provided it is the hashed area proposed to be paved. We would extend the curb from the existing retaining wall to capture and runoff and direct it towards the wetlands located to the south. Much of the site is considered disturbed because it is gravel. By adding the asphalt we are not increasing the disturbance in the areas that are already asphalt. The northeastern corner is grass currently. The majority of the proposed area is a gravel driveway. We are discussing a site plan approval for the pavement area to be modified and there is a vapor barrier and venting system to be installed in the basement in the main building as part of the remediation of the contamination. The only thing visible on the exterior would be a 4" diameter vent pipe coming out to the roof. The contamination is fairly common and is a common remediation process to cap it and cover it as well. The intent is to keep it here and pave it which will raise parking lot elevation about 6" which will take care of the contamination. Buildings are going to be maintained and preserved not demolished or any new proposed buildings on the site. There are no critical habitats for endangered species. The entire area is already considered disturbed so any historical features would not an issue. The proposed traffic count is based on these uses the increase in traffic is approx. 24 cars during week day morning peak period and 41 cars during a week day afternoon peak period. There is a myriad of uses proposed including: retail, residential, medical office, and restaurant, and we feel we are being conservative with traffic count based on those uses.

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Member Pearson asked what the plan is for storm water run-off. Understands the gravel and pavement is impervious but are you just paving it and dumping it in the wetlands?

Ms. Haight replied the wetland is considered a hot spot by the DEC so they can't infiltrate. Currently run off is going towards northeast corner and there is a catch basin where the majority will be caught. The rest will hit the retaining wall and curb and will hit the wetland which is an Army Corp wetland not regulated by the DEC. Since we aren't disturbing most of the site the majority of it is going there anyway, we are not adding anything, not disturbing it.

Member Pearson asked if planning to put down item 4 and then pave on top of that or cap what's there.

Ms. Haight replied they plan to cap what is there with binder and top course. They would roll it to compact it and bring it up to the level required by the remediation.

Building Inspector Stickles asked about the protection in the plan for the 2 existing homes there.

Ms. Haight replied that the existing retaining wall there will protect them and they will then extend the curb matching the retaining wall out. We may have to modify or repair the retaining wall but run off that hits that will be directed out to the wetland.

Engineer Queenan stated his office is still reviewing this. One concern about drainage so far is that at Grant and Sherman there are existing flooding issues as well as at the end of Elm Street going into AMPAC. Understands there is gravel there already and now going to pave it. It is general area flooding but does not see any improvements on site that will catch water that is coming out. Not sure if it ties into the remediation or not but that is pretty far run to get to that basin which is all curbed leading to the basin.

Ms. Haight stated we can only raise the site a certain amount as there are entrances on the buildings existing already and can't grade it. It is a minimum of 6".

Engineer Queenan stated that the corner will be a problem as it will have to hit the sidewalk to get to the catch basin that is on the curb side.

Ms. Haight thought it was cut through the curb.

Engineer Queenan asked who owned the retaining wall.

Sam Cichon, owner applicant, stated that he owned it. It is a 2 foot wall that goes down. He suggested that we put in a little curb around the edge and perhaps pulling the pavement straight back to the other side of that existing concrete block it would solve the problem of disturbing the retaining wall and stop the water from going in that direction.

Engineer Queenan stated that a lighting plan and minor construction details for paving are missing.

Ms. Haight replied they are putting that together now.

Engineer Queenan feels there would need to be a basin on their side to catch the run off which will be a tricky spot. Need to get copy of the remediation plan that was approved. He asked her to run through the uses of the buildings for their knowledge.

Ms. Haight stated the proposed uses would be: starting with Building 4 section 1 would be a manufacturing non nuisance industry which is what it was before; Building 4, Section 2 is proposed retail on 1st floor and 2nd floor would be an artist loft (studio apartment with artist area); Building 4, section 3 is proposed retail space on 1st floor, artist loft on 3rd floor, and 2nd floor would be a residential 1,000 sq. ft. apartment; 1-2 bedroom. Building 1 (furthest East building) would be 1st floor office space and 2nd floor a

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residential apartment, 2 bedroom. Building 2 is office space. Building 3 is potentially a medical office, single practice.

Member Wilkins asked if the 2-3 story buildings in the front would they have an elevator.

Mr. Cichon replied no, just stairs.

Building Inspector Stickles asked about the Brownfield areas, is there a restriction of use.

Mr. Cichon replied it can't be used for living space but can be anything else; a bakery, market, anything, just not living.

The Board reviewed the short form EAF aloud.

Ms. Haight stated it is an architecturally sensitive area as the existing building is a NYS historic marking for the former Ericsson Rider Engine Company. Not proposing to do anything to the buildings due to this.

Attorney Dickover stated that this would make this a type 1 action so we will need a long EAF form.

Member Wilkins commented that the other concern he has is with the multiple usages it increases traffic a substantial amount.

Ms. Haight replied we feel we assumed worst case scenarios based on all the potential usages. There are 49 total proposed parking spaces shown on the map. Not paved just showing as an area if needed. There is a building with a height requirement is 35 feet and is all a legal pre-existing non-conforming but it is a possibility. The property doesn't comply now and we are not proposing any changes to the exterior of building.

Attorney Dickover stated he will look into it.

Engineer Queenan asked if they would need a general permit from storm water.

Ms. Haight thought we might potentially need it but we don't think we need it as they confirmed that the already gravel area is not being disturbed.

Attorney Dickover stated that the non-nuisance areas are special exception usages so you have to go through the special use criteria when we come to that time. Since it has not been used so long they would have to go through that again. Code also speaks of the traditional mixed use neighborhoods and railroad use guidelines and the mixed use district design guidelines on file in the Village Clerk's office. Need to check with Dean and the Clerk on those items in his memo (copy given). For SEQRA purposes could declare as lead agency but need to hold off on typing as it may be a Type 1 action. If so they need a long form. Public Hearings are optional and will need to decide if the Board wants to hold one.

Engineer Queenan asked if the project is 500 feet of Route 208/Orange Avenue.

Ms. Haight replied she was not sure but will double check on that.

Building Inspector Stickles stated this project hasn't been sent to the County yet for review.

Ms. Haight stated they were looking to have the public hearing waived as they are not making any exterior changes.

Attorney Dickover replied they would not make that determination just yet.

B.3 Overlook at Kidd Farm, Developers Agreement

Attorney Dickover sent everyone the draft Developers Agreement to be reviewed and is looking for comments before sending to the applicant. Village Attorney has reviewed it and has given his feedback. A few questions came up one is about the streets and if they had to be bonded in this project and he drafted this as if they did as they will be privately owned but the water/sewer mains running within them would belong to the Village so as part of the condition of the approval of the applicant to dedicate an easement within 50ft right way so we can maintain the lines. At the same time he called for bonding that street and he still stays with that recommendation as Village code allows for street/highway improvements and state code calls for bonding if they are improvements required by the Planning Board and finally they are also required for public safety also covered in state code. Should not be a surprise to the applicant. It does call for completion within 36 months and you will see that in red because he doesn't actually know the answer and would like to request the Boards input on that and determine if it is enough or is it too much. We can always request additional time but we should have a time frame in there to complete the project and improvements.

Chairman Plato read it to be for the entire project and he thought 36 months was too long, 3 years is more than fair but let's put in 2 years.

Attorney Dickover stated that in Schedule B is where we will spell out the improvements required to be bonded and the 36 months is tied to those improvements. He feels it's a good starting point to discuss with the applicant who can always request an extension.

Member Pearson feels 36 months is plenty of time and feels it could be done in less time.

Chairman Plato asked if the Village accepts performance bonds or only security bonds.

Attorney Dickover stated that is where the code is contradictory in one place it says performance bond to be secured by cash, letter of credit, or certificate of deposit. One place says Surety bond and shall be collateralized with cash, CD, or letter of credit. Zoning code says it can be done either way. With Dunkin Donuts they got both with their project which is not unusual but do have contradiction in the code. The argument is if he has to put up all that cash why do they need the surety bond. Our code supersedes state improvements.

Chairman Plato stated that whatever it is or turns out to be has to be approved by the Village Board.

Member Wilkins asked what the advantage to keeping the streets private vs public is.

Building Inspector Stickle stated that they aren't planning to build it to the 50ft wide that our code provides, only 24ft wide.

Engineer Queenan agreed and added the road will be built to specs just not wide enough.

Chairman Plato stated his only concern is that if it gets built in phases and then they never build the road, what happens then. Can we put a time limit in there for that?

Attorney Dickover replied that is what we would have the bond for that and a provision that says all public improvements in section 1 must be completed before building permits for the next section would be given. It is outlined in Schedule C in the Developer's Agreement.

Chairman Plato stated that his concern is that the through road gets completed.

Attorney Dickover replied they will have to bond that top course that's the only way you can make sure it gets done. The bond will be self-renewing and they will keep paying for it.

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Chairman Plato said he understands, but his concern is that the road won't ever get completed. He feels if they start the project and then stop for 2 years for some reason that he feels it should be forced to be completed.

Attorney Dickover stated he will review, tighten up the time frame, look into the top coating question, and make changes and then send it onto the applicant.

C. DISCUSSION ITEMS: None

D. INFORMATION ITEMS: None

E. CORRESPONDENCE:

Building Inspector Stickles explained we have a bill from Dickover, Donnelly, & Donovan for attorney's fees for the Overlook at Kidd Farm project review.

The Board reviewed and approved unanimously invoice number 320160 for attorney review of the Overlook at Kidd Farm project in the amount of \$820.00.

2. COMMUNICATIONS: None

3. EXECUTIVE SESSION: None

4. MEETING ADJOURNED at 8:30 pm.

RESPECTFULLY SUBMITTED
January 18, 2017
Tara Bliss, Village Clerk
Planning Board Secretary