

Village of Walden
Planning Board Meeting
January 9, 2017

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Present
	Jason Trafton	Present
	Zac Pearson	Present
Alternate:	Larry Kraus	Present
Building Inspector:	Dean Stickle	Absent
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Tara Bliss	Absent
Acting Secretary:	Marisa Kraus	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:** None

C. **DISCUSSION ITEMS:**

C.1 39 Edmunds Lane, Potential New Owner

John Cappello, Attorney was present for the potential new owner Adam Demchak of Polich Tallix, Inc. Very exciting new business here and for those of you who may not know the Big Apple Circus is selling their property located on Edmunds Lane. The potential owner is working on new facility on 17K and 747 in Town of Montgomery. One of the things they do is make the Oscars and they brought one here. Under your code there is a provision that allows the BI to go from one permitted use to another without changing the site which allows him to waive the formal requirements of site plan review. So they are looking to discuss that law and why they believe this use will work there. Adam will give more details in the processing there but this facility can move into this building with a few interior improvements and make up to begin operating. The building is uniquely suited for it, before it was Big Apple Circus, it was Hudson Wire which did similar manufacturing and assembly in the building. They had site plan approve and then Big Apple Circus came and they made improvement to the site to build the temp corridors and there are camping facilities for people to live, 48 in the rear. Not proposing to make any changes to the site plan and he wanted to go through the provisions. He reviewed the site plan with the Board for the Big Apple Circus. Hudson Wire didn't make any changes and this map shows 16 spaces in front 44 on the side and all the paved area in the rear. Big Apple kept the 44 space area but used it for parking trailers. They weren't designated parking areas, but there were no physical changes made to the area. So what we are proposing to do is keep the unchanged 44 spaces that were approved by Hudson Wire and has not been changed so there would be no additional disturbance, we would just paint the lines for the spaces. Adam went out today to do measurements to make sure that none of the pavement has been disturbed, changed, or moved. In the front area there are 13 spaces that exist and there were 16 spaces that were approved. That is a total of 57 spaces. Village code calls for non-nuisance industry, 2 spaces per every 3 employees. There's currently 73 employees. If we had 90 employees we would need 60 spaces and we have easily out front 57 spaces and the rear was a former well site that has been abandoned but is all paved there and there is a parking area where there was 3 trailers parking. That doesn't even take into account where the camping facility was located. There is more than enough parking for the 73 existing employees with some future growth for employment. We are going from one permitted use to another permitted use. Code requires, in order for the Building Inspector to grant a waiver, that there be a site plan review in existence by the prior user and is not otherwise exempt from a

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full review. Both Hudson Wire and Big Apple Circus went through full site plan review. The next requirement is that off street parking are the same or less. In our instance there are no parking requirement for circus, the prior use. If you look at the Hudson Wire building plans you can see that there were lockers and child facilities so they had a similar number of employees. So parking we believe is there. Third requirement is the hours of operation and whether they will be the same as the prior use. Big Apple Circus wasn't there all year around so we aren't sure how you determine what their hours of operation were. Obviously they lived on the site so one could say 24 hours. It would be one shift Monday through Friday and one limited shift on Saturday. There is no anticipated change of traffic flow and would be similar to Hudson Wire. With Big Apple Circus obviously during their peak hours of performance there was obviously a generous amount of traffic. This is not a high traffic generator but Adam will speak more on the specifics of that. He hasn't experienced a great amount of traffic there personally. The last requirement is whether there will be any change in the footprint or structures on the lot and we are not proposing any kind of change and there will be no change in the height of the structure either. He feels we meet the conditions of a waiver of site plan approval.

Adam Demchak, Executive Vice President of Polich Tallix, Inc., explained the company has been in business for 47 years. Dick Polich, our founder and President is still active in the company he is 84 years old. He's personally been with the company for 3 years and has an engineering and management background. He is the succession plan in the company, they have a Board of Directors, and should anything happen to Dick he would become President and the company would keep going. He is a younger guy looking at the future and looking at what we are doing 20-30 years. We have been leasing the property at the corner of 17K and 747 for 20 years and at this point and they don't want to be leasing a property for another 20 years. The unwritten agreement with the property owner was always when they were ready to purchase they would sell it to us, but after 20 years they changed their mind they wanted to keep it in the family. So we started looking around and this is the perfect property for us. We have slowly grown and acquired more space in the building they are in now. We have just under 100,000 sq. ft. now and have 73 full time employees and a few part timers. We can take Big Apple Circus building that is just about 60,000 sq. ft. and do our production in that space and couple that with an off-site storage space that they already have leased in Walden. His focus for the company is to position ourselves so we can be competitive the next 10, 20, 30 years down the road and in order to do that we need to own our own building so that we can control our costs and be able to grow and expand and reap the benefits of that growth rather than putting money and expansion into someone else's building which we've been doing for 20 years. In terms of our history we have grown steadily throughout the years. We are bigger now than we have been. Not a lot of ups and down, we slowly add, slowly build, and slowly grow. His role is to expand and boost that. We are the biggest art foundry in the country. We are not the little guy in a big pond; we are the big player in the country. If we grow it's by bringing in processes that we've historically outsourced which is something we are actively looking at and involved in now. We are a foundry and art fabricator. Out of 73 full time employees there are 2 that are involved in the foundry; actively melting and casting metal. Predominantly we are a metal fab shop; assembling castings and finishing castings. The Oscars are a cool little thing that they do, but primarily we do busts, statues, and private/public installations. He showed images of what they do to the Board. They are not the artist they are hired by the artist to do the work for them. The artists sculpts the clay, they do the work, then they bring it to them and they make a metal casting of it. From a head count very few of us are in the foundry area. Predominately we are working with wax and from castings assembling and making them sculpture quality.

Member Trafton asked if they did the Richie Reynolds Memorial sculpture in Montgomery.

Mr. Demchak replied yes we did. One of our employees is a friend of the Reynolds family and they didn't even know about us. They had done the fundraising to put a memorial in place and they were going to do that in Utah and through our employee they found out about us. We brought a sculptor in to do the art work in this instance because they were working with the family and he did the sculpting for them and we did the casting. We did everything for about half price to get that in place.

Member Wilkins asked about all the material that's around the building on 17K there, what's going to happen to all that.

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Mr. Demchak replied that none of that is ours. We have $\frac{3}{4}$ of the building, the other $\frac{1}{4}$ is a sculptor named Frank Stella. His sculptures are across 747, none of those are ours, those are all his.

Chairman Plato asked if they have anything that's outside that building.

Mr. Demchak said we have a sculpture that is in the front and some along the side where their parking is and an employee has a garden in the field. But previously the building was used to make precast concrete parts and a lot of those parts are still there but none of it is ours, and definitely not the fusel lodge/air plane.

Member Trafton commented that initially he didn't think the building would be big enough based on what he saw outside of their current building, but that clears that up.

Mr. Demchak replied that we have 100,000 sq. ft. in that building and 30,000 sq. ft. we only use for storage. He's already off-sited that storage at a warehouse space in Walden and they would have to shrink down 70,000 sq. ft. into 60,000 sq. ft. to fit in the BIG APPLE CIRCUS building, which is absolutely doable. So this is a clean slate and we are working with an industrial engineering consultant on our layout to easily fit in that smaller space.

Attorney Dickover explained that the code allows for the Building Inspector to waive the site plan approval but there is no counterpart for the Planning Board to do that and he thinks that Mr. Cappello acknowledged that in his letter to you. He feels that is an appropriate request. He outlined the criteria of what the Building Inspector has to examine, just as Mr. Cappello did for you as well. He suggested what they might want to look at and determine what sort of waiver is appropriate for this site. He feels the Board should ask themselves; what would a full site plan application do on this proposed project if you were to review it? What might you want in the application to review? And if nothing, maybe it would be appropriate for the Building Inspector to do whatever. Unless you feel there are things that you feel would be subject to your review and then maybe his waiver would not be something you would recommend.

Chairman Plato asked about the foundry portion of the business; is that mostly electric furnaces and is there enough power at that site for it?

Mr. Demchak replied yes, it's all electric and we have about twice as much power than we do now at the Big Apple site.

Member Wilkins asked if anything would be outside

Mr. Demchak replied no, other than dumpsters. Where we are now we have no yard, it's just gravel so we would like the opportunity to dress up the grounds and to put in a sculpture park for visitors. Most people don't know that they make the Oscars and College football championship trophies. We would like to put on events for the community to come in and see what we are doing and be involved and this is a nice place and opportunity for us to come in and do that. We've never had that and we love the idea of it.

Member Wilkins asked about the detached building at the circus property, the barn; what would you do with that building?

Mr. Demchak replied that the woman who kept the horses for the circus is going to take all the stalls out of the barn and they'll use it as a cold storage area for supplies and things. It has an asphalt pad and without the stalls it's a 4,000 sq. ft. pole barn that they can use for raw materials outside.

Chairman Plato doesn't see any issues.

Member Wilkins and Member Pearson agreed.

Attorney Dickover explained that a response back to the Building Inspector is appropriate. We are looking to see if the proposed usage of the barn for outside storage is compliant or now. From a

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compliance stand point, presume the Building Inspector grants the waiver and down the road a few years there's some question as to whether the new owner is using the building in compliance with the code. Only way for the Building Inspector to go there and make that determination is based upon the existing site plan which is the circus site plan. So as an example, if you go there and look for a horse stable now it's going to be cold storage and the question becomes is that in compliance with the existing site plan and the answer is probably no. It might easier to just do a site plan review. But it seems that a narrative describing all the proposed uses to the Building Inspector would be appropriate. That way the Building Inspector would have something to work off of should something like this happened down the road, otherwise the Village is in a pickle.

Chairman Plato asked if they put something from the applicant in the file for the property would that be ok.

Attorney Dickover stated a narrative would probably do the trick.

Mr. Cappello added that as a condition of the CO you could require that we provide a narrative.

Chairman Plato stated that they don't want to tell the Building Inspector what he has to do but we could suggest this to keep the file straight in the future.

Mr. Cappello stated that they need to move fast to secure this project. We will be obtaining a survey that is certified to the applicant and can submit that to the Building Inspector as well to show exactly what is there. Also if the Village is interested in having the sculpture park that the applicant can come back to the Planning Board to discuss that.

Attorney Dickover agreed and stated that is exactly what he is talking about as that would require an amended site plan for something like that. If both parties are amendable and you feel this is an appropriate applicant for a waiver the Board could write a response to the Building Inspector.

Chairman Plato asked the attorney to draft that response and that we would have it back to the Building Inspector this week.

Member Wilkins asked when he thought they might be back for a site plan revision for the sculpture park; within the year?

Mr. Demchak replied yes. They mostly have things tucked away that are property of the foundry.

Member Wilkins made a motion to have counsel draft a report to the Building Inspector that 29 Edmunds Lane, Potential New Owner Polich Tallix, Inc. is deemed an appropriate owner for a site plan review waiver subject to receipt of a narrative given by the applicant. Seconded by Member Pearson. All ayes. Motion carried.

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

2. COMMUNICATIONS: None

3. EXECUTIVE SESSION: None

4. MEETING ADJOURNED at 8:04 pm.

RESPECTFULLY SUBMITTED

January 9, 2017

Tara Bliss, Village Clerk

Planning Board Secretary