

Village of Walden
Planning Board Meeting
May 17, 2021

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Absent
	Zac Pearson	Present
	John Thompson	Present
	Jennifer C. Muehlen	Present
Alternate:	Basil Stewert	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Marisa Kraus	Present

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

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

Member Wilkins made a motion to close the Planning Board meeting and open the Architectural Review Board. Seconded by Member Stewert. All ayes. Motion carried.

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B.1 41 Main Street, Architectural Review, Signage

Member Thompson made a motion to approve as submitted. Seconded by Member Pearson. All ayes. Motion carried.

B.2 75 East Main Street, Suite #3, Signage

Member Wilkins made a motion to approve as submitted. Seconded by Member Stewert. All ayes. Motion carried.

Member Wilkins made a motion to adjourn Architectural Review Board and reopen the Planning Board. Seconded by Member Muehlen. All ayes. Motion carried.

B.3 Orange County Transit, Site Plan

Anthony Mirando: We made another submission at the beginning of May, where we incorporated the direction from the Board in respect to the layout and some other items. We also concurrently submitted on the 5th with the Department of Health. They issued a memo in mid-April. We did a response memo in response to an updated report and we gave them the updated plans. They now have the same as you. I don't believe you have any outstanding items with the Village Engineer or the DPW. We still haven't heard anything from the DOT.

Chairman Plato: Talking about the noise on the eastern border and it just seemed to me like you're still parking the busses.

Anthony Mirando: Those busses are there are inactive busses. Just stored there. We're moving those as soon as this is done and fix up the fence and do the berm and the landscaping.

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Member Wilkins: As part of the approval, when we get to that point, I would like to recommend that there be no storage of other vehicles, tractor trailers. There's about 3 or 4 trailers on the east side where busses are being stored. Been there since the winter time.

Anthony Mirando: The only thing I would say is we'll follow up on that certainly. I know those are being relocated. But there are other tenants on the property. There are George Fuel and some auto body places. I can't blatantly say that no other type of vehicles are going to be on the property.

Member Wilkins: School bus storage, would be storage of unused school busses, active busses, I would prefer not to see any other vehicles on the property other than maybe a gas truck, but to rent space out, other than for school purposes. I don't think that's something we anticipated.

Anthony Mirando: I apologize and try to make sure I understand, because existing tenants with commercial and industrial uses on that property. I just want to make sure we understand Orange County Transit is parking busses, to your point, to fuel and trucks, of course, if they come, but other vehicles associated with the multiple tenants on the property, I don't want to comment on that at the moment. I'm just not sure what vehicles you're talking about.

Member Wilkins: You said that the vehicles are there now on the east side, are not related for school use.

Zach Peters: I remember the applicant had previously said specifically in regards to the trailers bodies. Those are the ones I'm aware of, those are going to be removed from the site. We'll follow up on the other things.

Member Wilkins: The question is regarding paving. How are you going to protect the blacktop from being disturbed when you plow the item 4?

Zach Peters: I think we had spoken to this a little bit at the last meeting. We've updated the plan to show the paving, as we discussed, instead of just the access aisle that loops through the site. We've shown essentially everything north of that and then the rest of the proposed employee parking lot on the side. So, we have sort of a continuous edge where the blacktop meets the item 4. It's going to be blended in and I know we've discussed at length, the potential for settling along the edge there. I think we discussed that that's going to be on the applicant as a maintenance issue. They actually are not going to want to let it deteriorate, but there's not any specific measures that we're proposing at this time. Other changes, we added proposed signage along it's easterly property lines, the west side of the berms. That's for "No Bus Parking". As part of the paving, we were able to remove some of the guide rails for delineating the spaces and that's all now going to be straight for designating passenger cars, small busses, large busses, as well as gridding off some of these areas for snow storage with actual striping on the pavement. I think that with the changes to the payment really encompass most of what we discussed at the last meeting.

Chairman Plato: The other question about sound. Did we get a sound study?

Kristen O'Donnell: Yes, we did. Our comments with respect to the noise study were really with respect to the measurements that were done in the protocol that was used, because of the noise readings were done in January, in 1 hour of 1 day in January. I believe the study identifies the peak hour at the site is 5:45 to 6:45am. I don't think that our office had any concerns with the results of the sound study per say. Our concern was with the fact that the noise readings were only done on 1 hour of 1 day in January. Besides the fact that the study doesn't give a lot of background, exactly what was going on on the site that day, and it kind of doesn't say how many busses were there, it does say there was no exterior limitations on the capacity that day. But the question is, was the operation reporting unlimited capacity because of the limitations on schools through Covid? Were they operating in more capacity because they just weren't transporting the number of students? I don't know the answer to that, but it's just a question that we had. Whether that was reflective of what the future will bring for this site.

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Chairman Plato: I think the idea of the noise is not to annoy the neighbors, which I think the complaint is about 4:30-5 in morning. I don't know why the sound study wouldn't be done before they start operation and then start operation and see what the difference is.

Kristen O'Donnell: I think it would have probably made more sense to do a little bit larger window. It's just very matter of fact. This is the peak hour, because we say it is and this is what took the noise. I think you're exactly right. I think it would have made more sense to probably take readings for an hour before that, where they believe the peak to be. I'm not sure from the study if we're getting a time when the engines are turning on. Whether or not we're getting a time when employees are arriving. I don't believe that we are. It's basically said that that's when the most of the busses are running. It probably would've made sense to do the readings slightly before and maybe slightly after to get a little bit more reflective and maybe it'll prove their point more. We just don't have information.

Chairman Plato: Just to see the change in the ambient. I think that's something that should be done. If you're in a condition where you're not running the busses now, you still could do something like that.

Anthony Mirando: I'm going to pause for quick. Procedurally, at this moment in time, we don't have our sound engineer here. We were sort of on the understanding that there was a another consultant hired by the Village to look at sound and we were waiting to hear back and there's going to be another meeting. If we would have known, I'd have him standing here. I don't want to shut off the cuff here, but I also don't want to waste another month. We just need to resolve. If there's questions that we need to answer, that's fine. I'm just saying, how do we efficiently resolve this question.

Chairman Plato: What was the change in ambient?

Kristen O'Donnell: I believe it's 7 decibels. I think the study did a good job of explaining the increase in noise and dissipation of noise over distance. They took readings right in the bus parking area. I don't think we had an issue with the results of the study. They explained the mitigation and how it's going to dissipate the noise and how it's going to mitigate the impact the neighbor. We just had questions about the times and why and about the procedure that was that was done. The DEC says that 10 is an extreme change.

Anthony Mirando: I'm going from memory, but I don't believe the 7 was a straight calculation. I think when it was factored in.

Kristen O'Donnell: All noise is relative. For commercial district and it does talk about the ambient noise that's coming off of 52. It's not an unreasonable amount of noise that's coming from the site. If you're sleeping at 5 o'clock in the morning next door, it may be different. But it is a commercial zone. The understanding of noise in a commercial zone is of course different than it would be in a residential zone. 7 decibels is within a normal expected range. And again, the location of where they were taking the noise is the center of the parking lot. They have a show a distance where they're not going to be parking trucks. They show it's about 100 feet from the right hand side to the neighboring property. They also discussed the dissipation based on the berm mitigation.

Anthony Mirando: Even your ambient sound level measurements indicate that noise from vehicles operating within the project side would be less than 43 db to the nearest adjoining property.

Chairman Plato: To me it's so low that it doesn't sound right.

Anthony Mirando: Remember that the busses are being moved away from the property line. The ambient level from 52 is louder than anything coming off this property. There's a number of factors when you look at this that comes to the conclusion of why this wasn't an unreasonable level of noise. It complies with the local ordinance. It's lower than existing sounds.

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Kristen O'Donnell: John Queenan said that there was a discussion about the back beepers that weren't taking into consideration with the reading.

Anthony Mirando: The back up beepers are required. They can't be shut off. There was a question about a kill switch and can't do a kill switch because they're required by law to have back up beepers on busses. They're technically exempt from the noise ordinance.

Chairman Plato: We also discussed that there could be an area where you could test those just before they go out.

Member Thompson: And to be honest, the area being most effected is not residential. It's parkland. The Walden Park is really effected. From the pavillion all the way to the bus company.

Member Muehlen: Does the noise level change based on the number of busses at the time? Again, the study was done in January when a lot of students maybe weren't going to school.

Kristen O'Donnell: The study doesn't address that. That was 1 of our questions, whether it was the volume that they were operating at was lower because of Covid. It just didn't talk about it. It said something like there was no outside influence on the volume. I'm not really sure what that means exactly, but that's just 1 of the things we asked him to explain.

Zach Peters: I'd like to confirm. My recollection is that the day that was chosen for the study was chosen specifically because they were going to be operating at standard capacity without any schools closed.

Kristen O'Donnell: I would think that the technician that did it probably took photos or something on the site. You could just report how many busses or something like that to discuss volume relative to what a standard day is there.

Anthony Mirando: We'll take these comments and hand them directly to our sound consultant tonight or tomorrow morning.

Kristen O'Donnell: Do you have any correspondence from SHIPPO?

Zach Peters: We'll check that out. And we're still waiting on comments from the DOT.

Kristen O'Donnell: John Queenan had a question about amount of disturbance with respect to storm water management, so with the new amount of paving and the engineer spoke earlier about kind of taking up the existing gravel and then putting down a new base. We asked for just a recalculation of that, plus the disturbance for utility installation. There's a table that just needs to be updated on the plan with respect to the total amount of disturbance.

Zach Peters: There's a table that we updated that has a total response for everything is approximately 25 acres for the utility line installation. What's being proposed for the excavation and the base of the road in this area is under an acre.

Kristen O'Donnell: He had some other kind of minor comments asking for details, pavement detail, things that are fairly minor and asked about signage. I know you talked about "No Bus Parking" signs, were there any other freestanding signage on the site?

Zach Peters: Other than the handicap accessible signage, there is nothing else being proposed?

Chairman Plato: Would it help if we had a sound engineer to help us be more efficient?

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Kristen O'Donnell: I believe that John Queenan actually reached out to a sound engineer, just they were not going to be turning around comments in time for this meeting. So, we gave some preliminary comments.

Chairman Plato: Can we try again to see if we can get some comments and get him to the meeting?

Anthony Mirando: My next statement is going to be stated as politely as possible. In February, we filed the noise report and then there's discussion about retaining a consultant. It's now mid May going into June and we're talking about meeting a sound consultant. I'm just concerned that we're going to give this now for our guy to answer questions and show up. And then next thing we're going to get another memo from somebody else.

Chairman Plato: Before we take action on SEQR, everything has to be mitigated. Then we can set a public hearing. From the beginning, sound has been an issue.

Anthony Mirando: 4 months ago, we dove into it hard and before that we spoke about it prior to that. I'm only saying this because you also understand that I have to go to the Board of Trustees tomorrow night and give them updates and tell them how we're doing on timing. We're trying our best to be responsive.

Member Pearson: That's a response to those open comments that we have. We're going to get to response back and it's going to be reviewed by whoever we're using. They're going to respond to the open comment. I don't think we need our sound guy here, they'll respond to it.

Member Thompson: I would just give to John and John will report to it.

B.4 Walden Glen, Site Plan

Dave Zigler: *refers to map* this is the existing condition map. There's very few units on site. You have the cluster of 4, 3 and then another 3. Back when we started in 2005-2006, there was over 50 units. Our idea at the time was to redevelop the site with new utilities, new road. And every time a unit would be pulled out, it would be replaced by a new one. That all hinged on the drainage of Winding Hills being picked up, putting it into our drainage and then putting a big pipe into the Winding Hills retention. We went through that process, received approvals. Several times it looked like we were going to get an easement, but we didn't. That part we changed about a year ago, the owners decided to change their project and basically take drainage that we were going to create out to Gate House. That's directly across the street. A Village Street. That impacted the layout. You take the drainage and putting it across the street. You take all those units that are now gone and we come up with a new plan. The new plan really depicts the units that are probably being put in, they're wider units, shorter. Instead of the units along the north and perpendicular to the road, we're now parallel to the road. So, there's less units. We lost units because we have now have a big retention pond. Our drainage is going to go into the retention pond and filtered out a new pipe across 52 and then down to the Gate House drainage system. That whole layout has us down to about 43 units. We started around over 50 and then when we were doing the replacement type units in the high 40s. Now with the changes that we're proposing, staying away from the property line, we're down to 43 units. We're still going to do all improvements. It's a redevelopment, but everything's going to be new. The sewer, water, utilities. A new driveway. Then you'll have these 9 units that will remain and these newer units installed as we go along. With that change that we have right here, we applied with the new application, a new SEQR. We would probably ask you to circulate to be the lead agency. And I have comments from John and after circulation we'll discuss it. It's a little bit smaller in size. It's a different way for the drains to go, but it's still a total replacement, parking areas, roadway, water and sewer, utilities.

Member Wilkins: Wait for the rest of John's comments. Probably at the next meeting and go from there. The big thing is the approval from DOT.

Dave Zigler: It shouldn't be a problem because we have a pretty defined entrance and exit. We're not asking for a change, but I would still need to get that. Back when we started, it was a different protocol for

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permits and things have changed over the years. With this new start, we will be contacting people we have not done before. We'll do that and bring this stuff together. I don't know if you'll have the comments by next meeting.

Kristen O'Donnell: How much total disturbance do you have?

Dave Ziggler: You're looking at about a little over 3 acres.

Kristen O'Donnell: If we're at between 3 and 4 acres, this would be an unlisted action under SEQR. We wouldn't have to circulate.

Attorney Dickover: Do you have other interested agencies in the project?

Kristen O'Donnell: Yes, the DOT is an involved permitting agency for this application.

Anthony Mirando: What about new sewer lines, new water lines?

Kristen O'Donnell: DEC would be issue a SPEDS permit. Health Department would probably have permitting over the new sewer.

Dave Ziggler: It's a replacement. So, it's not like new but yes, it still needs to circulate.

Attorney Dickover: I think my suggestion would be what you said, is that in this instance, probably declare the intent to be lead agency, circulate notices. Preliminarily type it as unlisted and wait 30 days.

Dave Ziggler: Should I replace the short form with a long form?

Attorney Dickover: That's up to the Board. They can ask you for a long form. You don't have to on an unlisted project.

Kristen O'Donnell: As the site is largely developed and in the short form, there wasn't a habitat check, there wasn't an archeological check. You're going have to coordinate with SHIPPO regardless, because of DOT permit. You'll end up doing that. If SHIPPO wants more evaluation, they'll certainly ask for it.

Attorney Dickover: Previously disturbed area, the chances are that any comments they have are going to say that. I don't really see the need for a long form, but it's up to the Board.

Member Pearson: Where does the drainage go once it ties into the system? Treatment?

Dave Ziggler: We have to treat it before we put it in the system. We have a retention and we have water quality on site.

Attorney Dickover: Tonight, if you think, I don't know that you have an answer to this, but if you think the plan is reasonably complete, you could also send it up to the County on the 239 referral. It may be premature to do that since John hasn't looked at it yet.

Kristen O'Donnell: John's question were related to zoning. I think you should probably iron out those of those zoning issues and give us a bit more narrative and making sure it meets all zoning requirements before sending to the County. A couple more dimensions on the plan, we ought to be able to confirm all of that.

Attorney Dickover: John also questioned whether or not sub divisional was required. I haven't examined the plan yet to see if there's a subdivision involved, perhaps they can address that.

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Dave Ziggler: This is going to be a rental. Nothing is going to be sold. There's management. No lots are being sold. They own the units but rent the lot.

Member Wilkins: We look forward to working with you.

Member Pearson made a motion to declare intent lead agency. Seconded by Member Wilkins. All ayes. Motion carried.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION:

5. MEETING ADJOURNED at 8:37pm

Member Wilkins made a motion to adjourn meeting. Seconded by Member Muehlen. All ayes. Motion carried.

RESPECTFULLY SUBMITTED
Marisa Kraus, Village Clerk
Planning Board Secretary