

Village of Walden  
Planning Board Meeting  
June 21, 2021

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Absent
	Lisa Dore	Absent
	Jason Trafton	Absent
	Zac Pearson	Present
	John Thompson	Present
	Jennifer 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

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

**1. APPROVAL OF MINUTES:**

Member Thompson made a motion to approve the May 17, 2021 minutes. Seconded by Member Stewert. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1**

**B. FORMAL APPLICATIONS:**

**B.1 23 Grant St. Site Plan**

**Reuben Buck:** Property is situated in the MX district of the Village of Walden. Prepared a sketch plan that has some modifications to it, improving some of the traffic flow through the site, as well as adding 2 carwash aisles for people going to the carwash, which will be automated with gates and pay stations. We received a comment letter from John Queenan based on our sketch. The first comment is in regard to if this is an amended site plan. We did some research and however, we did prepare a site plan on August 3rd of 2020. Once we revised this plan and prepare full site plan with details, we'll make sure to label it as an amended site plan. More clarification was asked for based on labeling existing versus proposed improvements to the site. Parking requirements is something that we struggled to find. I was searching through the section 305-27. I didn't find a car wash or laundromat listed as uses for non-residential parking. So, based on aerial imagery, we just looked at the parking lot as it exists currently and it's not striped and just eyeballing how many cars approximately would fit in that area. And with the sketch plan and proposed striping, we tried to maintain the 24 spaces we believe the property can currently hold. There were some comments based on ADA ramps and providing corroborating radii. Speaking with our client, we'd like to maintain the entrance and exit at Grant Street as much as possible and using that existing pavement and not adding too much more. We will likely straighten out what we have at that curb turn currently and just tie it back into the existing pavement. Not wanting to disturb the concrete sidewalk there. Another comment was providing access to that sidewalk from the building along Grant St. Currently, there is a concrete sidewalk along the north face of the building and kind of tapers down and meets the existing pavement. We will make sure to maintain that sidewalk and provide a crosswalk along that area of the parking lot as well so people can safely cross from the building to the sidewalk on Grant Street. There was comment about lighting. There is an existing island that's in the middle of the site that is being removed to provide parking. There are 2 light fixtures that the proposed aisle is going to pass through those light fixtures and are quite bright. There's another one located on the other side of the site. There are 3 existing light fixtures. There are 4 that we removed and the vacuum cleaners, which are proposed on the north side of the building, those 6 spots are also outfitted with LEDs that are placed along the top where the vacuum hoses attached to. There are no proposed changes to sign fixtures or the exterior of the building. Once we provide a full site plan, we'll provide detailing for pavement sections, parking lot striping, and all the rest that needs to be detailed.

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**Chairman Plato:** The original site plan came before us, when?

**Building Inspector Stickles:** 1990, 1991. There was a fire that burned it down and it was reconstructed into the automatic car wash, the laundry. There was a full site plan for this at that time.

**Chairman Plato:** Initially, did not allow cars to exit on to Grant St. It changed, I don't know why, I don't think it's been an issue. But that should be corrected. The other concern was at that time, as I recall, concerned about traffic going through the site. Are you going to put arrows on the pavement?

**Reuben Buck:** Yes, the pavement is proposed to be striped and also going to have some signage along Cherry Street designating this is an entrance only. Hopefully, the striping along with the signage will eliminate some of the issues.

**Member Thompson:** So, when we get done vacuuming, you can't exit out to Cherry?

**Reuben Buck:** Correct. Once you pass through the car wash, you can only exit out to Grant Street.

**Member Pearson:** Vacuums are on the east side, 6 parking spaces there, if I'm going through the car wash and make a right into the vacuum spots, if there's 6 cars there, where do I vacuum? Circulation wise, I can't get back to that point to vacuum my car.

**Reuben Buck:** There are 4 existing vacuums that were placed along the eastern side.

**Erjon Popllo:** Currently, we do have 4 vacuums. The whole idea is to try to add 2 more. With those 4 vacuums, usually we don't see them occupied all the time. We're talking about another 50% increase on 2 more vacuums.

**Member Pearson:** With the car wash, you go through, pull in and vacuum your car. Circulation wise you just can't get back there without going through the car wash.

**Erjon Popllo:** For those vacuums. We also have other vacuums right above the other car wash. If it's a busy, busy day, those 6 vacuums are busy, you can take the exit and then you can go to the other vacuums section. This will alleviate backups. The whole idea is to offer those vacuums for free. Currently all vacuums are paid. These 6 vacuums are going to be free with a car wash.

**Member Pearson:** So, if I'm getting it for free, I'm going to stop and vacuum my car. Everybody else is going to do that. The only concern is there's no way to get back to that space.

**Chairman Plato:** Is there enough room to make that turn?

**Reuben Buck:** We can we can throw together a figure for passenger vehicles.

**Erjon Popllo:** We measured it to be enough room. I've been working on this for quite some time, and I measured as much as I could.

**Member Stewert:** My only concern is the pedestrian walkway there.

**Chairman Plato:** More concern to me is if there is heavy foot traffic, the cars coming out of the car wash, they have a certain amount of time to move before another car comes behind them.

**Reuben Buck:** I was just thinking that given that that's where the walkway is currently, that'll be a good place just so we do not have to run a new sidewalk, just to re-utilize it. If they're concern is people whipping out of the carwashes, we can find another place to put that crosswalk.

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**Chairman Plato:** Would it make sense to make everyone make that right turn? That's what it was originally.

**Reuben Buck:** I didn't know there was an older site plan than the one I'd seen earlier.

**Chairman Plato:** I just know that's what it was originally. I don't know why it did move.

**Building Inspector Stickles:** I think they came back through the years. They could exit straight and also go around. They used to go around in front of the laundry entrance and go back out on Cherry Street.

**Erjon Popllo:** Right now, all the traffic is going to the front of the laundromat. My customers are parked behind the curb. They have to walk with their laundry bags all the way across. We're trying to eliminate that and bring them closer to the building and actually go right in.

**Chairman Plato:** I think the issues are, pedestrian walkway, you want your cars back up there, I think the driving pattern.

**Member Stewert:** Is there enough room for a truck parked there and to make a right hand turn?

**Erjon Popllo:** Yes.

**Chairman Plato:** Is there an emergency stop?

**Erjon Popllo:** Absolutely. There's 1 in the front of the building and also 1 at the end of the tunnel. You can stop it at any moment.

**Engineer Queenan:** We've covered most of it. Parking needs to be on here. You'll make it, use retail personal service.

**Attorney Dickover:** For SEQR purposes, my analysis indicated that it was a type 2 matter. John and his comments deferred it to the Board with respect to whether or not that's the case. I believe this project would meet 2 of the definitions as a construction or expansion of a primary accessory, permanent nonresidential structure facility and probably less than 4000 square feet of area, not involving a change in zoning, et cetera. Number 18 is reuse of a commercial structure containing mixed commercial uses where the use is permitted under the code. If the Board concurs, you should make a finding with respect to that.

**Engineer Queenan:** This does have to go to County Planning, within 500 feet of 208.

**Chairman Plato:** We're just waiting for the final plan.

**Reuben Buck:** We'll prepare an amended plan. Will address the location of the walkway and the entire turn radius.

Member Pearson made a motion to list this Type 2 Action. Seconded by Member Muehlen. All ayes. Motion carried. All ayes.

Member Muehlen made a motion to waive the public hearing. Seconded by Member Thompson. All ayes. Motion carried.

## **B.2 Orange County Transit**

**Anthony Mirando:** We provided another written submission on June 10th providing the latest progress report on the outside agency, but also providing the additional information as requested on our last meeting, including an engineer response memo that should satisfy the site plan comments. The comment

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regarding SHIPPO, which we got a correspondence back and provided that. They stated that they have no concerns with respect to SEQR. We provided a sound response memo to the questions that we got. Today, we just received another memo regarding sound. So, obviously I don't have a written response to that yet. They don't think it changes anything. But Tom's here if there's questions regarding it and we can provide additional information. At the last meeting, we did say we'd summarize the comments that we got in May, we did that. In the June response, we touched on the topics regarding the warning devices, which came up in the latest memo today, a number of buses during the tests, the existing ambient noise levels. If you have any questions on what we said on June 10th, Tom can try to answer some of the questions we got today. We don't see there being an impact here from the bus project that was proposed. 1 of the things that came up today was replacing the fence along the southern property line that's there now and putting in acoustic absorption fabric on there. That can actually absorb additional sound. Operationally, we could move buses that would leave during the early hour and bring them central to the site.

**Chairman Plato:** There is one thing that came up before, that's where the pavement meets the item 4. Would it make sense to put maybe like a curb or something to straighten that?

**Engineer Queenan:** It would be a flush curb, give the people more support. It comes with a set of problems. Those curb pieces will move. There's no perfect solution there.

**Chairman Plato:** The other thing, we have to talk about is striping to me. To me, the fence and guardrail is a better idea because in snow, you don't see the lines.

**Engineer Queenan:** I think they're doing that guardrail where the bus parking is. We needed to keep order where the employee parking is with the striping. My suggestion would be, just like the DOT's road end and you have the shoulder, edge of pavement and then item 4. It's much easier to repair and much easier to maintain.

**Chairman Plato:** We've been very concerned about the eastern side of property.

**Tom Baird:** \*Referring to the map\* you have these buildings here, doing a lot of shielding. The activity primarily taking over in here, we're getting somewhere around 48 decibels at 100 feet from this line. It's going to be the same over here with some attenuating effect. It's going to be a couple, maybe a decibel or 2 higher at full operation.

**Chairman Plato:** When you did your study along the eastern side were the buses there at the time?

**Tom Baird:** Yes, 2 rows of them. I did the measurements on the site side in front of the buses. The code says property line was 100 feet away. I didn't want buses blocking what I was measuring. So, typically, 2 rows of buses like that would count for 8 to 10 decibels of attenuation. I gave you 5 in my report just to be conservative. I've been doing this for 30 years and measurements say they are 8 to 10 typically. 1 of the requests that we had was to take ambient sound measurements. The first thing that I do with this noise. I looked at the requirements of the municipality or the client, whatever has to be done. The noise code in town doesn't ask for an ambient level except when you're exceeding the levels. So, I took ambient levels during the measurements anyway. They come in the form of what's called the L 90, which is in the table. What that means is that 90% of the time the noise level is above this level. It represents, according to DEC, it's a representation of the ambient sound levels at that time. It's with the minimum amount of noise, all the background things that are going on, birds, traffic on 52, people, anything starting up, the buses that are operating.

**Chairman Plato:** When you do an ambient study, you do it over a period of time. Do you just take the high number?

**Tom Baird:** For the ambient level, it's the sum of the all the levels that are exceeded in that time period. 47 decibels was the L-90 in January. The LEQ, which is the equivalent level of all the noises together,

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including some 57s and 60s on 52. Came out to 52 decibels. That's the average sound pressure level recorded over a 1 hour period. Typically is 15 to 20 minutes. I would go for an hour. We can say that when you add in the cars from 52, which gradually increased over that time. The buses, including the backup alarms, we came out to 52 on the site. L-90, the ambient level that was pretty much consistent for 90% of the time was 47. If you take the ambient from 4:00 to 5:00, it might have been lower. Primarily because there were less traffic on 52. The ambient level is a moving target. I can't do an ambient level at 2:00 in the morning and say that's what it is. So, I did an ambient at the same time the buses were operating. That's the way to do it. The meter that I use is extremely sensitive. This L-90 number is the ambient number. The peak, I had out there was 80. I took notes and I put in my original study, it was a truck on 52 without a muffler. It was also behind the fence. The L-10 is the noise level that has exceeded 10% of the time. A lot of times that was shown as your upper limits of levels. That was 54. That accounts for all the high notes. Vehicles were ranging from 54 to 58, we had the 80, a couple of 60s in there. We have about 47, I call it 48, in the report from earlier in the month because it was 47.4. Then when we move back to the property line, we're at around 43%.

**Member Thompson:** Was school in that whole time?

**Tom Baird:** Yes.

**Member Thompson:** What is an excessive dbl?

**Engineer Queenan:** I think there are 2 thresholds. 1 is set in Village Code. I think for business district, it's 62. I think the state is 65.

**Member Thompson:** With 2 numbers, what you're saying is that your test was well below.

**Tom Baird:** Yes.

**Engineer Queenan:** I had a long conversation with Colliers today. Just boils down to 3 simple items. 1, they feel that the study that was done, was done correctly, done to code. For the size of the site. In an industrial zone, concentrate on the residential side of the neighbor. Providing the mitigations that are likely, which would be done. Berming, fencing, moving the buses away from that property. Their opinion was that you're really not going to do much more except push even farther away, which is not practical. Number 2, their thing with the buses and the beepers that it's going to happen. But if you can limit it to the greatest extent that you can, maybe in the afternoon, you back the buses so that at 7 in the morning, you don't have to back them out or test them on the other side of the site,.

**Tom Baird:** The plan is, state law requires to test them before they move them and after you shut them down or stop them. The driver comes in in the morning, has to do with 1 back up alarm and 1 horn tap. And then when it brings the bus into the same spot, he has to do it again. And in the morning, do it again. I did take some other measurements and I got real close. I was at the park on Wednesday morning. I got a measure of 70 to 72 decibels from the backup alarms from the bus that was close to that wall. About 30 feet from the parkside. I also did measurements on the berm. I had noted all the different intervals in my notes. I got 56 from inside the site of the backup alarm. Yes, that's higher than everything else around it, but it's also in a short duration. The code also says that there can be no more than 80 for impulse noise. At 80 decibels in the morning time and 100 later on. I want you guys to understand what was going on. The ambient levels at the park. 49 from 5:45-6:16. 48 from 6:18-7 o'clock and 48 again from 7- 7:30. After the buses were gone. It matches the other side as well. The LEQs, we got 52, 53 and 51 in the park. What that primary source there was the insects and the birds and a little more traffic on 52. Everything kind of matches together and is consistent.

**Engineer Queenan:** There are 2 things here. You were in the park, you offered the fence with the sound barrier. What would that do?

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**Tom Baird:** The buses are backing in. The scheduling is going to move them to be later in the day. The fencing will be lined in a material called acoustic fence. I usually don't like this material because it only blocks out the high frequencies. It doesn't block out the lower frequencies. It has what's called sound transmission rating. That will drop about 10 to 15 decibels of a high frequency of the backup beeper. There were 80 buses went out in 60 Minutes. That's a little less a minute per bus. If you put out a 160 buses. That's a bus every 20 seconds. That's not going to happen. If there were more busses operating, they would be spread out over a longer period of time with the biggest concentration is 5:45 to 6:45. There's a practical limit to how many can leave.

**Chairman Plato:** Do you have the detail on the berm and fencing? One of the comments was at the bottom of the fence, there was no air \*inaudible\* but then is a solid fence. Is that going to be a problem with wind pressure?

**Zach Peters:** We can look into that. We might be able to accommodate.

**Chairman Plato:** This fence does allow air through it? Talks about slats overlapping.

**Tom Baird:** They have to overlap so when the wood shrinks you don't have a gap. And you also need to have four and a half pounds per square foot of density. The only way you get that is overlapping. No air flow through.

**Chairman Plato:** I really don't think there's much more you can do.

**Engineer Queenan:** 1 other point. It's the main point. Collier recommends that a post finish analysis be completed. You would give site plan approval with a condition that a post construction analysis would have to be completed after all the improvements are completed and be reviewed by the board. And if those results come back higher or there's a sound issue, the applicant has to return for further mitigation.

**Anthony Mirando:** We would object to that.

**Chairman Plato:** What else could you do?

**Anthony Mirando:** I think there's a noise ordinance in place. We've gone to great lengths to try to address the conditions that are proposed. Existing conditions on a site that have been there and operating in a way for a really long time. I would have a concern with a condition like that. I think the noise ordinance in place applied equally.

**Member Pearson:** If they weren't compliant, wouldn't they be in violation?

**Engineer Queenan:** What happens is basically what happens \*inaudible\* is a condition that they have to prove that the numbers that they're saying are going to occur through these mitigations. There's an impact when you have a vacant lot that now is going to have buses on it. The noise study is adequate. 1 of the recommendations was that this is what has been typically been sought after.

**Attorney Dickover:** Colliers suggestion for this post construction noise analysis, we're starting to see it in various other places in the county. The intention is to allow the applicant they presented mitigation, which sounds to me is going to be acceptable to the Board at this point. But the question is, will the actual operation of the facility meet the attenuation, meet the standards that they say? And if they don't, as is shown by a post construction noise analysis, then they would have to come back in and propose additional mitigation. The threshold for that would be the Village's noise ordinance, that they are violating the Village's noise ordinance. If that were to be founded, come back to this Board for Attenuation. What Anthony is the Villages noise ordinance enforcement of it, answered the question. I don't think that's really a great answer because the noise ordinance penalties are fining. It doesn't really work.

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**Chairman Plato:** This isn't a special exception, right?

**Attorney Dickover:** No, it is not. I'd rather see you deal with it as a condition of site plan approval. That gives the board continue oversight over this question. It becomes an issue because actual construction operation doesn't meet the standards or the levels that they claim.

**Tom Baird:** As far as the eastern property line, 1 of the things to think about is we did not do measurement on the property line. The noise level with that house is 52 decibels, without any noise from the site. And that's due to traffic on 52. That doesn't go away no matter what we do. We're still going to have that. With the berm they're going to be below 40 from the site and still have 52. I know this is going to work. Right now, we're fine everywhere else, according to the code. That property is still going to be a 52 from Rte. 52. There's nothing we can do about that. We could make it zero from the site. They will still have that.

**Member Thompson:** We're already under the threshold, right?

**Tom Baird:** Yes.

**Anthony Mirando:** The point that I would add, it doesn't seem to me it's a condition that's justified based on the record that the information provided is showing. It's not a situation where it's a project that's really raising noncompliance issues. It's almost like saying, make a condition that of any project in Town that, of all the things that somebody showing you during a process, you have to do a post approval analysis.

**Tom Baird:** 1 of the things the things that we have here, the fence along the southern part border and the side of the burn. It's going to attenuate almost twice as what we're planning realistically. So, with moving the buses to the center, rearranging the timing, the leaving, is just additional methods for increase of usage if it happens. Those are the things that I think dismiss the need for a post study.

**Chairman Plato:** The noise ordinance, the backup beepers are excluded from that.

**Attorney Dickover:** Back up beepers are excluded from that. I don't know about horns, but I suspect that that's a mandatory system check and they're probably exempt as well.

**Member Muehlen:** You guys have done everything that we have asked of you. I do appreciate that.

**Member Pearson:** The only thing is the additional buses.

**Tom Baird:** It's going to be quieter when it's all built.

**Member Pearson:** You haven't heard anything from DOT, yet?

**Anthony Mirando:** No. I submitted Zach's emails with them. We keep pushing.

Engineer Queenan reviewed Long Form EAF

Member Thompson made a motion Negative Declaration. Seconded by Member Muehlen. All ayes. Motion carried.

Member Thompson made a motion to schedule public hearing for July 19, 2021 at 7:30 or shortly thereafter. Seconded by Member Pearson. All ayes. Motion carried.

**B.3 Overlook at Kidd Farm, Review Bills**  
Zac and Basil

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**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:**

**5. MEETING ADJOURNED at 855pm**

Zac and JM

All ayes

RESPECTFULLY SUBMITTED

Marisa Kraus, Village Clerk  
Planning Board Secretary