

Village of Walden
Planning Board Meeting
November 15, 2021

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	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

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

1. APPROVAL OF MINUTES:

Member Thompson made a motion to approve the October 18, 2021 minutes. Seconded by Member Wilkins. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

B. FORMAL APPLICATIONS:

B.1 15 & 17 Overlook Terrace, Site Plan

Brad Cleverly: This is a project which received a variance for a 25 foot front yard setback. 1 of the requirements of the approval was that we receive a Planning Board approval for site plan for 2 residential lots.

Engineer Queenan: I have seen this plan in the past for the Zoning Board. The biggest issue that was brought up with the Zoning Board was drainage. Overlook is high, drains down towards Liberty. We were taking a look for the Zoning Board. It's a tough spot. I think what the Zoning Board ultimately came up with, they put a condition on the variance that the applicant must come to the Planning Board for a site plan review. 1 of the other conditions was that the applicant's engineer would provide a report to the board indicating the drainage layout, if there is one and that it wouldn't negatively effect the downstream properties heading towards Liberty St. Ultimately, at one point in time, there was storage underground. Storage underground areas because for each lock. The problem with storm water is when you collect it and you got to go somewhere else and was talking with the applicants engineer about that and I don't think that those underground systems would be applicable here. I think it would make the condition worse because we would collect all the storm water and then send out 1 pipe down the hill for each lot. Rather than trying to disperse it uniformly across the lots.

Brad Cleverly: Yes, we removed the infiltration system.

Engineer Queenan: Were you able to get some of it to the street?

Brad Cleverly: Not really. It all slopes away from Overlook Terrace. So, there is some drainage in the front yard. There's reduced area draining away from Overlook Terrace. But not any storm water pipes.

Chairman Plato: So, it goes out the back of a lot?

Brad Cleverly: Yes. It drains away from Overlook Terrace.

Village of Walden
Planning Board Meeting
November 15, 2021

Engineer Queenan: It's difficult at the best. I'd like to have the applicants engineer provide the report. Let's get some flow numbers, at least and see what we're dealing with. On similar lots, I've had experience with dry wells and infiltration trenches. I would not recommend storing it and detaining it and then releasing it. You're going to concentrate it and it's going to go downhill faster than if you keep it in a dispersed manner.

Brad Cleverly: This was an approved subdivision back in 1999. These are approved lots just like every other lot in the subdivision. What the applicant is proposing is really no different from what would have been built on that 20 years ago. The variance results less impact. We're going 10 feet closer to the road. 10 feet greater, keeping the woods back there. In the event that the applicant chose not to go for the variance, they could have gotten a building permit, put up a house and that would have been more impact.

Chairman Plato: 2 lots are vacant. What's been the impact on the downhill?

Building Inspector Stickles: The 2 that were built has some very serious draining issues in the beginning.

Chairman Plato: Are we making it a worse situation than what it is now?

Member Pearson: Dean's point was there was an issue because these 2 lots, it wasn't addressed at the time when the subdivision was done.

Engineer Queenan: You're taking land that's wooded and you're clearing a portion of it and you're building a house.

Chairman Plato: If you clear it you will have to take that water to the street out front.

Engineer Queenan: Not the whole lot. It's too far of a drop.

Chairman Plato: If we're not increasing the impact.

Engineer Queenan: That was one of my discussions with Brad. If we can get some of it to go to Overlook. I don't think grade wise, we can get there.

Chairman Plato: I understand that.

Engineer Queenan: I think we have to mitigate it in some way. I don't think we're going to avoid it. They're existing lots. We're not creating, kind of inheriting it.

Chairman Plato: If they're already approved lots?

Attorney Dickover: They could build these houses as of right, without the variance. They came in and request the variance, which I think on our collective opinion is probably a better scenario than the approved subdivision lots are because you're increasing the distance from the house, downhill gives you more of a water penetration area. With the variance, I think we can say it's a better situation than it would be without the variance. The main concern is drainage and can anything be done to try and reduce the impact. They think it can be engineered in such a way that it can be reduced from what we would have if they just built it as of right.

Chairman Plato: I would like you to try to work on something that could mitigate that.

Brad Cleverly: Inherently, we are 10 feet closer to the road or 10 feet less driveway, creating flat areas or flat-ish areas here where they were. It's better than it would have been. Which would be further back, further removal of trees. The variance is in some ways a mitigation of what could have been.

Chairman Plato: Right, but there's still an issue. As soon as you start building, I think it would be normal that people that are effected, that all of a sudden make a complain more about it. So, if we swale at the bottom and then drainage pipes put in to the storm drains. If it's going to favor the people down the hill, they should be willing to give an easement. I would think.

Brad Cleverly: The volume that comes off the roof drains. Just like everyone here has roof drains coming off the house and that's it. It's just roof drains, 4 inch pipe. It's not a tremendous volume of water.

Chairman Plato: See what you can come up with. I would think the people downhill that are being effected now, they would be part of the solution.

Engineer Queenan: What I'd like to eventually get is a report that shows that we've mitigated the effect. That it didn't make it any worse.

Chairman Plato: I agree with not making it worse. It would be good to fix.

Engineer Queenan: It would be but that would take the cooperation of several property owners.

Chairman Plato: I'm more concerned about the flow off the back of the property. Roof drains I think you would just take out from the front.

Engineer Queenan: You can't get the ones from the rear because he's too far down the hill. But you might be able to get the ones from the front out. You wouldn't run the gutter across the side. I want to see the report. See the numbers. It does have to go to County Planning and it is within 500 feet of the Town of Montgomery.

B.2 98 Gladstone Ave, Site Plan/Special Exception Use

Joseph Minuta: We have an existing property that was used as a school and is going to continue to be used as a school. The work on site has been done. There's nothing to change. It is just a continuance of use.

Engineer Queenan: Just to summarize, it's a site plan for a boarding school. Students are going to range in age from 13-18 years old. My understanding the facility also included a caretaker' resident. Just some outside agency referrals, has to go to County Planning. It's within 500 feet of Rte 208. Basically I just had some standard questions. First comment, you submitted and EAF, this is a type 2 action, but the EAF said you were going to disturb .7 acres of property.

Joseph Minuta: That is an error. There's no change.

Engineer Queenan: The EAF also said that this may have been the location of a remediation site.

Joseph Minuta: Anything of that nature is coming directly from DEC map.

Engineer Queenan: Can you just find out? Usually they give you like the property and it just said yes.

Joseph Minuta: That's all they give you.

Engineer Queenan: Well, you can go into the database and you can actually make sure it's not for a specific property.

Village of Walden
Planning Board Meeting
November 15, 2021

Joseph Minuta: I'll be happy to do that.

Engineer Queenan: The bulk table, you can just take off the existing, because there's no change. You need to provide some parking calculations demonstrating compliance with the zoning code.

Joseph Minuta: Has the zoning code changed since this was last approved?

Engineer Queenan: I don't believe so. But you need to put it on the site plan. You're not proposing any changes, nothing to lighting, signage.

Joseph Minuta: No. This is strictly a real estate transaction.

Engineer Queenan: I believe site plan needs to be compliant with the latest adopted fire code. Specifically approved fire apparatus access road should be provided. At least along the front of the building where the bus loading/offloading is labeled. That should be in accordance with Appendix D, as well as striping and signage where applicable. Comment 7, site plan requires a certified stamp survey. There's a few easements listed on here. We would need meets and bounds put on the map. There's a water line easement. I just want to confirm, on the survey where the water tank is, are those separate parcels? Because they're not labeled.

Joseph Minuta: Don't believe there's a separate parcel here. I will confirm with them.

Engineer Queenan: The site plan, show the location of the nearest hydrant on Gladstone Ave. Again ties in to the fire code. I'm not sure if the building has a sprinkler system or it's required. Is there any specific recreation on the property that the students will have during the day or at night?

Joseph Minuta: Nothing in particular.

Engineer Queenan: If the applicant could just elaborate on how the students come to the property. Are they bussed? Dropped off for that semester? Are there busses or vans parked there overnight? How does that arrangement work?

Ruhul Amin: Pretty much we're going to have religious studies. Our semester goes from just about summer to summer. They'll be coming in for the winter break in between. Very similar to the school system. They'll have to come in for the first semester and then for the second semester. In between, they'll be going home as they wish with their own private transportation. No one is keeping cars there. Only faculty.

Chairman Plato: Parking, how many counselors or teachers? That must have to be calculated.

Engineer Queenan: That's why I want the parking generation table.

Chairman Plato: Educators, food preparation. How many employees?

Ruhul Amin: 12 to 15 at most. Right now it's about 12.

Chairman Plato: How many students?

Ruhul Amin: We can anticipate once we announce and there's the room, maybe we'll start off with somewhere around the 20s. Goal ideally is somewhere in the 50s and 60s.

Chairman Plato: That's what the plan should be based on. Will some of them stay on site?

Ruhul Amin: Yes. There would be 2 individuals who are designated as the caretakers.

Joseph Minuta: In regards to parking, we'll do 1 of 2 things, figure how much staffing needs and then figure out what that calculation is and then we'll see what the site as exists and back into it that way.

Attorney Dickover: You have a memorandum from me. Pretty much sets out the criteria for the special use permit and certain things that the applicant needs to demonstrate for the board. If you go through that, perhaps you could amend your narrative to address the special use permit requirements. That way, we would have it in writing and if and when there comes a time for a decision if the board were to grant the application, we would incorporate your narrative as a condition of the permit. When you do that, put that narrative together, remember that you're going to be operating in accordance with its terms. If you could just amend it to address those, that would be very helpful. This will require a public hearing. We do need a 239 referral. I don't know if it's ready to go or not. The only thing that probably would change would be the applicant addressing the special use permit issue. I don't think that that would change the application that much so if the board's in agreement, we could go ahead and refer it. I think this is going to be a type 2 action. There wouldn't be any further environmental review required either. They have also told you that there's no exterior changes proposed. I don't know what's going to change significantly between now and whenever. As far as the county referral goes.

Chairman Plato: I would like to know more about the operation. As much information that you can give us.

Joseph Minuta: Chairman, the narrative was provided, which describes all of their operations. I don't really know how much more I could possibly add to the information we provided tonight. Other than addressing the engineer's comments with respect to parking calculations.

Member Pearson made a motion to refer to County Planning. Seconded by Member Wilkins. All ayes. Motion carried.

Member Wilkins made a motion to declare lead agency and list as a type 2 action. Seconded by Member Pearson. All ayes. Motion carried.

Member Muehlen made a motion to set public hearing for December 13, 2021 at 7:30pm or soon thereafter. Seconded by member Wilkins. All ayes. Motion carried.

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

B.3 82-86 West Main St, Architectural Review, Siding

Building Inspector Stickles: What he's looking to do, that blue siding that you have in front of you, he's looking to put on the front of the building.

Member Thompson made a motion to approve application for siding as presented. Seconded by Member Stewart. All ayes. Motion carried.

B.4 Falcon's Rest

Larry Marshall: There were several questions regarding the possibility of changes to the elevation. Made some alterations. The previous elevation had a much lighter tan on it. They really liked the tan in the original building better. He took and matched that basically. Going to a darker tan. A request for extending the cultured stone up to the top of the first floor. He has accommodated. Concerns over the height of the building being so close to maximum height. He reduced the overall height on the third floor to a standard input ceiling height. That gives an additional 6 inches to the top of the building. It is now clear by 7.5 inches to the maximum height permitted by zoning. There were some additional concerns over the grates for the HVAC. The applicant offered to take the grates and rather than have them be a silver color, which was previously proposed, to having it be of a bronze color for the upper floor and a lighter gray for the

Village of Walden
Planning Board Meeting
November 15, 2021

lower floor and the cultured stone. The board had expressed some concerns over the use of the basement. We provided a layout of that basement area. Basically that the area in the corner where the 2 legs of the building intersect would be a basement area primarily utilized for mechanicals. Then you have the elevator room on the other side. The remainder of the space is proposed to be utilized as an open storage area. The applicant has indicated that they would like to offer a service to residents in the building that own bicycles to be able to store them. Rather than have them outside. It is a large storage area. There will be no partitions down there.

Chairman Plato: I'm still not crazy about the grates and the noise. Looks like a hotel.

Member Thompson: I don't like them. They're going to be noisy. It's going to be like being in a hotel.

Larry Marshall: Each unit has 3 grates. 1 for each bedroom and 1 for common space. There are approximately 69 units. This is what the applicant wants. I like the look in the building better. To achieve a peaked roof, they have to bring the units down off the roof. The previous elevation you would have seen the HVAC units on the rooftop.

Member Muehlen: Were you able to find out if there would be a generator in the building?

Larry Marshall: There's no proposed generator.

Member Thompson: Is there anywhere where we can make a section of roof flat in order to put the central air/heating area?

Larry Marshall: I would have to find that out from the applicant. From the bottom of the fascia to the very peak of the roof is about 7 feet. Then you would have the ceiling structure of the 3rd floor that you would have to contend with. You're probably looking at about 6 feet. In terms of the overall building appearance, other than that. Let me see what I can do on the HVAC units.

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

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

5. MEETING ADJOURNED at 8:29pm

RESPECTFULLY SUBMITTED
Marisa Kraus, Village Clerk
Planning Board Secretary