

Village of Walden  
Planning Board Meeting  
December 13, 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 Members:	Basil Stewert	Absent
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 Planning Board meeting to order at 7:30pm with the Pledge of Allegiance.

**1. APPROVAL OF MINUTES:**

Member Pearson made a motion to approve the November 15, 2021 Minutes. Seconded by Member Muehlen. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1 98 Gladstone Ave**

**Joseph Minuta:** With regards to the project, we have in sum, it's the same project as it was just a different religion and without education being off the site.

**Chairman Plato:** The public should know what this project is about.

**Joseph Minuta:** The site plan is here. Nothing's changed on the site. Proposing to use the Affirmative Evangelism Fellowship. Composition is student body. Needs to stay between 20 to 30 students the first year. With 51 rooms available. Boarding capacity is between 50 to 70 students, as some will be large enough for double occupancy. The students range from ages from 13 to 18 years old and will be in grades 8 through 12. We expect 100% of our students to be domestic from within the mainland United States with mixed ethnic backgrounds. Student supervision will be in the primary residence at the facility and are well acquainted with out student rules. They will supervise all activities on the site as enrollment would increase. We would add additional staff as necessary. They would live in the cottage and other staff facilities on premise. Academic classes, activities and daily schedules. Students will wake up at 6 a.m., breakfast at 7. Classes of Muslim religion studies will begin at 8am and continue until 12:30 pm, with a 15 minute break at 10:30 a.m. From 12:30 to 2 p.m. they will be on break for lunch and resting time. Then from 2 p.m. to 4:30 p.m., will be academic classes including math, science, english and social studies online with an academy online school. All students will be officially enrolled at the New York State Home Schooling Office and will receive their academic instruction, math, science, english and social studies online. Online school provides instruction and compliance NYS educational curriculum. Quarterly progress reports and annual progress reports will be published to the New York State Homeschooling Office in a timely manner by this online school. In collaboration with Bayan Academy to ensure compliance from every student in this regard. From 4:30 p.m. to 6 p.m., students will be free to rest and play. 6 p.m. to 7 p.m. will be a group of studies time followed by dinner and bedtime at 8:30 p.m. Term and summer educational programs. Term students, those coming from one year academic study only, would arrive in late August and stay for 9 months. There will be 1 month break for the Holy month of Ramadan in the middle around April.

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**Chairman Plato:** We talked about recreation, but what type of recreation and where is that done? I know that was also the engineers comment.

**Joseph Minuta:** Basically, they're going to be basketball type things on the court outside. Things of that nature.

**Chairman Plato:** I'm not that familiar with the property, are there fields?

**Joseph Minuta:** There are grass areas. There's paved areas.

**Chairman Plato:** The classes are Monday through Friday, right?

**Joseph Minuta:** To the best of my knowledge, yes.

**Chairman Plato:** What about weekends?

**Joseph Minuta:** They are living there full time.

**Chairman Plato:** I don't see any recreation facilities. How will they occupy themselves on weekends?

**Joseph Minuta:** I guess like any other kid in town.

**Member Muehlen:** So, they're permitted to leave the site?

**Joseph Minuta:** I will have to get back to you on that, but it is my understanding that they would. They're free to come and go as they please.

**Chairman Plato:** The parking. You mentioned handicap space and in the narrative you just read, you talk about 2 people being there, last week we talked about 12, maybe 14 people. Where do they park?

**Joseph Minuta:** I had corrected the information that was spoken about last time within this current application. Nothing changes from the existing use and number of people. Number of employees is 2 to start. We have 4 stalls required.

**Member Thompson:** Are there going to be any kind of outside speakers, bells going off, changing classes, any outside announcements or anything such as that?

**Joseph Minuta:** I don't have the answer to that, but I'll be happy to get back to you on it.

**Member Thompson:** I don't think the neighbors would appreciate it.

**Joseph Minuta:** Understood.

**Chairman Plato:** 50-70 students that are living there and 2 employees are going to take care of that?

**Joseph Minuta:** That is a long term goal. Right now, I believe they said they only had 12.

**Chairman Plato:** I'm assuming that someone is going to be on site all the time.

**Joseph Minuta:** Yes.

**Chairman Plato:** Typically that's between 5 and 7 employees to cover holidays, everything else. Questions on the students. You have a recreation time and what recreation facilities do you have and what do they do on weekends?

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**Representative from Darul Arqam, Inc.:** Recreation facilities that are there now, a gym where they work out on equipment. We have started yet but that is what the previous school was doing. There are open grounds in front. 5 acres. There's a little basketball court, the previous owner put up. As far as schedule goes, I would assume sometime after noon, after lunch or before lunch they'll be playing around the grounds area. On the weekends, they would have a class on Saturday half day. They'd be off from Saturday afternoon to Sunday evening. Supervising personnel will be there to watch them. That, of course, we have to set up when the whole transition starts.

**Chairman Plato:** Parking. How many employees?

**Representative from Darul Arqam, Inc.:** There's 4 total. So, 2 personnel were named on the narrative by name. Besides that, we anticipate that at the beginning we will have about 20 students, so 4 teachers total will be enough to staff.

**Chairman Plato:** The people living on site will do the cooking? Who provides the meals?

**Representative from Darul Arqam, Inc.:** Yes. There's a commercial kitchen facility within the building.

**Chairman Plato:** And when you get up to 50 to 70 students, how many employees do anticipate?

**Representative from Darul Arqam, Inc.:** 50 to 70 students I believe we said about 10-11 staff.

**Member Thompson:** The bells? Any kind of speaker activity outside?

**Representative from Darul Arqam, Inc.:** No. There is an internal PA system. We will be utilizing that. Nothing outside.

**Member Muehlen:** And there's only bussing when students come?

**Representative from Darul Arqam, Inc.:** Beginning of semester. If there's a break in between for extended time like winter break. Besides that, they're anticipated to be there for the term for 3 and a half months.

**Engineer Queenan:** I just want to confirm you have no changes to signage or site lighting?

**Joseph Minuta:** That is correct.

**Engineer Queenan:** The second comment was a comment from the last letter regarding fire code. I received your response. I don't disagree with it, but I don't think it's prudent not to look at it. What I'd like to do is if you could demonstrate through existing conditions that a fire truck can access that site. We need that. Can't just accept it because the buildings there.

**Joseph Minuta:** There's no requirement within the code.

**Engineer Queenan:** There's no requirement in the fire code, the building code, but through the planning process, life, safety, required. So, it has to be demonstrated that an emergency vehicle can access the site. I would also recommend that that front entrance drive be striped, no parking, fire lane. Otherwise, if there's vehicles parked in that main, they're not getting in.

**Joseph Minuta:** Was this a requirement in 2016 when it was approved?

**Engineer Queenan:** I wasn't here in 2016, so you can't speak to that. Just because it was approved in 2016 like that, I don't think 2 wrongs make a right at this point. I think it needs to be looked at.

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**Joseph Minuta:** I would be happy to do so. What I would ask is if there's anything within your code requirement, I would be very happy to follow that.

**Engineer Queenan:** Sure. I'm pretty sure on your site plan it's going to say emergency services access and ability to service the site needs to be provided. Comments 3 and 4, the same from the last memo. They haven't been addressed yet. First one, require a certified survey. Need to clean up the map with regards to some easements that are on the property for the Village, specifically for the water tank and a water main. Comment #4, they need to show the location of the nearest hydrant and the plan should note if a sprinkler system is either existing in the building or if they are providing one per the code. Comment 5 was spoken about with recreation for the property. Comment #6, at the last meeting you indicated no busses or vans used to transport students. But the site plan has labels for bus entrance, bus loading, offloading, bus exit. There's also a note that says students will be bused to and from school.

**Joseph Minuta:** That was the previous owner. Previous approved site plan.

**Engineer Queenan:** Can you just take those notes off? If you're not having busses.

**Joseph Minuta:** Not daily. Bringing students in the beginning semester, at the holiday and then at the end of the semester.

**Engineer Queenan:** My notes indicated that the families and parents would be dropping them off and picking them up.

**Representative from Darul Arqam, Inc.:** You have you have a combination of their families.

**Engineer Queenan:** Do the busses or vans, do they stay on site?

**Representative from Darul Arqam, Inc.:** The previous owner had them on the site.

**Engineer Queenan:** At the last meeting you said that there would be no busses or vans and students will be dropped off by their families. Just wanted to be clear. And if you're going to park them on the site, you should show where you're going to park them. The parking table indicates you put that you're 1 ADA spaces required, but then you don't propose any.

**Joseph Minuta:** Correct. Again, the code does not require anything with regard to any accessibility unless work is being done. I'm referencing that from the references that we're getting in respect to the building code.

**Engineer Queenan:** It's a little complicated, but I think you should at least note on the parking chart here why you're not provided because it looks like you're saying 1 is required and there's zero. Comment #9, holdover from the previous one. Just some more information that has to be put on the map in terms of standard notes, record owner, applicant, topography, etc.

**Joseph Minuta:** Yes, I want to apologize and I hope to have that information here tonight. Unfortunately, the surveyor could not complete the work. We will have it for the next meeting.

**Engineer Queenan:** Comment #10, just repeat comment. All the property features should be dimension and please label the existing buildings for use, number of stories and square footage. Comment #11, I guess it's different now because you provided busses, but I don't the facilities are going to have events, dinners or ceremonies or anything where all the families or groups of people who gather at one point in time or another. If you are, make it part of the application so we can take a look at whether or not the site can accommodate up to 50-60 families at one point in time. Gladstone Ave is very narrow. Street parking is very limited.

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**Representative from Darul Arqam, Inc.:** We haven't because it has a very small chapel space at the moment. We are currently looking for another property close by. We're not anticipating to have that at this property.

**Chairman Plato:** What about parents visiting.

**Representative from Darul Arqam, Inc.:** Time to time, I'm sure they will definitely come. Can't say they will not. But I wouldn't anticipate more than 2-3 families at a time.

**Chairman Plato:** How many parking spaces are there?

**Engineer Queenan:** 10. By code, technically, yes, they would only be required to have 5. The code designates 1 per employee and then it's 1 space for students who are basically 12th grade or above or able to drive. Then the caretaker's residence has it's own. That's all my comments at this point, because site work, they're not proposing any. Side note, we did get the county planning referral back. I don't think there was any comments on it and it was a local determination.

**Attorney Dickover:** The new narrative that the architect read to the board, I haven't received that. So, in anticipation of a decision, I'm going to need that. I'm still confused as to the number of staff versus teachers versus caretakers.

**Joseph Minuta:** Have a total of 4.

**Attorney Dickover:** Total of 4 combined. That's staff and teachers and caretakers, no more than 4.

**Joseph Minuta:** Correct.

**Representative from Darul Arqam, Inc.:** The caretakers are also going to be teaching. 2 other staff, 1 of them for janitor and cooking services.

**Attorney Dickover:** And those 4 people will serve up to the 60 students?

**Representative from Darul Arqam, Inc.:** No. 20-30 we are anticipating for a while.

**Attorney Dickover:** What's the final number? I'd like to see if we can do this so you don't have to come back.

**Joseph Minuta:** We have 10 parking spaces. We're looking at a total of 10.

**Attorney Dickover:** That will serve how many students?

**Representative from Darul Arqam, Inc.:** 50-60 students. Up to 10 is more than enough.

**Engineer Queenan:** The narrative now says 50-70.

**Attorney Dickover:** If you have 70 students, what will the staff number be? 10?

**Representative from Darul Arqam, Inc.:** Less than 10, I would say.

**Attorney Dickover:** So, no more than 70 students, no more than 10 staff.

**Representative from Darul Arqam, Inc.:** Correct.

**Attorney Dickover:** And of the 10 staff members, how many will be residing on premises?

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**Representative from Darul Arqam, Inc.:** 2.

**Member Thompson:** Do you plan on resurrecting the swimming pool?

**Joseph Minuta:** No.

**Jim Corbett:** 120 Walnut St. Is this school for just boys?

**Representative from Darul Arqam, Inc.:** It is just boys.

**Jim Corbett:** Will they be allowed to leave the facility to move around the Village?

**Representative from Darul Arqam, Inc.:** No.

**Jim Corbett:** Will there be any students that drive?

**Representative from Darul Arqam, Inc.:** No.

**Jim Corbett:** You mentioned that you're not planning to make the facility ADA compliant, however, what happens 3 years down the road if you have a student who has ADA requirements?

**Member Pearson:** They would have to come back here for an amended site plan.

**Joseph Minuta:** Make accommodation as permitted by the Americans with Disabilities Act.

**Jim Corbett:** This letter states that there could be 12 to 15 staff members. You only have 10 parking spaces and only 2 of those staff are resident. If you need more parking places, is that allowed? Would they have come back for a site plan adjustment?

**Member Pearson:** Yes. Any changes to the site they have to come back here.

**Jim Corbett:** And coming back does not necessarily mean that they are going to be approved. We always talk about these things as though, you can go back to reevaluate site plans. They always talk like it's going to be approved. So, that could be a problem if they needed 14 staff members and there are 10 parking spaces. And this board chose, for whatever reason, not to allow 4 more spaces.

**Chairman Plato:** Where did you see the 14th? Because I have not seen that.

**Jim Corbett:** This letter that I got says for all the 12-15 staff members. 50-70 students at 12-15 staff members. The notice for Public Hearing.

**Building Inspector Stickles:** It came off the application.

**Joseph Minuta:** That was the original amount that we discussed. After speaking with my client, there was no need for the remainder of that. I would also offer that this is 6.9 acres. If we have had 3, 4 or 5 parking stalls at a future date, there's plenty of area to do so.

**Jim Corbett:** I realize there's plenty of area to do so. Doesn't necessarily mean that the board will approve it.

**Mary Ellen Matise:** 54 Gladstone Ave. So boys only, no girls. Contrary to what Mike said, they're not allowed to leave the school grounds?

**Representative from Darul Arqam, Inc.:** They're not allowed to leave the school grounds.

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**Mary Ellen Matise:** Not even hanging out on Gladstone Avenue to smoke cigarettes? Is the school going to be a smoke free zone?

**Representative from Darul Arqam, Inc.:** Yes, we don't smoke.

**Mary Ellen Matise:** I have a number of concerns. 1, is as John brought up, the issue of outdoor announcements or loud speakers, how are you going to deal with the issue of calling students to prayer?

**Representative from Darul Arqam, Inc.:** There's a PA system within the building.

**Mary Ellen Matise:** What if they're outside? Is it 3 times a day?

**Representative from Darul Arqam, Inc.:** No. Prayer will be 5 times a day. The dorming students will be the morning early prayers. They will be in the dorms. On the night prayers they're already in the dorm. In between their classes, maybe 1 prayer they might be outside. We usually schedule this so they are not outside during the prayer time.

**Member Thompson:** The students will have a schedule for when they have to be inside for the prayer?

**Representative from Darul Arqam, Inc.:** Most definitely. Weekends also.

**Mary Ellen Matise:** But you're only doing half day classes on Saturday.

**Representative from Darul Arqam, Inc.:** We pray 7 days a week. We schedule around on Saturday evenings, Sunday morning, Sunday evening.

**Mary Ellen Matise:** Some of these concerns, will they be on the site plan as part of the approval? Otherwise, you can't enforce them.

**Attorney Dickover:** We asked the applicant to submit a written narrative, if there is an approval granted, one of the conditions of the approval will be that the school is operated in conformity with that narrative. The narrative did not speak about prayer at times, the regular operation of the school. Outdoor speakers, announcements, noise in the exterior certainly is a consideration. They've already answered that question.

**Mary Ellen Matise:** But would that be part of the narrative part of approval process?

**Attorney Dickover:** Not with respect to the prayer hours and things. They did the hours of operation of what the school will be because, you know as a member of the Zoning Board, number of years ago, this property and proposed use at that time was determined pursuant to an interpretation of the Zoning Board to be a school and this applicant has indicated that they will be operating in the same fashion. So, it will operate as a school. Those operative provisions are addressed and will be addressed in the narrative.

**Mary Ellen Matise:** This is a concern I have and I see here they changed where the students will be coming from. They're saying 100% would be domestic from within mainland or territorial. It could be territorial in the U.S. that's not a concern of ours. The prior use was foreign students and we had a concern at that time. I do, personally, about diplomatic students and I don't know if that's ever going to become an issue.

**Representative from Darul Arqam, Inc.:** No, all of us students are from New York, New Jersey, Pennsylvania at most.

**Mary Ellen Matise:** Even though they're domestic, they could be living here as children of diplomats, consulates.

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**Representative from Darul Arqam, Inc.:** All of us at this moment are born US citizens. We haven't had that experience in the last 16 years.

**Mary Ellen Matise:** You're saying that bed time is at 8:30. That's a curfew at 8:30?

**Representative from Darul Arqam, Inc.:** Schedule-wise, 8:30 is a very good time. We have to analyze that according to the seasons. When 8:30 is sunset, should be finished by 9 o'clock. Give or take.

**Mary Ellen Matise:** That was the concern of the adjacent neighbors had come in at that time asking for screening. I don't think they ever got it. I don't know if they ever asked for it when Chapel Field finally came to the Planning Board. The people on the south side of the property had asked for screening. Either trees, plants or a higher fence and I don't think they ever got it. The north side butts other properties where people are using their backyards and the south side. They never got that screening and I wonder if that's going to be something they ask for this time. I don't know if they asked for it last time, and it just never happened. And as part of a curfew too. Kids are going to be out. 8:00, 9:00 in the summer and they're outside, too. Might want some privacy. So, you're saying they're never going to leave the site? Never going to come downtown?

**Representative from Darul Arqam, Inc.:** That's not part of our rules for them to do that. They need to go to the grocery store or something, 1 of the teachers who lived there, they will be chaperone. These are younger students that don't have driving use. They can't just run off the property, they need a chaperone with them. So if they had to go for any legitimate need, they have to go with an adult.

**Mary Ellen Matise:** What's the age range?

**Representative from Darul Arqam, Inc.:** Right now, starting at I believe it was 10 years old to 16 years old. I believe we planned it out.

**Mary Ellen Matise:** What are you going to do with the chapel? And specifically, what are you going to do with the stained glass windows in the chapel?

**Representative from Darul Arqam, Inc.:** The chapel we use for our prayers. Use it as it was before for the prayer of God. The stained glass, we haven't planned anything for that as of yet.

**Mary Ellen Matise:** They were a special gift to the convent. They do have some historic importance to the Village and if you are going to change them, then I think that you need to notify the Village. Seeing as this is not a commercial property and it's not a multifamily property. What's the inspections schedule?

**Building Inspector Stickles:** What kind of inspection?

**Mary Ellen Matise:** The property. Fire inspection.

**Building Inspector Stickles:** Residential, every 2 years. The way we do them now.

**Mary Ellen Matise:** That's by you and the fire department?

**Building Inspector Stickles:** Fire department doesn't do inspections.

**Mary Ellen Matise:** So you do the fire inspection only once every 2 years.

**Building Inspector Stickles:** Depending on their use.

**Mary Ellen Matise:** When we reviewed it for Chapel Field, we did also talk about truck deliveries for food. They never had many students there so the use of the place was really kind of unobtrusive. A food



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distribution company show up a box truck. It's a small truck that brings food stuff and things like that so that it will have that. And of course, you have the garbage issue.

**Becky Pearson:** 167 Walnut St. This project seems a little different than what was there before. I think Chapel Field actually used it as a boarding house with a few classes so they would learn English at night and they were foreign students, so it wasn't really set up for classrooms. We did a site inspection there. How many classrooms are there in the building?

**Representative from Darul Arqam, Inc.:** The school building, there are a total of 40 rooms on the second and third floor. First floor, there's a chapel and the other rooms for cafeteria. The basement, there are total 4 rooms besides the boiler room.

**Becky Pearson:** 4 classrooms. All the other rooms are boarding rooms for students to stay in.

**Representative from Darul Arqam, Inc.:** Not exactly. On the second floor, there's a conference room. Third floor is all boarding rooms. On the second floor, there's 2 rooms that are big enough for classrooms that can possibly be built. In the in the walk in basement, there's 4 classrooms.

**Becky Pearson:** So, you have a total of like maybe 6 classes that are available. The whole house was for people living there. I remember most of it was boarding students. What Chapel Field did was they bussed their students to school and then the students would stay there overnight. They wanted foreign students to come. The only classes they really taught here might have been on Sundays for the religious part of it, but also just only for the English that they were learning. So, it's a very different set up. So, the kids were not there full time. They were not on campus there all the time. So, the sound and the noise may be a lot different than what the community used to in that position now as having been up to 70 kids on their property. The hill is very big hill, so it's not just a lot of flat property. The property is not conducive to a lot of play area unless they're going to sleigh ride. My question is, it's a year round school, it says its terms of a student coming for a 1 year academic study. They arrive in August and stay for 9 months and you'd have 1 month as a Holy month. That's only 10 months, what happens to the other 2 months of the year? Are they there all summer or do they go home in the summer?

**Representative from Darul Arqam, Inc.:** Summer is off. The summer is 2 months and the Holy month, 3 months and then the 9 months of classes. Then 1 and a half week and whatnot mid-winter break.

**Becky Pearson:** It didn't say that they'd be off in the summer for summer break. Do they stay there?

**Representative from Darul Arqam, Inc.:** They go home.

**Becky Pearson:** No updates are being done on the property?

**Representative from Darul Arqam, Inc.:** No. Just about everything is in perfect condition.

**Becky Pearson:** I looked at the application for the environmental assessment form and on page 2, it talked about the traffic and talked about the busses and the cars, might want to look at that again. Number 12, it talks about contiguous to building an archeologist site district, it says yes, like historic preservation. Is there a historic site up there by that?

**Joseph Minuta:** There's a Brownfield site.

**Member Pearson:** There's a state mapper that will give an automatic hit within a certain radius of your site.

**Joseph Minuta:** For the record, that's 29 Grant Street.

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**Becky Pearson:** Then it also says yes for the b part of that. Also, on 1 of the pages, talk about an adequate buffer yards and screener provided, but that never happened and that was in the original site plan. Part of it from old school and now that's actually going to be a real school with maybe 70 kids running around outside during the day, the noise levels are going to be a little bit different than what they were when they were just boarding the kids.

**Rhyan Nelson:** 102 Walnut St. My only question is, how many students are you starting off with?

**Representative from Darul Arqam, Inc.:** 20.

**Rhyan Nelson:** And you're hoping to get 70?

**Representative from Darul Arqam, Inc.:** Yes.

**Rhyan Nelson:** 2 staff, are there all the time?

**Representative from Darul Arqam, Inc.:** 2 staff will be living there full time.

**Rhyan Nelson:** So, your regular staff goes home.

**Representative from Darul Arqam, Inc.:** The rest of the staff goes home.

**Rhyan Nelson:** How do you think 2 staff there is good to monitor 70 students over night?

**Representative from Darul Arqam, Inc.:** The kids are going to be going to sleep at 8:30, getting up at 6 o'clock in the morning. The night time, there's not a lot of activity that they have monitor. In the daytime, the class schedule will be set up in such a way that the staff is not leaving at 2 o'clock. Would be different shifts. There will definitely be more than 2 people there watching them when they're awake.

**Rhyan Nelson:** Yes, during school hours. You're talking about 16 year old kids. No 16 year old kid goes to sleep at 8:30.

**Representative from Darul Arqam, Inc.:** They go to bed at 8:30 because they were waking up for prayer at 6 o'clock.

**Rhyan Nelson:** Is there any way to guarantee that from the board that this neighborhood is not going to be overwhelming influx of 70 individuals? You have 2 adults responsible for 70 kids, responsible to keep 70 kids from going around the neighborhood, doing whatever may be at that time. My question is, is there any guarantee or anything the board can put in place that makes that an absolute rule that there's some kind of punishable thing by that?

**Attorney Dickover:** Question is whether or not the board can impose a greater number of staff members for an operation. And I'm going to take the question under advisement, which means I'm not going to answer this evening. I'll comment back to the board on it.

**Lynn Thompson:** 34 Riverview St. I also have concerns about the staffing. I've never been inside of that building, so I'm not familiar with the layout. I do have some concerns about the number of classrooms you will need if your enrollment goes up and the number of sleeping areas you'll need if your number goes up for that many children. This gentleman is concerned about children getting off the property. I'm concerned about people coming onto the property. If you only have 2 adults in the evening or in the night, are you planning on installing any type of security cameras? Not just for the people in the community, but for the safety of the children? Let's face it, they're children. Children do all kinds of crazy things and these are adolescent children. So, I'm assuming there might be some inclination to wander. I'm concerned about the arrangements for the living quarters and for the safety and security of the children. I don't know if this is a Planning Board question, is it appropriate to ask again about the staffing? The 2 adults are going to

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be doing the cooking and cleaning and laundry and all of those things? Are your ancillary staff will be doing that?

**Representative from Darul Arqam, Inc.:** Besides the 2, there will be another 1 dedicated to cleaning and cooking. 1 staff member will be dedicated to that during the day and be there to dinner and then will be off duty from then and be back for breakfast. There is 3 laundry areas in the building. 1 in the main building and 2 in the victorian house. In the victorian house, mind you, there's about 12-15 bedrooms. It's a huge house.

**Lynn Thompson:** I've never been in the site.

**Representative from Darul Arqam, Inc.:** We ask you to come by. The door is always open when we're there. Right now, we're not there because we're in Queens still. Door is always open for the neighbors and for anyone who wants to come and visit. Then there are 40 rooms here besides the classroom.

**Lynn Thompson:** Are the security cameras something that you would consider?

**Representative from Darul Arqam, Inc.:** Yes, most definitely.

**Lynn Thompson:** You talked about the ADA compliance and the comment was you can add that if need be later on. Is there an elevator in this building?

**Representative from Darul Arqam, Inc.:** There is.

**Lynn Thompson:** There's no ramps or anything. Correct?

**Representative from Darul Arqam, Inc.:** There are ramps. The property has entrances from all sides. 2 of them are wheelchair accessible.

**Lynn Thompson:** That was my concern. You're going to add things as you go on, but a student could get injured or a staff member could get injured at any time. So you really can't wait to be ADA compliant. You have to go into it with some sense of being ADA compliant. Are you going to have any medical personnel, if this is a year round program, will there be anyone specially trained in the school for a medical emergency or what is your plan if a teacher or a child gets sick or injured?

**Representative from Darul Arqam, Inc.:** Our policy so far, the school that we're running in Queens is that we have 1 staff member dedicated with the safety kit. You have all kinds of first aid things in there that would be needed until a paramedic and if in case God forbid, something like that happens. That staff member is also trained for any immediate emergency medical things that they can take care of, that's reasonable. That has been our policy since the beginning.

**Lynn Thompson:** The 2 people that are going to be there year round. Morning, noon and night. 1 of them will be able to handle. So you're not going to have a separate medical office or separate medical personnel.

**Representative from Darul Arqam, Inc.:** Correct. Not at this time.

**Chairman Plato:** If 1 of the 2 caretakers on site leaves for some reason. Vacation, whatever. Do you have someone to replace them for that time?

**Representative from Darul Arqam, Inc.:** Yes.

**Chairman Plato:** Can we require cameras?

**Attorney Dickover:** I'm not sure the answer to that, so I'll reserve on that question as well.

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Member Muehlen made a motion to close public hearing for 98 Gladstone Ave. Seconded by Member Thompson. All ayes. Motion carried.

**B. FORMAL APPLICATIONS:**

**B. 1 120-126 North Montgomery Street (Falcon Rest) Site Plan/ARB**

**Larry Marshall:** Last meeting, the board had expressed continued concerns over the HVAC units. The units were individual units for each zone inside the apartments. It was basically 3 zones per unit, plus additional units for common areas. The board expressed concerns over having those units in the walls. We had asked the applicant to change some of the conventional air conditioning units, possibly putting them on the roof or on the ground. They are not able to be placed on the roof because of various reasons. We placed them on the ground adjacent to the building, provided the elevations showing what they would look like. The applicant continues to request the original design having individual units inside the units, but has offered this as an alternative.

**Chairman Plato:** Our main objection is noise. These condensers on the outside, what is the noise level?

**Larry Marshall:** Just like your condenser on your house. 72 amp.

**Larry Artmin:** The ones in the wall usually much quieter. They usually heat and cool combined. The ones on the floor, which typically see in residential units, will be louder.

**Chairman Plato:** What's the issue of putting the condensers on a roof?

**Larry Artmin:** The visibility. Accessibility. Having big condenser units on the roof, it's not the prettiest. Additionally, it's a sloped roof. Which means you would have to build platforms, it's going to be raised. It would not be pretty at all.

**Chairman Plato:** What about landscaping around the condensers?

**Larry Artmin:** You're not left with enough landscaping to hide those units because there's a sidewalk. I would say you're left with 5-6 feet of grass.

**Member Thompson:** How many of these condensers would be around the facility?

**Larry Artmin:** 1 per unit plus additional 6-7 for the common areas.

**Member Thompson:** We're talking roughly 75 versus the number that we originally have 250 plus. There's no way you're going to be louder than all those in the wall units are going at once or heating all at once in the winter time or cooling in the middle of August. No way.

**Larry Artmin:** If you look at it this way, basically every window. \*inaudible\* next to each unit on the bottom, there would have to be 3 condensers for the 3 units. I know the board was concerned about the look of those wall units and looks a little like a hotel. Today those units are a little more sleek looking. You can match the siding to it. It doesn't stick out, it's flush. It's different than it used to be.

**Chairman Plato:** There's no way put in a screening around it?

**Larry Artmin:** The way this is set up now, no. Can't put any screening because you won't have the right amount of airflow.

**Member Thompson:** That's just on the short side of the building. On the other side of the building there's plenty of room.

**Larry Marshall:** I don't know how much that we can actually put on the side.

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**Member Thompson:** The whole facility is not a problem, just that one side. Which is the backside.

**Larry Marshall:** \*referring to map\* This is the front. This is the drive vial that comes up and then this would be the one way that comes around the left side of the building as you're driving up. This is facing North Montgomery St. This is the left side towards Liberty and that's towards the trailer park. This this site is 2-way, goes around to the back and then this is one way around here.

**Member Pearson:** What's the reason you can't put it on the roof? I know the slope, but didn't we talk about a parapet or some version of that on the roof?

**Larry Marshall:** 1 of the biggest issues with that is accessibility. With the building being over 30 feet in height is getting there and maintaining them.

**Larry Artmin:** If you have a sloped, a parapet, guaranteed you're going to have water if that slopes out to a parapet. It's not the most ideal way to do things.

**Larry Marshall:** I think everybody has been to those hotels that are 20-30 years old and you hear the rattle on the walls, window unit. As Larry Artmin stated, these aren't those. These are updated units. You can also remember the old HVAC units that rattle on the outside of houses that drained your house of electricity when it turned on.

**Chairman Plato:** What's the db level on these units?

**Larry Artmin:** I could find that out.

**Chairman Plato:** I have a heat pump system probably close to the size of these. It's very quiet. Are these heat pumps?

**Larry Artmin:** The wall units? Heating and cooling. In the past, he has built a lot of apartments and these are pretty quiet. They're not as ugly as they used to be.

**Chairman Plato:** I need to see the db level.

**Member Thompson:** I'm just deadset against the wall units. So, anything with the wall units is going to be a no with me. I'm looking at this, you're talking 250 units of electricity going on at once. It's insane.

**Larry Marshall:** But you have all of those units. Yes. But you still have to heat the same area and you still have cool the same area. You may have 250 units, but their sized appropriately for the area of their heating/cooling. If you have 70 units, you still have to heat and cool that same area.

**Chairman Plato:** You can reduce noise by keeping the same volume, reducing the speed. You can have like 10 cubic feet per second or 20 cubic feet per 2 seconds. It would reduce the speed. Which reduces the noise level.

**Larry Marshall:** What I'm saying is that you're worried about unit size when there are 250 of them. There's still 75 of them that would have to be there. They're at ground level. They're at your level when you're outside, they're not up in the air. I understand the desire of having them up in the air so they're out of the way. But you have 2 floors of units that would be 10 feet in the air, 11 feet in the air. Well above your head. You would have only the ground floor units that would be at your level. In this case, you'd have 75 units all at your level as you're walking past them, and they would be sized at a much higher scale because they have to treat 3 times the area.

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**Member Thompson:** I understand that but the db level's are going to be outside, not inside each unit. 3 of them are in each unit. 3 of those things going off inside the apartment for seniors. That's a lot of noise inside the apartments for that, where all the noise with this is on the outside, not on the inside.

**Larry Artmin:** You would still need the inside condenser.

**Chairman Plato:** I'd like to know the db levels of the units you propose.

**Larry Artmin:** Comparing 1 to another?

**Chairman Plato:** Yes. If we just say yes, the new units are quiet, you can put them in wall and then you pick out something that you got a great deal on, that's noisy. We are in the position to specify a db level.

**Larry Artmin:** So, if anything gets approved, you want to limit the db level. So can't buy any cheap unit.

**Chairman Plato:** If we come in with some units with a db and then we make it part of the architectural review that the units you put in cannot exceed that level.

**Larry Artmin:** Of course. We'll find out. We'll print out the specs and everything.

**Larry Marshall:** 1 of the applicants main objection to having ground units is that he just finished a development down in New Jersey, with the ground units. They're just not as esthetically pleasing as having the window units are. It's not a significant difference in terms of noise.

**Larry Artmin:** We'll get the db levels comparing. I don't know how we can calculate the height differences versus the same amount of ground level or divided in 3 different levels. We'll get you accurate numbers.

**Chairman Plato:** I still don't understand why the roof is out.

**Larry Marshall:** There's several aspects here. 1 is accessibility. Getting up to that level and maintain it and properly making sure because of the nature of the way it is designed, that you're talking about creating shelving for these units. You have to worry about making sure that that area is clean of debris so that drains properly. Then you have all sorts of drainage issues on roof. Inevitably, you always end up getting leaks.

**Chairman Plato:** What drainage issues?

**Larry Marshall:** Getting the water off the roof, because if you have a blockage on the roof the water is going to sit up there.

**Chairman Plato:** That's why you don't want a flat roof.

**Larry Marshall:** Every flat roof eventually leaks at some point and the pitched roofs are far less likely been proven to not leak nearly as much.

**Larry Artmin:** Typical shingle company will guarantee for 30 years, you won't get that on a flat roof.

**Larry Marshall:** We will come back with some information on the decibel levels for ground mounted units versus units in the walls.

**Member Thompson:** Where does the condensation from the wall units go?

**Larry Artmin:** I'm not sure. I'll check on that.

**Engineer Queenan:** The applicants are going to research the decibel level. But I think it all goes back to the look of the grates. I just don't want to lose sight of that. I don't know if the applicant may want to bring in some alternatives. That was the original concern of the board.

### **B.2 39 Edmunds, Site Plan/Subdivision**

Tabled

### **B.3 Overlook at Kidd Farm, Update**

**Jerry Jacobowitz:** Specific thing we're here for tonight is a request for an extension of the approvals. An application that was submitted dated December 9th and the application explains the reasons. There are 2 major reasons. 1 is that because of delays that have tended to the processing of the project, the engineers regulations change and when the application went in to extend it, they ruled that since the changes have already been made, all extensions would have to be considered under the new regulations. So, environmental and engineering properties both comply. We've done a new delineation in the field. It's been inspected by the core of engineers and at this point we're waiting for them to issue the JD and the notice to proceed. There's an email attached to the submission that we made to you from the engineering firms that are handling the core of engineers.

**Building Inspector Stickles:** Jerry, just to clarify that the email that you sent to me, December 9th, did not have that attachment. It was just the letter.

**Jerry Jacobowitz:** I'm sorry, I can't answer why. It's from James Bates Ecological Analysis and it's addressed to us as you know, Ross Winglovitz and I have been working with the ACOE on obtaining both the JD and the nation number 29 Permanent Wet Land Crossing. Unfortunately, halfway through the process, the ACOE stopped all applications for a few months due to the lawsuit and new regulation changes under the administration. I believe that Mr. Orzelle from the ACOE, send you an email on those changes. The ACOE restarted applications, but with the changes under the new regulations, the agency has been slow to review projects. They were reviewing this project and have both Ross and us, what we believe is the final items to complete both the permit and the JD. All the items have been submitted and we're just waiting to hear back. That was on December 6th. The second reason is a similar situation, but this involves your state DOT. After the application has been reviewed endlessly by the 5th new reviewer, got the package and he decided that there were things that he wanted change and so on December 8th, Jason Brenner of DOT sent an email to Keith Woodrich in which he says, "Keith, I took a look at the plans and had a few quick comments." He then goes on for 3 pages of comments about the plans that they've had for 10 years. He assured me that he is answering it and that there are answers for whatever they want at this point. Keith said he's getting it out as quickly as he can. So those are the vagaries of the land use development field and it's delayed a lot of things, unfortunately. So we need the next 90 days. That will take us from December 31 to March 31 and I don't want to promise it. I'm hopeful we're not going to need another extension.

**Chairman Plato:** Is there a limit on how many extensions you can have?

**Attorney Dickover:** 1 extension of 180 days, which was granted by this board last year. And then 2 additional 90 day extensions. They got their first one, which takes us to December and he is asking for the second 90 day extension.

**Chairman Plato:** What happens if these other organizations just don't do their job in a timely fashion?

**Attorney Dickover:** I'll have to comment on that later.

**Jerry Jacobowitz:** I'm anticipating that not because I'm fearful it's possible. It's something I'll have to work out with Mr. Dickover here to find a way that is within the law that will allow you that discretion. As a matter of fact, tonight, I'm going to give him copies of certain things that I've researched that I want to share with him so he can check it out to see if that may be the answer to your question. On the positive side, we're very hopeful we're going to have somebody who's going to undertake the project. There have

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been a number of suitors and we haven't been happy with most of them. The gentleman we're working with now is well established, well experienced, has a great team and he's in the process of doing what's called due diligence. Just a matter of how fast that will take place as to whether we'll need an extension. In that respect, I'm very excited they're getting to the end line here.

Member Pearson made a motion to grant Overlook at Kidd Farm extension to March 31, 2022. Seconded by Member Thompson. All Ayes. Motion carried.

Member Thompson made a motion to close Planning Board and open Architectural Review Board. Seconded by Member Muehlen. All ayes. Motion carried.

**B.4 Architectural Review – 37 Main St, Sign**

Member Thompson made a motion to approve the sign as presented for 37 Main St. Seconded by Member Muehlen. All ayes. Motion carried.

**B.5 MPB – Sign**

Member Thompson made a motion to approve sign for MPB as presented. 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

**MEETING ADJOURNED:** Member Muehlen made a motion to adjourn. Seconded by Member Pearson. All ayes. Motion carried.

RESPECTFULLY SUBMITTED  
Marisa Kraus, Planning Board Secretary  
9:08pm