

Village of Walden
Planning Board Meeting
March 20, 2023

Chairman:	Stan Plato	Present
Members:	Zac Pearson	Present
	John Thompson	Present
	Jennifer Muehlen	Absent
Alternate Members:	Basil Stewart	Absent
	Melissa Reda	Absent
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Marisa Kraus	Present

Chairman Plato - Called the Planning Board meeting to order at 7:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B. 1 Edmunds Lane, Kissaroo – 6 Lot Subdivision/Site Plan

Ross Winglovitz: There was a discussion regarding the six lots subdivision that was proposed as part of a project sewer capacity. The current situation and not being able to sign applications to extend sewer. After that meeting we discussed that with the applicant and the decision was to withdraw that application at this time. I know that Rob's letter indicates a concern about segmentation and we believe it's a concern and I don't think we have problem addressing it. Segmentation is if we try to break two parts and don't study it to be cumulative of the two different applications. We have no problem proposing in our SEQR documents that we would review the specific impacts of the warehouse project that's being proposed, as well as the impacts on potential development of the property. Threshold issue with *inaudible* comment with John on the EAF, and discussed in part 3. We have no problem addressing John's comments. The next step would be to figure out how the board with the SEQR process, typing the action and coordinating lead agency.

Chairman Plato: Didn't we do SEQR last meeting? I put down our intent for lead agency.

Attorney Dickover: I don't think so. Decision on this was forthcoming whether or not what the applicant was going to do with the project. Regardless, the board would need to declare your intent to be lead agency and circulate notice of that. Other interested agencies would have 30 days within which to either object or to say nothing with respect to that, after which you could then declare yourselves to be lead agency and type the action.

Chairman Plato: Even if we did, the application is new now anyway.

Member Pearson made a motion to declare intent lead agency and type 1 action. Seconded by Member Thompson. All ayes. Motion carried.

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Ross Winglovitz: I did submit part three, John had some comments, I don't know if anybody had any other comments regarding potential environmental impact you would like us to study as part of the project. Any feedback you can give us.

Chairman Plato: Is the application pretty much complete now?

Ross Winglovitz: Yes. As far as layout, zoning, we obviously need to do engineering.

Engineer Queenan: From a technical standpoint, they still have a ways to go. But overall, this is pretty clean. Enough for Ross to begin a design. If the board wanted to concentrate on any one particular item lighting, landscaping, noise, any issues specifically that you'd want the applicant to take a closer look at. I had a water, sewer, traffic, noise, and part of the site plan, landscaping, and I just had anything else that would be associated with the use, any outdoor storage materials.

Chairman Plato: There was a question of drainage on a property.

Ross Winglovitz: Drainage actually come to low points. We're going to have 2 ponds. Infiltrate what we can, what we can't will be piped to the existing discharged point, which is across Edmunds Lane.

Attorney Dickover: Ross, in your part three, you might want to just address the fiscal impacts of the warehouse. Some additional village services require an account of that. Similarly, with respect to the six lot residential, just the fiscal impacts of that I think might be of interest. I think the sewer main connection that would service the propose the six lot residential subdivision. You're going to have to address that somehow. Talk about it and analyze that. I think that's all I really am concerned about.

B.2 36 Orange Ave, Site Plan

Tom Olley: The building directly across from Sweeney's. We're before you with an application for site plan approval because it's a requirement for us to be able to get a building permit to do any interior renovations. The building has been empty for more than 12 months. Whatever the previous owner may have had, has expired. That's why we're before you. We're not proposing any alterations to the site. As you can see they resided, reroofed the building, new windows. Just to stabilize and modernize it. But we're looking to reoccupy the ground floor for retail or office. Depending on the market. The parking requirements for both retailer office are the same, so it shouldn't make any difference to the Planning Board as far as site plan goes. The second floor, about half of it will be used for a single apartment, which is permitted in the B3 zone. The rest of the space will be unoccupied because there was a second apartment up there at one point. That is not permitted in under the B3. So we're not proposing to occupy it. It'll just be a personal storage of the owner of the property. We submitted the application fees and a short EAF with a type 2 action for the board. Since it's a reoccupation of the building and we're not proposing any alterations in the site, I would hope that the order would see fit to waive a public hearing on this.

Member Thompson: Could you explain the parking?

Tom Olley: There are five parking spaces that are proposed to be to the left of the building.

Member Thompson: That's the interesting part. How does that work? Loading dock?

Tom Olley: It's not a loading dock. It's just an area that we reserve to meet the off street loading requirement for retail for commercial use in the village. It's not something that would have a truck there at any given time. It's a place for the UPS guy to pull over. FedEx.

Member Pearson: What are the dash lines out front?

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Tom Olley: We show them there, we're not allowed to count them as parking because they're not on site. But we're also showing that there is on street parking in that area. We're not including it in the calculation, though. We do have an additional parking space to the right of the building that we would use for ADA accessible parking and then two parking spaces at the rear of the ramp.

Member Thompson: Where do you access the parking areas both sides?

Tom Olley: The entire front area is paved. There are no curb cuts or anything. We have unrestricted access to all the parking off of Orange Ave. Building dates back over 100 years. It was not even sure when the taking may have occurred for 208 through there. It's right up to the building. It really doesn't lend itself to having curb cuts.

Member Thompson: What is this going to be used for?

Tom Olley: Same use as it was, office and retail. It was a gift shop in there, George's Fuel was in there for a while and may have been another office in there as well. It's just under 1800 square feet of space on the ground floor. The dash line going through the building is the foundation line.

Member Thompson: And one apartment? Can you tell me where?

Tom Olley: Upper left hand corner. Back left, it has a deck. Entrance is front left at street level.

Member Thompson: Where do they park? In one of the five spots?

Tom Olley: Yes.

Member Thompson: One bedroom?

Tom Olley: No, I believe it's a three bedroom. It's 1600 square feet.

Engineer Queenan: It's a tough site. It's there. I think the improvements of living in the building are better. It's not ideal, but it is what it is. I think it's actually making the site a little bit better with the parking being fully on site and not taking credit for building a wall fully. So there's not much you can do with it. We can make it a major project and put retaining walls in and put more parking but it's still going to be the same set up. It's tough. I was happy to see that the parking is being provided on the property. The only other thing you could you think about is if you wanted to additional curbing to reduce that paved area in the front. So people don't park there. But I think it's been like that ever since I've been here and it's probably a good thing to have because a UPS guy pulling up, he's going to just going to pull off into that shoulder area anyway.

Tom Olley: Actually, there's more width there than at the post office. Or even that block between Maple and Orchard.

Attorney Dickover: I think in the past with projects that were similar to this, the board asked that the existing utility service lines be shown. So, that the village records are brought up to date and things like that. Maybe they're on there but so small that I can't see it.

Tom Olley: No, I'm not sure where they are. I'll contact Fred and get a mark out on it.

Attorney Dickover: I can't tell if there's any exterior lighting that's provided or needed here. That would be one item to discuss and maybe the second one is if there is a place for a dumpster.

Tom Olley: We actually show a place to the left of the deck behind the parking. They won't have a dumpster but they just use the regular bins that village collects.

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Attorney Dickover: The exterior lighting for evening access to the retail space? Maybe you want to show that here.

Tom Olley: I will speak with the client and add that.

Attorney Dickover: Just make sure it's adequately shielded from the adjoining neighbor.

Chairman Plato: I'm concerned about the parking spaces that are elevated. Driving up is easy, but getting out of there is not that easy.

Tom Olley: We understand. As John just said, it is what it is. It's what we have to deal with there. The intention is that they would be used for the employees that are there parked for the day not coming in and out, the other spaces would be available for people coming in and out of the retail or offices.

Engineer Queenan: You don't reserve spots for residential? Possibly put a sign up.

Tom Olley: We could do that.

Engineer Queenan: I don't know how the board's handled it in the past, I don't know if there official street spaces.

Tom Olley: Well, they're not and they're also only in the MX. Any of on street parking in the village is either in the village right of way or town right of way. The issue is that only the MX zone allows us to count those spaces towards the requirement. This is not in the MX zone.

Engineer Queenan: The board has ability to waive or reduce but I think they're not official parking spaces in the right of way. So you would have to approach DOT to get those. At that corner? No way.

Tom Olley: I wouldn't say no way at this point, but we're demonstrating that we don't need them even though the 2 spaces there that are tough, we admit that. But there are a lot of tough properties in the village that do function. To put a 100 year old building back on solid footing, as far as occupancy use.

Engineer Queenan: The only comment that I looked at to put a safety railing or retaining wall for the drive up to the 2 spaces.

Tom Olley: It has been used that way for years. Granted the traffic has increased. Quite honestly if you put it that way and then it doesn't leave much left for the development of the site. We're going to ask for a waiver on the parking spaces. I'm not sure that it doesn't have a big difference one way or the other.

Chairman Plato: Well, what happened if it's decided to take the undeveloped spaces?

Tom Olley: Well, at that point, we would have to address the parking in some other fashion. That's why we can't develop it at this point. We don't have a solution for that that doesn't involve on street parking. It's not to say that at some point in the future that they shouldn't get into MX zones, right across the street. It would allow them to go to the DOT.

Member Pearson: What if you continue the parking to the north of the handicaps. I know you have the retaining wall coming down. But you eliminate all vehicular access up to the top spot. It would require an extension of the wall. Another three or four spots there.

Tom Olley: I can discuss it with my client. The only problem with that is it does take away the access to the second floor. Vehicular access that they do have right now on the second floor. As I understand it, years ago this was actually an auto dealership and second floor was used for either car repair or storage.

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This whole portion here is a concrete slab on grade. It could be that that's part of the of the second, the future would be still having a vehicular access there. I would think that if we take that route, then as far as adding additional spaces here. I would ask that maybe the board consider that for a future resolution the site, I would ask to let it go the way it is or the way it functioned all these years in the past. But if we do come back in and that we would want vehicle access to that. We would have to get it from Church Street and extend the parking cross there or some other arrangement.

Engineer Queenan: Is there a grade drop from Church?

Tom Olley: Yes.

Engineer Queenan: Because you can open up a driveway there to take the two spaces.

Tom Olley: You can't get down in the area 2 spaces. The Church Street opposite the backwards corner of the building is *inaudible*. You would have to do something further down. Driveway of the post office or the driveway of the 1st apartment building. Would have to definitely be down that far. The position at this point, is to ask the board to accept the way it's worked all these years with the with the condition that we're only doing one apartment and we're doing the first floor commercial and if we come back in for anything else, we have to come back in with a solution for that.

Chairman Plato: I want to take a look at the site and see if there are any other options. I know you said it's been used like that for a long time. But when was the last time somebody that had to drive up?

Tom Olley: If you look at the Google Earth image, which is not all that old, there's a car parked up in that driveway. It is gone now. The date on that was within the last couple of years. People have used it. I know it's not the answer that you expect to hear from an applicant. We have a situation here where the way that it functions and operates, there are areas that people will park that we just can't show on here.

Chairman Plato: You don't think the DOT will approve those spaces? Did anybody permit spaces by the post office?

Engineer Queenan: its one thing to just use it. It's another thing to get permission.

Tom Olley: John Revella shared with me about a month ago, a change in the county planning policy that they are not requiring.

Attorney Dickover: The opt out agreement was presented to the Village Board last month. I think they moved to adopt it, but I don't know that it's been countersigned by the county yet. You're just being safe and you're gonna be back next month anyway. We'll, go ahead and refer. You're going to prepare that letter or is Dean preparing it, John? Or am I doing it?

Engineer Queenan: I'll do it.

Member Thompson made a motion to declare lead agency and type two action. Seconded by Member Pearson. All ayes. Motion carried.

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

B.3 19 Orchard, Site Plan

Michael from A. Hennessy's Office: Change of use from a single family to a mixed use. A retail or office space on the first floor and an apartment on the second floor.

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Engineer Queenan: This has been before the board before. Been a little while. This is their second appearance. Their third plan. Plan has been updated to address all of the prior comments. Essentially I believe it's a commercial. First floor retail, second floor apartment. It's in B3 zone. Very similar to the previous application. Permitted use in the zone. There was a Howard Weeden plan that was initially presented. That was transferred over to the Hennessy plan. They pretty much have addressed everything that they had prior laid out. Right across from the entrance to the municipal lot.

Chairman Plato: It's municipal parking area, right?

Engineer Queenan: Correct.

Chairman Plato: No parking requirements.

Engineer Queenan: He's showing one space on the site. Can take credit for off street.

Member Thompson: Even though that's 3 hour parking?

Engineer Queenan: He also has on street parking that's outside of the lot.

Member Thompson: I have a personal issue with the municipal lot. No one's abide by the three hour time limit. And now put another resident in there. It's over use for the intent. We don't have any parking meter person to go over and check if cars are there all day long. Then God forbid there's a funeral. There's no parking for when people go to the funeral because we have all these permanent parking.

Chairman Plato: It's an existing 2 story residence?

Michael from A. Hennessy's Office: It's existing single family now.

Engineer Queenan: Everything's existing, but the shaded gray box. The addition is the kitchen, dining room. They're converting the first floor to commercial. And they're going to move the residential just for the second floor. It's permitted.

Attorney Dickover: Needs to be referred to the county Planning Department. A year ago in May, declared yourselves lead agency and typed it type two. So, we don't need to do that again. Just a matter of referring it and deciding whether or not you want to have a public hearing.

Member Pearson made a motion to refer it to County Department of Planning. Seconded by Member Thompson. All ayes. Motion carried.

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

B.4 ARB – 81 East Main St

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

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

8:20pm

RESPECTFULLY SUBMITTED

Marisa Kraus, Planning Board Secretary