

Village of Walden
Planning Board Meeting
May 15, 2023

Chairman:	Stan Plato	Present
Members:	Zac Pearson	Present
	John Thompson	Absent
	Jennifer Muehlen	Present
Alternate Members:	Basil Stewart	Present
	Melissa Reda	Absent
Village Attorney:	Robert Dickover	Present
Village Engineer:	Kristen O'Donnell	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:

April 17, 2023

Member Pearson made a motion to approve the April 17, 2023 minutes. Seconded by Member Stewart. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B. 1 36 Orange Ave, Site Plan

Tom Olley: We were before you two months ago with the plan for the reapplication of 36 Orange Avenue. The ground floor is proposed for retail/office use and a portion of the second floor would be reestablished as an apartment. About a little over half of the second floor would remain vacant because it is in the B3 zone. So, it only allows for a single residence above the commercial use. We are seeking site plan approval simply to reestablish what was there. Up until the property went into tax default, it was occupied by offices and retail and it actually had two apartments on the second floor. One was never utilized so we're not proposing that. We're simply taking the appliances out of that and use it for just the personal storage of the owner. The board referred this to the County Planning Department following the March meeting and the County Planning did come back with an advisory comment about trying to clean up the frontage and define the access. We have a real problem with trying to do that just because the building is literally 3 to 4 inches off of the property line, the right of way. The only place to get parking is to provide perpendicular parking as we had shown on the plan plus the two additional spaces up the driveway, which gives us the minimum required parking given the proposed uses. If that's channelized, we would still have the same movements out on 208 and it would also prohibit the on street parking that happens there now, even if it's de facto, it's outlined. But for years and years and years, just like Pisano Brothers right next door, that area has been used for cross street parking. We don't include that area in our parking calculation and in the plan that I have up here this evening just for discussion purposes, it was not a formal submission, we removed the four spaces that are shown that we had a ghosted in there just to avoid any confusion about the calculation. What we also are looking to do is just reconfigure what we had shown for the second space up on the upper level. So, that there was less of a turning movement that has to be made to back out of there. We did have a discussion about possibly doing something to bring that access out to Church Street and the topography really prohibits being able to do anything in there without massive retaining walls, which just are not economically feasible for the rent that they would be able to return on this property.

Village of Walden
Planning Board Meeting
May 15, 2023

Chairman Plato: You changed it so you can turn around?

Tom Olley: No. It's still backing out. There isn't enough room to do a three point turn. We just changed the angle so that when it's striped, we would have to make a kind of an "s" turn coming out of there. Probably one car park up there, we don't see two. We do meet the area criteria and the number of parking to provide for the proposed square footage and gross areas for the retail plus the residential use. What we would propose to you is that the owner does want to pursue getting a second apartment there at some point in the future. But that would require either a variance by the ZBA or a zoning change and that will take some time no matter which route we go. Right now he can make it work with the one apartment as long as he can reoccupy the ground floor. The dilemma that he has right now or the situation, I should say, is that without a site plan approval, he cannot get a building permit to make any interior renovations. So, he's stuck just paying the mortgage on a building that he cannot rent for anything. It's an existing building well over 100 years old. There's not much that we can do with the site. We're really stuck with what we have there. And the lot geometry doesn't allow us to make a connecting driveway road out to Church Street. What we could do also is to maintain the vegetation on the post office side. Most of it is cleared. Most of it is within a village right of way. It's regularly mowed. But when you get back towards the retaining wall on the right hand side, there is some vegetation back there that can be cut back and actually have a halfway decent site line back through the stop sign and you get just about 250 feet which exceeds the safe stopping distance at 30 miles an hour. Wish we had more room at the site. Wish we can do something with the building. But it really is right up against the right of way line. If there's anything that we could do out there would require probably an occupancy permit from the DOT, which would take months and months and months or six months to a year to channel its way through Albany. The easy stuff, at the last meeting, Lanc & Tully had a couple of comments that we will certainly agree to, they talked about a fence or a guiderail along this lower retaining wall. We would certainly, but we suggested that we would section guiderail in there rather than bollards or fence. It would be more substantial. John was right, there was only a 16 inch difference between the driveway and the retaining wall.

Chairman Plato: You have 8 spaces for what you're doing, right? 2 are up on the ramp.

Tom Olley: 2 there, handicap and then 5 to the left side of the building. Not to confuse things but we also have, that's why we were showing the ghost parking in the front that's parallel and on street. We would certainly work with the DOT.

Chairman Plato: What would we have to do to get those approved?

Tom Olley: I believe that we have to get an occupancy permit. It starts with Poughkeepsie and ultimately ends up in Albany though the real estate division. It's a long process. Orange County Transit has been going through the process for a year and a half so far just to get a force main and water line approved.

Chairman Plato: Because that would solve the problem. Can the village do anything to help that along?

Attorney Dickover: They become the same applicant as this applicant.

Chairman Plato: How did we do the parking by the post office? How does that work because there's not even enough room. This is so much better than that.

Attorney Dickover: I'm not familiar with the situation.

Tom Olley: There's probably five feet to six feet from the curb to the white line in front of the post office. And as you come towards this property it really narrows down. Where the mail drop used to be right across from the Fowler Building, it's a little wider there and then it gets narrower as you head towards Sweeney's and this property. But that's not straight.

Village of Walden
Planning Board Meeting
May 15, 2023

Chairman Plato: I would say accept those 2 up top and hope don't use *inaudible* because who is going to enforce that?

Attorney Dickover: It would be the Building Department.

Member Pearson: If somebody parked along the right of way. Along the front of the commercial building, somebody pulled up from side.

Attorney Dickover: It's available parking, it's in the state right of way.

Tom Olley: It's not signed for no parking.

Chairman Plato: Can we designate where the residents of the apartment park?

Attorney Dickover: I think that then detracts from the commercial parking. You can ask if those spaces above be designated for tenant's apartment.

Tom Olley: The only problem that we have with that is that the entrance to the apartments is on the opposite side and at the lower level.

Chairman Plato: If you designate 2 for the residential over there that would work.

Tom Olley: Yes. We'd be willing to do that. It will be employees that will park up there, so that it will not take a space from a customer. Let me put it this way, it's going to be a business owner that parks there.

Attorney Dickover: The tenants are probably not going to be there during the day, if they work during the day. Their car, now you've reserved parking spaces, you've taken away from the commercial tenants. Maybe reserved for tenant parking after the hours of 5 pm or something like that maybe works. Some tenants do work at night and stay home during the day.

Member Stewart: May want to look at making sure people parking there aren't from Sweeney's.

Tom Olley: I would say that leave that to the property owner, just like Walden Diner, if Gary can come to terms with the owner of the property to let him park there after 5, 6, 7:00, whatever it is, that's probably a good co-use of property. But they would have whatever liability protections. I don't really see that as much of a problem during the day when this would be office and retail. I have seen my client talking to Gary at different times. So, I know that there is a relationship there.

Chairman Plato: What's the next step?

Attorney Dickover: You've completed your SEQR review back in March. The board determined to waive the public hearing on the matter. If you're satisfied with the site plan as it has been drawn, a motion to approve it would be in order. If you want to impose conditions, that would be part of the motion to approve.

Member Pearson made a motion to approve site plan for 36 Orange Ave with conditions cited in Lanc & Tully letter and signage for residents parking. Seconded by Member Muehlen. All ayes. Motion carried.

B.2 19 Orchard St, Site Plan

Member Pearson made a motion to approve 19 Orchard St site plan. Seconded by Member Stewart. All ayes. Motion carried.

B.3 Edmunds Lane, Kissaroo – 6 Lot Subdivision/Site Plan

Chairman Plato: Didn't we talk about doing a lot line change?

Village of Walden
Planning Board Meeting
May 15, 2023

Kristen O'Donnell: The last discussion was it was a 7 lot subdivision. Then we decided to put the 6 lot residential subdivision as a future development. So, now it's just a two lot subdivision to accommodate the lot line change between the two parcels.

Chairman Plato: 2 lot subdivision, it looks like that's what we ask for.

Attorney Dickover: Yes, and it's in the nature of a lot line change or adjusting an existing lot. 2 lots are involved will become one at the conclusion of that process. Before it doesn't have a lot line change procedure, so it's handled as a minor subdivision, 2 lot subdivision together with a site plan application for the industrial/warehouse.

Kristen O'Donnell: Where we are with this is the applicant didn't submit a new round of plans this month. Where we are is applicant is going to be providing a revised part 1 EAF consistent with the changes that we requested. They provided a draft part 2 that's typically prepared by the lead agency. But they did prepare a draft for us. We do have a couple of comments on that. They did prepare an outline for an expanded part 3. An expanded 3 EAF is basically a compilation of analysis and documents that respond to any kind of outstanding significant impacts in the *inaudible*. The applicant has provided a brief overview of what they're going to be providing. Going to be comparing the basic analysis of all of these items as they relate directly to the yes checks in the part one. We did have some minor comments on that. Just to add zoning compliance, which is pretty basic. And then we want to add to, I think, the board should maybe take a look at, they are providing a traffic study. It was something I think the board discussed and there's only one intersection listed in this outline and wanted to just add to the intersection of Coldenham and 208 and Coldenham and 17K to the traffic study. Otherwise, have no additional comments on the narrative and they can go and prepare that analysis.

Attorney Dickover reviewed Part 2 of EAF

Member Pearson made a motion to adjourn until the next board meeting for the expanded part 3. Seconded by Member Stewert. All ayes. Motion carried.

Attorney Dickover: We circulated notice of intent to be a lead agency by decision of this board back in March. I'm not aware of any objections or any comments about that. Did the applicants receive anything?

Lori Presting: No.

Attorney Dickover: I'm not aware of anything. That being the case, the board could this evening resolve your intent to be lead agency.

Member Muehlen made a motion to adopt lead agency. Seconded by Member Pearson. All ayes. Motion carried.

Chairman Plato: I know that it's classified as light industry. Tell me exactly what's going there.

Attorney Dickover: Certainly, you can ask. When you get into questions about light industry, could include storage of contaminants, hazardous materials, which is a concern to your fire department and making emergency responses to that area. Without knowing exactly what the non-nuisance industry is going to be. You've got different traffic flows. Traffic in traffic out. Trucks versus cars, number of cars versus number of trucks. Hours of operation, what kind of movements during the day and night might be in and out of there. They all become concerns and areas of legitimate inquiry of the board. Not maybe operation hours but the type of operation.

Kristen O'Donnell: I think it really falls to the applicant to evaluate. This is happening a lot in Orange County. You see warehouses popping up all over the place obviously and a lot of these are coming

Village of Walden
Planning Board Meeting
May 15, 2023

through the site plan approval as a generic evaluation. I've seen evaluations where they evaluate a generic warehouse and they just call it storage and then they come back and they see it's a bakery, a winery. But the important thing I think is, it's the responsibility of the applicant to study what they believe to be a worst case scenario. And if the applicant believes that it's going to be a dry storage type of standard warehouse and they can study that. And in the end, if they find a user, it's going to exceed those thresholds that they establish themselves through their evaluation and then they'll need to return. If it's not something that they study in, even in terms of water, in terms of sewer, in terms of hours of operations, they're going to be doing a noise analysis. It's on them to study if they think that the use is going to be up to 24 hours a day, they're going to study those noise impacts with respect to trucks backing up at 2 in the morning next to those residential properties. If they don't study that, the user comes back when it needs those type of hours, they're going to be coming back and slowing themselves down and coming back. I think it's really on the applicant to study what they believe to be a worst case scenario. You can't possibly pontificate on every possible combination of what it is.

Jerry Jacobowitz: I think I heard everything that this young lady said which is that we have a burden to cover all the impacts that may be generated by the use and it's a challenge because the table of uses, there's a wide range of things. In the meantime, we're marketing it, hopefully, we'll have somebody who's a user and will be able to be more specific, but for our purposes, get through SEQR, do what's been suggested and maintain all our flexibility by covering things that we could reasonably anticipate should be covered. It may get narrowed down.

Chairman Plato: My concern that it will get so narrow, will get something that we don't want.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

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

8:41pm
RESPECTFULLY SUBMITTED
Marisa Kraus, Planning Board Secretary