

Village of Walden  
Planning Board Meeting  
July 15, 2024

Chairman:	Zac Pearson	Present
Members:	Jerry Hanen	Absent
	John Thompson	Present
	Jennifer Muehlen	Absent
	Basil Stewart	Present
Alternate Members:	Cesar Bobadilla	Absent
Building Inspector:	Robert Wallner	Present
Village Attorney:	Dave Donovan	Present
Village Engineer:	John Queenan	Present
Secretary:	Anisetta Valdez	Present

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

**1. APPROVAL OF MINUTES:**

June 17, 2024

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

A.1

**B. FORMAL APPLICATIONS:**

**B.1 110-116 West Main Street, Site Plan.**

**David Niemotko:** We have the information that was requested at the last meeting, we addressed the comments regarding getting a survey of the site which was done by James Dylan. He outlined the [characteristics] of the site and also extended the survey to the municipal parking lot so we could show the connection between the parking lot and ours. We addressed the parking, the retaining wall, the top and bottom of the wall, and addressed all the comments. In addition we presented the ITE generation reports which was actually a good exercise and it showed that the forty-six parking spaces, we are providing thirty-nine on site which I believe is the reasonable approach to the project. Really don't think we'll reach the sixty-three required parking spaces, we also provided the photographs of the parking lot to show how it's being used throughout the day which was done through a security camera and the parking lot is never full. So requesting that the additional parking spaces to be allocated to the municipal parking lot would be a reasonable idea as we see fit.

**John Queenan:** We have not had a chance to go through it. Essentially, what David is saying is they took the village zoning code which requires, for their use, sixty-three spaces, and they then ran it through another set of calculations using the ITE (Institute of Transportation Engineers) much more updated data in terms of parking requirements that requires basically the same numbers based on the uses but what ITE gives you is those uses peaks at certain times of the day. So retail use that's going to be between 12-5pm versus a warehouse which would be on an earlier schedule. So, that breakdown gets you to the number that David was alluding to which is forty-five spaces for the retail use. Regardless, either way, the waiver request would be from sixty-three spaces to thirty-nine because that is what the code specifies. You can take into account this data, I think it's very good, I think it's good for the board to see that there might be some workability here, but ultimately the waiver would be from sixty-three to thirty-nine. The only other comment I did have is that the photos don't show the whole lot, I don't know if you actually took count or if you just relied on the photos.

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**David Niemotko:** Both. We did rely on the security camera for the photos, I tried to see myself at times and to be quite frank it was in the morning and at night, going to work, coming from the office, and it verified the photographs. Maybe 4-6 cars at a time.

**John Queenan:** Alright. Well at this point that's the biggest hurdle here and the decision or discussion with the board is how you feel about this waiver, the granting of it, or the avenue could be ZBA for a variance for the parking. Those are the two options. I'll let Dave weigh in also, but that's basically where we are at this point.

**Attorney Donovan:** Section 305-33 subdivision B does allow you to provide waivers to the parking requirement just read the statute: located 500ft within walking distance of the entrance to the municipal parking facilities the planning board may waive the required parking for such use in whole or in part, such waiver shall not be made unless the planning board shall find the capacity sufficient to accommodate the demand at the facility. So [the Planning Board] have to find that that parking facility at 500ft, has sufficient capacity to handle the additional demand being generated.

**Member Thompson:** Prior to me coming here, I went down to the lot, thirty-two cars are parked there right now. Becky, do you know what the total number of spaces?

**John Queenan:** Fifty-three.

**Member Thompson:** Fifty-three. Granted it's not the 9-5 that you're looking for, but I just spot-checked it before I came here, so gave a quick headcount of the cars, I can't see the village giving up thirty-nine parking spots, myself, right at the moment. I'm going to need some more information, I just can't see it. That's a lot. It's well over 50% of our parking we're giving up; you understand that, right? I'm trying to help you here, but I just can't give up 50% of my parking down there, I don't know what to tell you.

**David Niemotko:** I understand it from a code standpoint absolutely, the practicality [inaudible]. We have an existing bill to build, that's not being altered in shape or size so how do we make use of this building that will serve the village and yet allow the building to be in operation? We believe we picked the least impact occupancies on the village and yet the occupancies that would serve the village well. A church that had previous occupancy or at least has the opportunity would have had a greater parking requirement than what we are proposing here and, yet, [the church] had received some kind of preliminary nod towards a go ahead. We are asking for reasonableness, our peak times are going to be morning and afternoon, not the evenings.

**Chairperson Pearson:** There is a way you can get there; if you change what's inside the building. To non-personal services. If it was all warehouse or all retail, there's a way to get to a lesser number of parking spaces.

**John Queenan:** Are you set on these uses? Like you've identified a bakery, a furniture store, etc. did you just pick or do you have other uses in mind?

**David Niemotko:** No. We just picked them. [David explains owner's ideas] We are motivated to do something to get this project towards approval or conditional approval so the funds can be released so they can do their upgrades.

**Member Thompson:** Mr. Donovan, is there any liability on the village for a shared parking lot for with private industry for snow removal, stuff like that?

**Attorney Donovan:** So there's no respite I'm aware of for shared responsibility. Typically, if someone is going to shop downtown [inaudible] shared responsibility would have some use which I don't think is appropriate for this lot.

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**Chairperson Pearson:** I read through it twice, I think you understand what's off.

[Discussion about a house on Pine Street]

**John Queenan:** Why don't we do this—David, how does it connect to the parking lot? It just seems to end at the middle of the building.

**David Niemotko:** We provided a concrete wall along the... it ends at the corner. It's pedestrian accessible.

**Chairperson Pearson:** Is that an accessible route?

**John Queenan:** So they come from the parking lot, they go across the building... Ok. I see the concrete walk. What I was going to suggest is, why don't you take some more actual counts in the parking lot, get some more data, see how many cars, maybe three or four days' worth, morning and night, see what's actually there, put that in the report, get some more data on that, look at your uses more closely. Cause a bakery, you're claiming bakery, that's seven spaces per thousand.

**David Niemotko:** We went through a zoning review—are we all in agreement that a warehouse is acceptable in this zone? It's not.

**John Queenan:** No, I don't think a warehouse is acceptable in this zone. No, what I'm saying is, David, is like, you're claiming bakery, that's twenty-three spaces, so if you don't put bakery as a use, you convert it to retail, you drop another thirteen spaces that would be necessary. So I would take a closer look at that. Get some more data on the counts that are actually in the lot and then define how we're going to get people from the parking lot to the entrances. And then maybe the board will have more information to discuss their options.

**David Niemotko:** Could you repeat that?

**John Queenan:** So on your ITE standards, you're doing retail, furniture store, and bakery. Bakery is seven spaces per thousand square feet, but retail is only 2.3, so if you were to say, we won't have a bakery in the building you won't need thirteen spaces. No, that code isn't going to change, the code is the code, but it'll get down [the applicant's] peak by ITE standards. It's the only thing [applicant] can do. Because retail,... everything in the code is 300 square feet. But what he would be demonstrating is by ITE standards that he would/could equal what he's providing on site. The important part is to be able to get people that are going to park there, get them to the businesses. If we can't do that, then... (inaudible).

**Chairperson Pearson:** But that doesn't change the code.

**David Niemotko:** Quite honestly, we're looking at mostly vehicular traffic in the parking lot. We've identified the entrances in that lot. While the code definitely mandates that we need parking and that parking will spill over to the municipal lot, in real terms, I'm skeptical of whether or not that will really happen.

**John Queenan:** Granted it's all theoretical based, but if we're asking for a waiver to use parking in a municipal lot I think we should have a pedestrian walkway to get people who parked there to the business.

**Chairperson Pearson:** Is a garbage truck able to make that turn?

**David Niemotko:** Yes. Will this require a public hearing? I will take this under advisement.

**Attorney Donovan:** It's optional. Once you have a determination on parking, we can discuss the ZBA.

**B.2 20-22 Center Street, 2 Lot Subdivision.**

Engineer discussed with Attorney Donovan their reasons for not appearing before the meeting.

Motion to close made by Member Stewart. Seconded by Member Thompson. All ayes. Motion carried.

**ARCHITECTURAL REVIEW BOARD:**

**B.3 Overlook at Kidd Farm, Building Design & Colors for Phase I.**

Motion to open made by Member Thompson. Seconded by Member Stewart. All ayes. Motion carried.

**Keith Woodruff:** Before we begin, I want to provide the board with updated plans. What had been submitted was an early rendition of I believe the four plex unit. We now have the actual colors. The plans generally state closest to the same as the previously submitted layout. The only thing that changes is the colors submitted for the different architectural styles. Just to give a brief overview of the project since it's been a while.

(Gives overview of the plan.)

**John Queenan:** As Keith went through very briefly, the project received statement twelve years ago since then, applicant was pursuing outside agencies. They came back to the board two or three years ago to get sectional approval and subdivision approval for the final and then section one approval which was granted by the board, and essentially that's where we're at. Those maps have been signed, the subdivision has been filed with the county so those lots have been created so now we're at the step of proceeding with construction, which I believe the applicant is currently doing, it's site work and they are before you tonight with ARB. One of the conditions of approval resolution that prior to the issuance of the first building permit that ARB approval be obtained through the planning board for those buildings. We could talk for three hours.

**Keith Woodruff:** There's a bunch of other conditions. This is the phase that comes off of 208.

**John Queenan:** Yes, so phase I approval was there's a cul-de-sac that comes in off of 208 that has four commercial lots associated with it. Those were not given site plan approval so if at any time those get proposed for development they have to come back here for a site plan. That road is dedicated to the village and then off of that cul-de-sac is the entrance to the development which is phase I is the first four buildings that Keith alluded to. Which, if you're looking at page 2 of the map, you'll see the cul-de-sac at the top left corner on the upper portion says commercial lot B, commercial lot C.

**Chairperson Pearson:** That's the 208 side.

**John Queenan:** That's correct. That's the 208 side. So that road gets developed and they bring this driveway in, it comes straight down, and you'll see to the left the first two shaded purple buildings that's phase I as well as the first two buildings to the right of that. That's phase I. And what Keith is saying they'll be back to complete the road A buildings all the way down that are all shaded in purple. And then there's other aspects of phase I that were approved, part of it, water main connection basically, emergency services connection.

**Chairperson Pearson:** [inaudible]

**John Queenan:** That's correct. Everything is intertwined and there's triggers for different improvements at different times based on the number of COs. So, yeah, 208 is going to be at the top, Coldenham is going to be to the right. And I don't believe there are any changes to the site plan at all.

**Member Thompson:** (Discussion of how to keep the houses clean) Are the homeowners responsible for the exterior or is that the HOA?

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**Keith Woodruff:** I would have to look.

**John Queenan:** These mixed and match, you wouldn't do siding with the wood shackle?

**Keith Woodruff:** No. [Explanation of color pallets]

**Adam Snyder:** The intent would be to continue the gray around back and the front facades. We feel it was a nice choice because we're breaking up the gray.

**Member Thompson:** So is any of this going to be visible from 208?

**Keith Woodruff:** Not presently just because the commercial lots haven't been developed. Depending upon how the commercial lots are developed and what limits of tree clearing that they propose it may be visible. The cul-de-sac will be running I don't have the exact number, but it's not right up on 208. It may become visible, but who knows what the commercial development may bring it could [inaudible].

**John Queenan:** One other question, in the code there's a section on architectural design for town houses. Were you able to take a look at that make sure you meet all those? I see this new version has offset. You need, no two units shall be varied no more than same set back to break up the mass, there should be variations in the design and materials of the individual units, which it looks like you're rotating every other one, roof linings, including elements as porticoes and door ways shall be varied to provide more visual interest. Town houses shall be separated by a common party wall. That's part of the building plan. Garages shall be designed to use offsets and change in building materials and architecturally detailed doors so the garages do not dominate the building facade. I'm just – mailboxes will be placed in the common mailbox area complimentary to the development. That is section 305-61 E.

**Attorney Donovan:** John, what section is that? The reason I ask is, [make a motion to make this subject to compliance.]

**Chairperson Pearson:** [Calls for a motion]

Motion to approve with accordance to section 305-61 E made by Member Thompson. Seconded by Member Stewart. All ayes. Motion carried.

**B.4 65 Main Street, Window Signs.**

**Elodie Penna:** [Inaudible] This is for the signs.

**Rob Wallner:** I haven't actually seen them.

**Elodie Penna:** You can see through it.

**Rob Wallner:** Zoning code section 305-37 for identification signs in the B zone, section E speaks to window signs and paragraph 2, the area of the pink window sign may not exceed 35% of the window area based on the measurements that were provided, this fits into that.

Motion to Accept Made by Member Thompson. Seconded by Member Stewart. All Ayes. Motion carried.

**C. DISCUSSION ITEMS:** None

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

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4. **EXECUTIVE SESSION:** None

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

RESPECTFULLY SUBMITTED  
Anisette Valdez, Planning Board Secretary