

**Village of Walden  
Board of Trustees Meeting  
October 26, 2004**

Mayor Rocco Pellegrino called the meeting of the Village of Walden Board of Trustees to order at 6:30 pm.

On roll call the following were:

Present:	Mayor	Rocco Pellegrino
	Deputy Mayor	Roy Wynkoop
	Trustees	Mary Jean Norman
		Richard Hurd
		Lauren Keator
		Greg Raymondo

Absent:	Trustee	Jose DeJesus, later present
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Also Present:	James Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

**Approval of Minutes**

Trustee Norman moved to adopt the minutes of October 12, 2004. Seconded by Trustee Keator. All ayes. Minutes adopted.

**Public Comments**

Mary Ellen Matisse handed out an update of Craneville Block and indicated that there was the last hearing on October 12<sup>th</sup>. The Village Engineer wrote a great letter, but unfortunately it didn't get to the town hall until after five so therefore they didn't read it. On top of it all Jeff Crist said we're ready to issue a negative declaration on this project and go ahead with it. She spoke with Ron Gainer and he feels if the village board would back him up with support letters that will give more weight to what he and Jim Fitzsimmons sent to the town board. Now that the moratorium will be up in two weeks it will be a real trick or treat situation coming up for the village and the town and every developer will be knocking on the town's door.

Althea Mullarky, Watkins Drive stated that she found out the developer that's bought two hundred acres next to her development has asked in other places for a village annexation. She asked if the developer has approached this board for annexation.

Manager Politi stated not that he's aware of.

Mr. Dowd indicated that the developer would have to file a petition for annexation with both the village and the town and that is a public document.

Mrs. Mullarky stated that it will be a minimum of 100 houses that will be in the Tinbrook aquifer recharge. Does this concern the Village of Walden at all?

Mayor Pellegrino stated that's why the village just went out for a well because of their concern. He asked who would have say as to how many houses could be built.

Mr. Dowd stated that the town would review the plans and at the same time DEC would get involved as well as the health department as far as septic systems, especially the number of units, more than fifty. They have to make sure the water is in the ground. They have to make sure that the water that is coming out of the ground is not going to run certain wells dry.

Mrs. Mullarky stated that she received emails from Sue Cockburn and one that came was in regard to buffer zones. They will be doing a presentation on buffer zones. She asked if anyone here was going to attend.

Manager Politi stated that he hasn't heard about that.

Mrs. Mullarky stated that it will be November 17<sup>th</sup>.

Mayor Pellegrino stated that Alan Sorensen discussed that about a year and a half ago. He said that was one of the unique things about the village.

Mrs. Mullarky stated that she and Mary Ellen will be attending.

Trustee DeJesus stated that he sent a email to Sue Cockburn this weekend, in light of the issues about building around the villages and the high density, he asked about the development across from Amthor's and she said she didn't know there was anything going on there. He also expressed his concerns about buffer zones, because we don't want all this development whether it's residential or commercial. She had come to the comprehensive plan meeting and he feels they should discuss this further.

Mary Ellen Matisse stated that this particular building goes under the name of All Mine of Orange, Inc., but its Ed Biagini who built Rolling Meadows in the Village of Montgomery. He has a request that is now in court in the Village of Monroe, where he has forty five acres on Mine Road.

Mr. Dowd stated that he doesn't. He has nothing in the courts. The Town of Monroe turned down his annexation petition and the village granted it and there has been no lawsuit filed in the courts.

Ingrid Ilkiew thanked the village for replacing the flag in the park, now something has to be done with the flag pole. She further stated that last week she was walking

through the park and she ran into a gentleman and his son riding ATV's. She told them it was illegal to have motorized ATV's in the park, in the wildlife area. He was very nice and turned around and left. She suggested the village put up a sign.

Trustee Hurd asked if there was a wildlife area.

Manager Politi stated that there are trails, but no defined wildlife area. ATV's are not allowed in the park.

Dennis Wageman, 27 Ulster Avenue stated that he's had a vehicle behind his house for twenty years and he received a letter from the code enforcement officer which stated that the vehicle would have to be capable of passing New York State inspection. He knew it was going to take quite a bit of work to pass inspection so began to cut it up. He stopped and covered the car up. He received a letter stating that he had to get the car out of there within ten days. He came to the village office and had discussions and in those discussions it was said that instead of being able to pass New York State inspection the code enforcement officer was looking at vehicles as whether they appeared to be capable of passing inspection. The truck he was driving this weekend he thought would pass inspection and it didn't. He started to cut this car up and stopped and now he finds out that other people are being held to a different standard than what he was held to when he started to cut the car up. It appears people are going to continue to be held to that standard because the code enforcement officer says he looks at a vehicle from the street. He probably could have made his vehicle look like it would pass inspection from the street. He wasn't given that option. His concern is he was held to a different standard that is now being applied to 100 different cars in the village. This board made the law and now there seems to be a problem enforcing the law.

Trustee Keator asked the attorney for clarification.

Mr. Dowd stated that the standard should be the same for everyone. The code enforcement officer cannot go in and turn a car on to see if it operates, but if there is a cracked windshield or a headlight that is smashed out that would obviously not pass New York State inspection. That's what the code was designed to take care of.

Mr. Wageman stated that the code enforcement officer said he had to look at it from the street.

Mr. Dowd explained that the code enforcement officer is not allowed to go on property unless the property owner allows him to go on the property.

Mr. Wageman indicated that when he got the second letter he went around and looked at cars that he knew were there when he received the first letter back in March and in one case there was a car parked in a yard and it's now covered up. He was told by the inspector that these people register the car occasionally. If they register the car occasionally the car should be inspected. What he feels should be considered is when he got his vehicle inspected he got a report that it passed. That should be provided to the

code enforcement officer or something that says when the newsletter goes out that when you take a vehicle off the road go have it inspected, get a receipt that the plates were turned in and you're good for a year and a half.

The Mayor indicated that he will look into it.

Mr. Wageman stated that he will continue to cut up his car. Two pieces is all going to depend on what happens with the law. These cars are worth \$50,000 to \$60,000. He has one in the garage and he uses this car for parts.

Manager Politi asked Mr. Wageman if he told the building inspector that he was going to add onto his shed so he can cover it up.

Mr. Wageman stated that based on what happened today he may go in a different direction.

Dave Sperry stated that through F.O.I.L. he requested maintenance bills and he found out about Winum. One bill was for weekly maintenance that we are charged \$200 per month for. Two cherry trees were \$2,000. He drove up and down Highland Avenue, he's not sure where they are, but he'd like to see what \$2,000 trees look like. Also, the village pruned 10 cherry trees for \$1200 on the same street. His question is, in the past the village has used DPW to do this work.

Deputy Mayor Wynkoop stated that DPW can't prune trees. We have five guys to take care of this village.

Mr. Sperry stated that they could be trained. We are being charged \$45.00.

Manager Politi stated that it's not just employees, its vehicles and equipment.

Mr. Sperry stated that Winum Landscaping have charged this village over \$10,000 this year. You must have signed a contract with Winum Landscaping in the beginning of the year.

Manager Politi stated that he needs a purchase order number to be able to tell him what it is. He can stop in and see him.

Mr. Sperry stated that in the past the village has had other people planting flowers in the square. It seems ridiculous that we are paying someone else to do this. Girl Scouts or Boy Scouts have done it. Just like cleaning up the square and the parking lots for events that are coming up, we're getting charged \$45.00 an hour to do this. If the DPW can't handle the job, he understands the village is looking at different ways to privatize DPW or different aspects of it. If that is the case just make a note that's what you're doing.

Manager Politi stated that there is no one privatizing DPW. We have always used outside contractor's as long as he's been here for different events and before he was here as well.

Mr. Sperry asked if we're looking at snow plowing for the winter.

Mayor Pellegrino stated the village does their own snow plowing.

Mr. Sperry asked with \$10,000 of maintenance, shouldn't that go out to bid.

Manager Politi stated no, it's less than \$20,000.

Mr. Sperry stated that for the weekly maintenance there are three bids every month to go out for that?

Manager Politi stated that he will check on that.

Becky Pearson, 167 Walnut Street stated that the village still has a part time DPW Supervisor, are we looking for a full time one, what is the situation going on. It was suppose to be for three months, and then it was six months and now its nine months.

Deputy Mayor Wynkoop stated that we are using him part time and the work is getting done, a lot more than before.

Mrs. Pearson asked if he gets paid overtime.

Manager Politi stated no.

Mrs. Pearson asked if the village was going to hire someone new.

Manager Politi states yes, but right now he's not ready to do that.

### **Audited Bills**

Trustee Hurd moved to pay the audited bills of October 26, 2004. Seconded by Trustee Keator. All ayes. Motion carried.

### **Firemen's Fair**

Manager Politi stated that he talked to Mike Pangia and asked him to restructure the letter making known that there will be a space that he will cordon off, but he can't take sole, exclusive use. He hasn't sent a letter yet.

### **Resolution No. 4-04-05, Surplussing Equipment**

Trustee DeJesus moved to adopt Resolution No. 4-04-05, Surplussing Equipment, (attached). Seconded by Trustee Raymondo. All ayes. Motion carried.

### **James Olley Park – Home Rule**

Manager Politi stated that the Home Rule request went to the Senate first and then it goes to the Assembly. The Assembly did some slight changes and now the Senate has to do those similar changes. We will still get what we want, the ability to rent the house out.

Trustee Keator moved allow the Assembly to enter this Home Rule in. Seconded by Trustee Norman. All ayes. Motion carried.

### **Friends of Olley Park**

Mayor Pellegrino indicated that he didn't get the information on Olley Park until today, so the board didn't have the opportunity to look at it yet.

Oscar Alleyne, 12 Windrift Lane stated that he is an active member of a group that is applying for not-for-profit New York State status called the Friends of Olley Park. The main reason they requested an opportunity to present to the Board of Trustees today is to present what the Friends of Olley Park really is as well as to get an understanding of where they feel they fit in and suggestions that they have looking to the preservation and protection of James W. Olley Park. What he gave the board was a letter based on an earlier meeting when they met with the village manager highlighting their suggestions that came out of a meeting. The manager asked that any outlines or any kind of information with respect to park management or beautification that it be presented before this board. What he included are some guidelines and typical description as to what as a concerned citizens group are interested in. They want to protect water resources from all biological adversity, promote area for open parks and recreation to clearly define the parks purpose and usage. This came from the earlier summer interaction of the cleaning of foliage surrounding the park and wetlands area. They have included local laws from other local jurisdictions that have implemented wetland ordinances or preservation ordinances. They also included a copy of New York State Office of Parks and Recreation guide to alienation of municipal parks. They look at Olley Park as a unique mixture of passive and active recreation. Some refer to the area as the mud hole, but they look at it as a jewel of Walden. They are looking to have some input or to make sure the board and subsequent divisions does create a park management plan. From attending the comprehensive plan meetings and talking to the village manager there has been some mention of a development park management plan, which may fall under the jurisdiction of the recreation committee which is an advisory committee of which there are several members. That committee hasn't met within the past nine months. With respect to land use and wetlands, etc. as Friends of Olley Park and residents have seen the increased use of ATV's in the park which is a clear violation of the village code and laws of conduct. They are looking to insure the level of accountability and the preservation of resources, either the swimming area or the passive and active recreation area. There is a request for

conversion of the farm house which he understands will be repaired once things are set forth. They would like to suggest an area in the building for an information center. They are looking to serve as a resource, a liaison with the recreation committee to insure as this park master plan is developed it's developed with the best interest of Walden. The debris still remains in the area that is known as the passive recreation component of the park.

Mayor Pellegrino stated that when he spoke to Patricia Henighan a few months ago and she didn't know about the recreation committee, he asked her if she wanted to submit a letter to sit on the committee and she never replied. He feels that would be beneficial to the group. If they have any concerns, the office is open and he can drop off anything and it will get to the board. The mayor also stated that he would like to get together with Mr. Alleyne and go through the park.

### **Town Comprehensive Plan – Local Law(s) 4 & 5 Review**

Mayor Pellegrino stated that he was speaking with Ed Leonard, Planning Board member and they feel its time to have a joint board meeting.

Deputy Mayor Wynkoop stated that the town local laws state that they are scheduled for a public hearing on October 28, 2004.

Mr. Dowd indicated that at the end of each document it appears to say they were enacted on different dates and it's signed by Amolia Miller, Town Clerk, so it appears that they are adopted. He saw in the paper that the county planning department has raised objections to some parts of these laws.

Deputy Mayor Wynkoop asked if these local laws include a lot of stuff around the village that we had talked to them previously that we didn't want to see and they passed it anyway.

Trustee DeJesus stated that he's concerned because this looks like it's a go with the village. There wasn't very much discussion with the villages. What if the treatment plants can't handle the demand, is it something the builder is going to do. That is why he sent a letter to Susan Cockburn, yesterday; he wanted to know how this was going to be done and what input is there from the village.

Trustee Hurd stated that because they've approved this doesn't mean that we have to grant them water and sewer.

Mr. Dowd stated that he thinks what they are saying is if there is a development in the town that wants to use municipal sewer in one of the villages before they can do so they have to prove that there is capacity in the village sewers.

Trustee Hurd stated that in that prior discussion they also talked about the buffer zone issue, the idea of annexation, whether you could fight it or not and some of the discussion revolved around the fact that some communities have actually approached the

problem a little differently than you might expect in that rather than trying to fight in court they decided to allow annexation of a development providing that the developer meet their qualifications and criteria for space and the density and just marginally got going on the merits of those two approaches. That might be something to discuss at a joint board meeting.

Mr. Dowd stated that it would have been helpful if as part of the law they also showed you the revised zoning map. If you look at local law 4, page 6.c, it talks about changing RA-1 zone located north west of the Village of Walden to a RA.5, he thinks they are going from a one acre to a half an acre.

Trustee DeJesus stated that the Village of Walden stands to lose the most because we have the most open space around us. Maybrook doesn't have that much land and Montgomery is built out. This presents a challenge to the village.

Deputy Mayor Wynkoop suggested the board attend the town's meeting on October 28, 2004.

Mr. Dowd stated that if these local laws were not adopted someone from this board speaking for this board should be at that meeting looking at the zoning maps and registering what ever objections they have, to either creating greater density on the parameters of the village or the issue of the sewers or what ever it might be, so the town board knows where the Village of Walden stands.

Trustee Hurd stated that regardless of how that goes are we not still going to have the same issues facing us.

Mr. Dowd stated yes. If in fact they are reducing the zoning density around the village you might see more residential on small lots in the immediate vicinity of the village. If they are small lots then they can't fit septic on the lots so they would look for sewer and then they would look to the village. That's what the county planning says, is the density should be around the population centers.

Trustee Raymondo stated that they can't force the village.

Trustee Hurd asked if they could force annexation.

Mr. Dowd stated that they can't force it, they can request it and there would have to be hearings. Both municipalities would have to consent for the annexation to take place and if they disagree to annexation then it would go to the courts.

Trustee DeJesus stated that our comprehensive plan addresses the issue of buffer zones and Mr. Sorensen needs to follow up with the town board. He doesn't think that has been done yet.

Manager Politi stated that Mr. Sorensen has had conversations with the town supervisor.

Trustee DeJesus stated that's what he hears and that has to be confirmed because the buffer zones are critical to all this.

Trustee Hurd stated that we either say no and we get McMansions on large lots with septic and wells, but with an impact that you destroy the edge characteristics of our village or we may sit down and negotiate a smaller area. The only real problem we have are our capabilities and capacities.

Deputy Mayor Wynkoop stated that it's very important that the board attend the meeting on Thursday night.

Trustee DeJesus stated that it's really unfair the way this would fall on the villages and the greatest concern here in Walden is the land around us and basically we have tried to address this before and Ms. Cockburn came to our meeting and we discussed this and she indicated that high density would not occur around the village unless the town hears directly from the village. This is the time to do it. We cannot deny the issue of affordable housing and it keeps coming up and it has to be addressed, but not at the expense of the village.

Mr. Dowd indicated that's the point the commissioner of planning was making. The Town of Montgomery cannot get rid of its affordable housing stock and leave it to the villages to make it up. The law in New York does not allow that. Each municipality whether a village or a town has to have its own zoning that accommodates all housing groups, and this does not do that.

Trustee Raymondo stated that if you went to some of their meetings at the school they were targeting the Village of Walden and here again they are targeting the village. He finds it difficult to change their mind. Maybe the village residents should pack that meeting.

### **Information Items/Village Manager's Report**

Manager Politi reported the following:

- The contractor is working on the Tinbrook Footbridge. Footings were poured today and hopefully the bridge will be delivered on the fourth.
- Water meter system replacement received the okay to move forward.
- The wastewater treatment plant upgrades need to be moved on. He will come back to the board with prices. That falls under the EPA and we will recover half the cost as well as the meter replacement system.
- The new well, we are waiting on the contract from the county before moving forward.

- Cherry Street building, we have concerns with the roof and the men will have to get out of it. They may have to go into a temporary building or trailer.
- Bridge opening will be mid-November.
- Main Street business district parking, there will be a meeting on Thursday at 9am.
- Farmer's Market finished up and they had a successful season and will return next year.

Trustee DeJesus asked about the parking issue.

Manager Politi stated that the concept that is being thrown around is to establish customer based parking on Main Street. The town brought in their equipment to mill the Oak Street parking lot. If they can establish that as a tenant/owner/business owner parking lot that would relieve the pressure on the Main Street parking and the Orchard Street parking lot. He will ask the business people what would be the best way to do time parking. One of the problematic pieces is the school. A couple years ago they approved the buying of the property on Pine Street and the following year they approved the construction. Once they got into that capital improvement year they had overruns and they had to start chopping.

Trustee Keator asked if they can look at enforcement a little bit. On the corner of Scofield and Main Streets there are two or three parking spots on that side. She went through town and there were four cars parked in a three car spot. She also has seen two cars parked in front of Sohns and that's no parking here to corner.

Manager Politi stated that they may come back to the board to approve a part time parking enforcement officer.

### **Board Comments**

Trustee DeJesus stated that he spoke to the manager regarding Mr. DeGroot's property and the issue of Subway. There is a problem with signage. He doesn't have room for all the signs he wants. He suggested to him to take one sign down and have Subway use the space. They have to come up with a solution. The Dollar Store will be coming and they need a sign.

Mr. Dowd stated that the planning board can approve where a sign can go, but it can't waive the total maximum sign area. He understands Subway is insisting on a sign that's visible from the street, opposed to what's on the building. They would have to apply for a variance.

Trustee DeJesus stated that he suggested both signs on one pole. He suggested the village work with him because he'd hate to see them not come into the village.

Mr. Dowd stated that he can take up all his signage that is allowed in the zoning law for Subway and then he can live with what ever he has left for the Dollar Store or what ever else comes in there.

Mayor Pellegrino stated that Subway uses different signs especially in Connecticut and those quaint towns and they have one or two smaller signs so you know there is one around and you have to find it.

Mayor Pellegrino stated that Helen McKay called him asking that Church Street be designated a historic street. She tried it in 1975 and 1989 and it's time to try again. He let her know that whatever help the village can give her they would.

### **Executive Session**

Trustee DeJesus moved to hold an executive session pursuant to 105-(f, personnel & h, Walden View) of the Public Officers Law. Seconded by Trustee Raymondo. All ayes. Motion carried.

Trustee Keator moved to reconvene the regular meeting. Seconded by Trustee Norman. All ayes. Meeting reconvened.

Trustee Norman moved to accept the letter form Nugent and Haeussler regarding Walden View. Seconded by Trustee Raymondo. All ayes. Motion carried.

### **Adjournment**

Trustee Keator moved to adjourn. Seconded by Trustee Norman. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell  
Village Clerk