

**Village of Walden
Board of Trustees Meeting
January 23rd, 2007**

Mayor Becky Pearson called the regular meeting of the Village of Walden Board of Trustees to order at 6:30P.M.

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matisse
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Jose DeJesus
		Edmond Leonard

Also Present:	James C. Politi, Village Manager
	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

Col. Thomas Wilson Bradley Dedication Ceremony

Bugle Call “To The Colors”	Patrick McMorris
Presentation of Colors.....	124 th Regiment of NYS Volunteers
	“Orange Blossoms” Re-enactors
Pledge of Allegiance	Walden Brownies & Tiger Cub Scouts
The Congressional Medal of Honor.....	Walden History Club
	Walden Elementary School
Walden Municipal Building	Marcus H. Millspaugh Jr.
Dedication of Bradley Assembly Room	

Deputy Mayor Matisse moved that the Board of Trustees formally dedicate the third floor meeting room in memory of Col. Thomas Wilson Bradley and that it is called the “Bradley Assembly Room”. Seconded by Trustee DeJesus. All ayes. Motion carried.

Mayor Becky Pearson read the attached proclamation designating April 6, 2007 “Colonel Thomas Wilson Bradley Day”.

Public Hearing – Introductory Local Law I-1 of 2007, “Building Construction”

Mayor Pearson presented the affidavit of publication, affidavit of posting notice and notice of hearing which she read.

No public comments.

Deputy Mayor Matise asked about Section 3, (b) that states that the building inspector shall be appointed by the Manager in consultation with the Board, but then in (c) it says that in the event that the Building Inspector is unable to serve an individual shall be appointed by the Village Manager. She asked if that would also be in consultation with the Village Board.

Mr. Dowd stated that the Village Manager doesn't have to consult with the Village Board about the appointment of the Building Inspector.

Deputy Mayor Matise asked if the position is civil service.

Mr. Dowd stated yes and it would have to be funded by the Board.

Deputy Mayor Matise asked if there was a reason why the reference to the 12 x 12 sheds is left out.

Mr. Dowd stated that they now require building permits.

Mayor Pearson asked if it was over 12 x 12.

Mr. Dowd stated that is what the law required, we could exempt anything under that, they exempted it, but they also put it in there so they wouldn't have to get a stamped set of plans.

Deputy Mayor Matise asked about flood hazard certification.

Mr. Dowd stated that would be only if it's in the flood zone.

Deputy Mayor Matise moved to close the public hearing. Seconded by Trustee DeJesus. All ayes. Public hearing closed.

Deputy Mayor Matise moved to declare the Board of Trustees lead agency and to declare a negative declaration in regard to SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

Deputy Mayor Matise moved to adopt Introductory Local Law I-1 of 2007, "Building Construction" as Local Law No. 1 of 2007. Seconded by Trustee Hurd. All ayes. Local law adopted.

Approval of Minutes

Trustee Norman moved to adopt the minutes of January 9, 2007 with the following corrections; Page 3, 12th paragraph, change the local law what they want to the local law that they want; Page 6, 2nd paragraph add and architect; Page 8, 8th paragraph add, what we have, Page 13, 3rd paragraph change prospective to perspective, Page 14, 3rd

paragraph change is to in, and Page 16, change ramped to rampant.. Seconded by Trustee DeJesus. All ayes. Minutes adopted.

Public Comment

Anita Vandermark, 76 Highland Avenue stated that Mary Ann Landolina, President of the Walden Woman's Club asked her to announce that on March 19th at 6:30pm at their covered dish meeting they will be honoring Col. Bradley and the Board is welcome.

Belinda and Luke Muehlin, 36 Oak Street stated that they received a violation letter from Richard Penney; Chapter 116-7a stating that dumpsters shall be fully shielded from view from the public street. They have five questions; how many violation letters were sent out to other residents for dumpster violations; how can they correct the problem by enclosing the dumpster when the ground is frozen; why didn't the Village Manager respond to their certified letter regarding Mr. Schufa's multi properties with one dumpster when he was in the garbage program; there is a dumpster near Mr. Ozman's house on the sidewalk leaning on the telephone pole and they asked the Village Manager for a copy of the rules and regulations pertaining to the dumpster for multi family apartments.

Luke Muehlin stated that in his letter to the Manager he was just asking to be treated fairly, because Mr. Schufa is not in the garbage program and he has a two family, a two family and a three family and they are all tied together with a different tax number. If he doesn't do it why should he.

Trustee DeJesus asked why someone wouldn't pay into the garbage.

Manager Politi stated that Mr. Muehlin has two homes, one on Oak Street and one on Bergen and there is one building between them. What he is asking for is to combine those four units into one dumpster and opting out of the Village's garbage program. His response to him is that is residential and they remain, according to our code, within the garbage program. Somewhere along the way his predecessor allowed Mr. Schufa, who has three contiguous buildings, to use a dumpster. He is trying to research that as to why he was exempted from the program.

Mayor Pearson stated that dumpsters are not allowed in residential areas and Mr. Schufa does have a dumpster in a residential area.

Trustee DeJesus stated that if Mr. Muehlin is not allowed to have the dumpster why we are issuing him a violation saying he has to enclose it. You cannot order him to enclose something that he has no provision to have anyway.

Deputy Mayor Matise stated that Mr. Schufa's property on West Main Street is in the business district.

Mr. Muehlin also indicated that the yellow house on S. Montgomery Street has a dumpster in the back. There is also a body shop in town that doesn't have a dumpster and puts car parts out and they get picked up with the residential garbage.

Manager Politi stated that there are businesses and other places that contract with Interstate Waste to get their garbage picked up.

Mr. Muehlin stated that he doesn't want to have to hire an attorney; he just wants to be treated fairly.

Mayor Pearson stated that we should enforce what we have on the books and make it right.

Trustee DeJesus stated that there are laws on the books that we have to enforce and we have to look at them. From his point of view, as it stands right now, we have to enforce the laws. He is right, if Mr. Schufa is allowed to have a dumpster and he's not being allowed to do it, you can't have that. We also have to look at it.

Manager Politi stated that he will investigate the Schufa property and report back to the Board.

Trustee Leonard asked if there is nothing in writing for Mr. Schufa does the board have to honor it.

Mr. Dowd stated that he doesn't believe so. He believes that if the prior manager granted some sort of exemption he's not aware of it and it should have been in writing.

Trustee Hurd stated that it would have been ratified by the Board.

Mr. Dowd stated that he thinks Trustee Hurd is correct, but he's not sure.

Mayor Pearson suggested the Board look at the law again to see if they want to change anything.

Manager Politi stated that his answer to Mr. Meuhlin is no because he will continue to get a bill which will eventually go on his taxes if he doesn't pay it.

Deputy Mayor Matise stated she doesn't see how the Village could not send a bill because its just like the seniors that come in and say I have one bag of garbage every six weeks and I take it somewhere else or they are in Florida for six months and they still get a bill.

Mr. Muehlin stated that he's been dealing with this since September.

Manager Politi stated that he has talked to Mr. Muehlin about this and he's told him this is the law and that is what has been imposed. The Manager told him no and now he's coming to the Board.

Mr. Muehlin stated that there is a house on Orchard Street that has a dumpster.

John Muehlin, 42 Alfred Place stated that last summer the Village reblacktopped Sunset Drive, did they have an engineer to design the road that they raised six inches. Did they do a survey?

Manager Politi stated, did they do a survey, I can't answer that.

Mr. Muehlin stated that he's six inches, twelve inches lower than the road now.

Manager Politi stated that he was up there looking at that and there are issues in that area.

Mr. Muehlin stated that all the storm drains are on the other side of the road. His neighbor's property is lower than his. He'd like to know who designed the road. If it snows they will be plowing the snow against his fence and it will melt into his yard. When it rains it takes three or four days for the water to seep away.

Audited Bills

Trustee Norman moved to pay the audited bills of January 23, 2007. Seconded by Trustee Leonard. All ayes. Motion carried.

Enterprise Steamer

Mayor Pearson stated that Enterprise Steamer Co., #2 is requesting exclusive use of Bradley Field, for their annual fireman's fair from Sunday, July 8 for setup through Sunday July 15 for tear down and clean up.

Trustee Norman moved to permit the use of Bradley Park from July 8th through July 15th for Enterprise Steamer's annual fireman's fair providing the proper insurance certificate is received. Seconded by Trustee DeJesus. All ayes. Motion carried.

Mayor Pearson requested that the firemen clean up the area after the fireworks.

Resolution No. 12-06-07 – 2007 General Village Election

Trustee DeJesus moved to adopt Resolution No. 12-06-07, 2007 General Village Election, (attached). Seconded by Trustee Leonard. All ayes. Resolution adopted.

R.J. Smith Zone Change Request

Mr. Sorensen stated that the front part of the property in question is in the R-3 district and the rear portion of the property is in the industrial district. The property is also adjacent to the area that the Village is considering for the rezoning of the townhouse district. The request from R.J. Smith on behalf of his client was to have it rezoned to the new townhouse district or as an alternative to rezone it to R-3. He has looked at this and gone by the site. He's also looked at it from an aerial photo perspective and his initial inclination is that if it is going to be zoned entirely residential to have it rezoned to R-3. There is existing single family homes along Coldenham Road and given that we are proposing the townhouse district on the hill the R-3 might provide for a nice transition from the existing single family homes up to the proposed townhouses.

Deputy Mayor Matise stated that an adjacent resident mentioned that there is a drainage issue part way through that property.

Mr. Sorensen stated that the R-3 would more likely result in less impervious surface.

Deputy Mayor Matise stated that it could lend itself to maybe some clustering so that section of the land could be avoided.

Mr. Sorensen stated that they are all things that could be reviewed.

Trustee Leonard stated that he would go along with the R-3. He asked if that would require an entrance road or cul de sac.

Mr. Sorensen stated yes.

Trustee Leonard stated that the Village has a limit on the minimum length of a cul de sac.

Mr. Sorensen stated that there are existing cul de sacs that are much longer and there are those that are much shorter.

Trustee DeJesus stated that he agrees with the input the Board is receiving tonight.

Trustee Hurd stated that he discussed this with Mr. Sorensen and it's not that he is opposed to the R-3 and Mr. Sorensen made some very good points in favor of it. His main concern was since the owner was primarily saying lets make a townhouse and they were very much in favor of that and that was a consideration. Secondly, he felt that getting the townhouses built was critical and he wasn't sure if those extra five acres, if they were to go to townhouse zoning, if the extra units that would make available would have some financial impact that would make that project more build able, more interesting to a developer or builder and also the fact that the Village would get additional units. That is why he is in favor of the townhouse zoning for the five acres. Maybe it would add no enticement whatsoever or make the townhouse project even less likely to happen. He does know that they would get less affordable units.

Mr. Sorensen stated that the other possibility would be that it would end up as it is now in two separate ownerships and you might have a parcel that is too small.

Trustee Hurd stated that he is not opposed to R-3.

Mr. Dowd stated that the allowed maximum length of a cul de sac is 400 feet. There is no minimum.

Deputy Mayor Matise stated that in the two or three letters the Board has received from R.J. Smith he says they are asking for townhouse, but he says in each letter that they would be very happy with R-3 and she feels the R-3 would create a better buffer for the other single family houses on that road and also transitioning into the Village.

Mr. Sorensen indicated that the longest property line of the property is 634 feet which is well within the limits for the cul de sac.

Trustee Norman stated that she is in favor of the R-3.

Trustee Wynkoop stated he is also in favor of the R-3.

Deputy Mayor Matise moved to rezone the property on Coldenham Road to R-3. Seconded by Trustee DeJesus. All in favor. Motion carried.

Mr. Dowd advised the Board that they will have to evaluate the change from the comprehensive plan to an R-3 as part of the local law process. The letter that Mr. Smith presented will suffice. He asked if the Board wanted to do a separate local law.

It was the consensus of the Board to do a separate local law. The motion was made to approve something that you can't do. It would be a direction the Board wants to take.

Introductory Local Law I-2 of 2007-Townhouse

Mayor Pearson stated that Mr. Jacobowitz has requested to come before the Board to talk about items he would like to see changed in this introductory local law.

Mr. Jacobowitz stated that there are five points he would like to raise about the draft that the Board now has in front of them. The first is the definition of townhouse is a lot that has a front yard and a back yard and in his review of the kinds of housing that is out there he thinks it would be a credit to the project and would provide more flexibility and break up what is classically townhouses, these are called back to back units and therefore there is no rear yard. All four sides of the building are front yards and it's a building that has eight units in it. He passed around pictures of these buildings. The village's definition does not allow that. One of the reasons to have them would be that it will provide a different kind of building foot print then just townhouses which are

attached in a row. There was some talk about these being larger. Eight units would be the max and the widths are thirty feet which would be one hundred twenty in length and the townhouses, if you have a twenty four unit townhouse and six of those, is one hundred forty four feet long. So this is a shorter building. He thinks it would help to break up the look of what buildings would be on the property by having the opportunity to have this. They also do a four unit building. Since the site is flat up to a hill there is a lot of opportunities to be able to site the buildings in a way that will be a better way than if every building is a six unit or five unit townhouse type building. The other part is to try to meet the affordable requirement which is 20% as the Village is proposing it and within the range of affordability as the Village has defined it. These units can be built for less per square foot because of the economy of scale and the nature of the building so it will be a helpful part of meeting the 20% affordability requirement that the Village has. When they did the 20% he assumed they based it on the fact that the density in this zone is 9.6. As a practical matter getting more than eight units to the acre is a real challenge, so if all you can get is eight as a real practical matter 20% of that is 1.6, it's a bigger chunk of affordability than if there were 9.6 units on the acre, which you allow, but it's very hard to fit those on. You could if you do flats, which is a building that has two stories and a unit is on each story, not up and down. They didn't want to do any of those because a flat would have to be a condominium. There is no way to sell the second floor without making it a condominium. When you make a condominium you create lots of other issues about taxability. He wants the Board to understand that when you practically apply what you have in the law, 4500 square feet, as a practical matter it comes out to about 8 units per acre, not 9.6. The other thing is there are no backyards. There are no garages so parking will be in a designated area. One of the things they talked about was carports. Parking will be in proximity to the units. If the Board is willing to allow that then a definition has to be added. These would be located where the site is more adaptable, in the flatter areas. Where there is grade that is where the other units will go because there is an opportunity to have garages inside.

Mayor Pearson stated that she would rather see those on the hill because you wouldn't have to worry about yardage, elevations and garages. If you put the yard ones in the middle of the hill they will have hill yards that will have to be leveled out.

Mr. Jacobowitz stated that the units that are going to be on the hill, townhouse, will be sited so that we don't have the problem the Mayor described. The back to back you need a larger flat area. If the Board says yes this is something they would like to consider they would get the engineer to tell them where these should be sited.

Mayor Pearson asked if they were going to do either or.

Mr. Jacobowitz stated that they will be doing both because there are people who will want garages inside.

Trustee DeJesus stated that it would be an issue of pricing too in terms of making it work. The ones with garages are going to be more than the ones with the back to back.

Mr. Jacobowitz indicated that is correct.

Trustee DeJesus asked if the back to back were going to be singled out for the units.

Mr. Jacobowitz stated no, there is something in the ordinance about that.

Trustee Hurd stated that when they looked at this and put down 20% affordability. Mr. Jacobowitz is looking at trying to get this to the build able condition is terms of number of units.

Mr. Jacobowitz stated yes.

Trustee Hurd stated that if the Board said all townhouses within it could then require a deduction of the affordability to get to the same point, the number of percentage.

Mr. Jacobowitz stated yes it makes it harder, there would be no basements. A square foot cost will be lower for a back to back unit then for a townhouse.

Trustee Leonard asked what the cost would be per square foot.

Mr. Jacobowitz stated \$110.00.

Mayor Pearson asked what price they would be selling them for.

Mr. Jacobowitz stated under \$300 and for the affordables he got a computation that was done and it is \$240 on the basis of 120% of family median you were at \$236.00. That is a challenge because there is no bonus. His fifth item is to talk about affordability. The second item in the zoning law that needs to be discussed from the standpoint of trying to work it out is the section that says distance between buildings which is sixty feet. That creates a problem. His suggestion to solve it is don't change it, but add a provision that allows the planning board some flexibility in reducing distance between buildings based on the topographic conditions and the positioning of the buildings. If the Board gives the planning board a little discretion on that one between buildings then provide a minimum distance. He spoke to the fire commissioners about what they would like, fire lanes are twenty feet and one of the thoughts they had was that where they have buildings end to end in a series that between the two buildings use pavers so a fire truck can drive over it. As far as a minimum he doesn't know what to say.

Deputy Mayor Matise stated that there are aesthetic reasons too.

Trustee DeJesus stated that the area between the buildings with the pavers to accommodate fire trucks has to be a width that will accommodate the outriggers too.

Mr. Jacobowitz stated that he will check with the fire department.

Mr. Dowd stated that the fire code will dictate minimum separation.

Trustee Hurd asked if Mr. Jacobowitz is saying where distance for buildings is currently 60 feet his suggestion would be to give the Planning Board discretion where buildings are not end to end.

Mr. Jacobowitz stated that he would leave it to their discretion, but Deputy Mayor Maise is suggesting there be some minimum and Mr. Dowd is saying there is a state code minimum distance between buildings. So they can't violate the code no matter what anyone says.

Trustee Hurd asked if they go with the 60 feet what does that do to their density.

Mr. Jacobowitz stated that it will cut the density down because 60 feet from all sides takes up a lot of space.

Trustee Hurd asked if the back to back complexes were going to have driveways all the way around.

Mr. Jacobowitz stated that there will be streets on both sides. On all sides of the building there will be a driveway off of which there will be parking and in some of the parking areas there will be car ports. There will be access from three sides minimal.

Mayor Pearson stated that she wouldn't want to live in the rear building, how will her house be saved if the fire department can't get back there.

Mr. Jacobowitz stated that they can get back there because there will be 44 feet between the front and the front of the building.

Trustee Leonard stated that this would go to the Planning Board and the Planning Board would send it to the fire department for their review.

Mr. Jacobowitz stated that it's a practical matter; you could say 20 units an acre. You can't fit them on and do what the rest of your ordinance says, set backs, and distance between buildings. It won't fit unless you do flats and your definition of townhouse does not allow flats. If in your head you're saying the guy can have 9.6 therefore make him do 20% affordable, he's explaining it's not that way.

Trustee Hurd asked if the sloping nature of the site help in anyway.

Mr. Jacobowitz stated that it helps from the aesthetics and from the marketing. There is a section in the middle that is going to not be disturbed, it will be kept green because there the grade is a little steeper. It works out good because it's about in the middle and the downside of that they thought about putting the community building. The reason is that it can be set in a more wooded setting and it's in the middle so everyone can get to it by walking. The Mayor suggested putting the club house on the top.

Mr. Jacobowitz stated that in regard to public and private roads the idea is that they would have a road that goes through the property which could be public or private. The second part is the other roads that would feed off of that would be public or private. The law doesn't say which way so the question is what the board would like to happen. They can live with both.

Trustee Hurd asked if they discussed the main road being public and everything else being private.

Deputy Mayor Matise stated that will become a short cut between Coldenham Road and Route 208 and who can control it better. If it's private and the widths might be different meaning that people won't be able to use it as a cut through. If its public it will have to meet the villages specifications and allow parking and it could become a major thorough fare.

Mr. Jacobowitz stated that you don't have to allow parking.

Mr. Dowd stated that on a through street like that you wouldn't.

Mr. Jacobowitz stated that if it's a public road the design could be done with traffic calming.

Trustee Hurd asked if Mr. Sorensen had any experience as to which is the better solution.

Mr. Sorensen stated that it depends on how the development is laid out.

Mr. Jacobowitz stated that the decision to make a road public is the boards.

Deputy Mayor Matise stated that maintenance and the plowing becomes an issue.

Mr. Jacobowitz stated that everyone would pay a pro rata share, nobody will be paying more.

Mr. Sorensen stated that there may be advantages to that. He knows the existing intersection on Coldenham Road and Route 208 is sometimes difficult to get out of.

Mr. Dowd indicated that if you run the water main which the Village will own and to maintain it you would have to have an easement across a private road.

Trustee Hurd stated that the traditional style of townhouses would have driveways and at least a garage, the back to backs won't have them and they will have parking in the street or nearby, in terms of salability is that a negative since there are no driveways.

Mr. Jacobowitz stated that if they were doing all back to backs there would be an issue.

Trustee Hurd asked if there were any other solutions other than back to back that would get them the same density and the same cost.

Mr. Jacobowitz stated that the conventional answer would be density. Density increases density. Other than that making the units smaller. The backs to backs will be thirty feet whereas the townhouses are 20 or 24.

Mr. Jacobowitz stated that there is one other issue he would like to add to his list which is the piece of triangular property that they would like to petition to annex it into the village. The last item is the affordability which is defined in two places. One is affordable housing 101% to 120% of family median income. Then it says the sales price can only be what will cost the buyer 28% of his income for principal, interest, taxes and insurance. Twenty eight is low. It's more likely in the 31% to 32%. The other part is the village is assuming an interest. We've had a very fortunate three year run with interest rates being down where they've been. The village had codified this as a statute and one of the things they might want to consider is that you don't put it in the statute, but in the statute you say that affordability will be determined by the Village Board from time to time. The 101% to 120% is not a problem if there was really 9 1/2 units to the acre that you were getting, but since the affect is 8 his suggestion is that you put it into two tiers, have affordability one tier 101% to 120% and have another tier 120% to 140%. To get the units to come within \$236,000 is tight when there is no bonus.

Trustee Leonard asked what cost would they have for the 120% to 140%.

Mr. Jacobowitz stated \$275,000.

Deputy Mayor Matise stated that you can buy something at Winding Brook for \$239,000.

Mr. Jacobowitz stated that the village may not even want to specify 101 to 120 in the statute but leave that for the board's determination from time to time. The Town of Montgomery's is 80 to 150 to be determined by the Town from time to time. It's hard to predict what a year from today is going to be with all these numbers. His suggestion is rather than codify it in the statute which then that means a public hearing to get a change made, reserve that to the Board to set parameters as part of the policy and then you can change it if there is a case made to change it.

Mayor Pearson stated that the board still doesn't know that he may sell this property and give it to someone else so these plans may not come to fruition anyway.

Mr. Jacobowitz stated, forget it's him; it's a piece of land, what do you want that land and that is what the Board should be governing for.

Walden Estates Open Space Purchase

Manager Politi stated that the property can be purchased for \$3500. There is also another piece of property which goes along the creek. He hasn't gotten an answer from the county on that piece of property. He would like to tie the two purchases together.

It was the consensus of the Board to wait for an answer from the county for a combined price.

Kennel Law

Mr. Dowd stated that what they are trying to do is get rid of kennel being allowed in any residential zone.

Trustee DeJesus stated that what they are saying is if you have more than three dogs you have a kennel.

Mayor Pearson stated she is not comfortable with that.

Mr. Dowd stated that it's three dogs over the age of four months.

Trustee DeJesus stated that it was to control the commercial aspect of it and to make sure like the person on North Montgomery Street who is running a breeding kennel and the person on South Montgomery Street who puts out a sign "puppies" don't do that.

Mr. Dowd stated that you have to define kennel first. The number of dogs is what the board feels is reasonable.

Deputy Mayor Matise suggested that it be put in the definition three or more breeding dogs.

Trustee Hurd stated that it could still be a health hazard in a small confined space.

Deputy Mayor Matise stated that four months is the age of a dog when it has to be licensed.

Mr. Dowd stated that it gives you a mechanism when you find a situation where someone has four or five dogs.

Mayor Pearson stated then what do they have to do, get rid of one. She suggested the number be raised.

Deputy Mayor Matise stated that unless you can word this so that it is three dogs that are being used for breeding.

Mayor Pearson asked how you can prove it.

Deputy Mayor Matise stated that they keep putting signs up on the sidewalk.

Mayor Pearson asked how many times it takes to determine that he is breeding them.

Mr. Dowd stated that the fact that someone is selling pure bred dogs doesn't necessarily mean that they are breeding them for that purpose. The only place you will have a kennel is in the B-4 zone and that is where it's allowed now. Right now in the B-4 by special permit you can have an animal hospital and a place for animal boarding which is a kennel. He added the word kennel to permitted uses. He wasn't changing the use in a business zone.

Deputy Mayor Matise stated that what Mr. Dowd did was to address it so that they can enforce the code they have now.

Mr. Dowd stated that what it does is it allows you to move from the residential zone the component right now that allows breeding kennels as an accessory use. Now not only don't we define what a breeding kennel or kennel is, but it is allowed as an accessory to home. This would get rid of that.

Mayor Pearson asked about the enforcement of it, if she had three dogs and one had puppies.

Mr. Dowd stated that she could keep the puppies until they are four months old and if she wanted to keep one she had to get rid of one of the dogs.

Mayor Pearson asked if it made a difference if one was outside and the rest were indoors.

Mr. Dowd stated that it makes no difference. You will find these when someone makes a complaint or someone as obvious as the people on South Montgomery Street with the sign dogs for sale.

Deputy Mayor Matise stated that they should have a definition in the law and if this addresses the whole issue then she is for it. She also stated that there are set back requirements for the pens.

Mr. Dowd stated that would be for the veterinarian office, animal hospital or vet home office.

Trustee Hurd stated that he thinks the board needs more time to think about this. There might be some other criteria or another way of approaching this so that we don't encroach on the rights of people in their homes, but yet protect the safety and welfare of our residents.

Althea Mullarkey stated that the Town of Montgomery is in the process of writing an animal control law and addressing the exact same questions. She suggested the board wait until the town has completed their law.

It was the consensus of the Board to wait until information is received from the town.

Mr. Dowd stated that's great when you're looking at animal control laws, this is about zoning laws.

Deputy Mayor Matise asked if the Village has anything in their law regarding shelters for dogs.

Mr. Dowd stated that he doesn't know if the Village wants to get into that. There are state standards about outdoor dogs in the winter time. The state law can be enforced by the animal control officer.

Trustee Norman stated that she doesn't agree with limiting the number of dogs someone can have.

Emergency Plan

It was the consensus of the Board to table this until the next meeting so the Board has time to digest this.

Sloboda Request

Manager Politi stated that he received a letter from John Sloboda who is requesting water from the village for the project he is constructed. The property is located outside the village.

Trustee Leonard stated that he has a pond on the property that he could use for his sprinkler system.

It was the consensus of the Board to deny the request.

63-A Fill Requirements

Mr. Dowd stated that he had a conversation with the Manager and Building Inspector regarding fill requirements. There was some confusion regarding what the board wanted. In the demolition section there is a section on restoration of sites, filling in of a basement area. That you can't use wood or trees or anything that will rot. The Deputy Mayor wanted that to go into the definition of filling. The Building Inspector's problem was when you read the work filling shall not include the burying of garbage, trash, combustible, hazardous or toxic materials of any kind, demolition and construction waste shall not be acceptable fill material, he saw that as being his powers and the

Planning Boards powers of saying if its biodegradable you can't use trees. There are codes for not using trees for fill material. He felt it was not necessary to clarify to that extent because there are certain environmental laws that say you can't bury trees or use it as fill. There would be an engineers plan that goes to the Planning Board and Planning Board and its engineer would never let anybody use tree stumps and trees as fill material. He also pointed out the section about cellars and he said that is also State law and he didn't feel it was necessary to do this.

Deputy Mayor Matise stated that if someone has done a demolition the Building Inspector has to go over and inspect it.

Mr. Dowd stated that the Building Inspector has that covered under the demolition law. The filling goes to the planning board and they need an engineering report that goes to our engineer and they will say there is no way you're going to use tree stumps or rotting decaying material.

Budget Calendar

Manager Politi informed the board that the budget calendar is in the Board's packet and the department heads have their budget packets. He will be meeting with the department heads through March 16th and a tentative budget will be filed on March 19th and he will give that to the board on March 20th. The Board will have from March 20th through April 9th to do their review and department heads will be in to defend their budgets.

Trustee Leonard stated that he will be away and Passover and Good Friday is during that time.

Deputy Mayor Matise indicated that the State sets these dates. She asked if the manager could have started sooner with the department heads.

Manager Politi stated that you have to look at that he has until March 19th to present the tentative budget.

Trustee Hurd stated that trustees have missed some of the meetings.

Public Comment – Discussion Items

Brenda Adams, 31 Valley Avenue asked about the joint meeting where they discussed the taxes for the townhouses in the affordable situation would be taxed at full value.

Deputy Mayor Matise stated that it would be full value of what that unit is.

Trustee Hurd stated that it would be just like a single family home.

Ms. Adams stated that they also stated that there weren't going to be many services required because of the homeowners association would take care of a lot of things. Now we're talking about a public road through. She asked if the homeowners association was to fail and she realizes the village board is not controlling that homeowners association which is set up by the developer, does that come back on the village at all.

Trustee Leonard stated that the states attorney's office would take over and designate someone to manager that.

Mr. Dowd stated that the whole plan has to be approved by the attorney general's office and every homeowner has to pay dues to the association which goes to the upkeep of all the common grounds, the outside of the buildings, private roads and carports. At some point of time the developer will turn over control to the people who are living there and they can hire an attorney and property managers to run these things. If someone doesn't pay their dues they can be sued.

Ms. Adams stated that she was concerned about the affordability because there are a lot of young couples in her neighborhood that are struggling and they didn't pay anywhere near the prices of these affordable houses.

Mayor Pearson suggested they change the word affordable. Affordable today is not what we would consider affordable 20 years ago, how it's looked at and how we get those numbers. She suggested they change affordable to work force. Lower price doesn't always mean affordable to everyone.

Trustee DeJesus stated that low income is affordable.

Mayor Pearson stated that we're not looking for low income at all; we are looking for something in the middle that can work toward people getting in.

Ms. Adams asked if there was anything the Village gets out of offering affordable housing for the state.

Village Manager Politi stated no.

Trustee Leonard stated that the only way that we can do something under 100% is if the land is donated. The land is the biggest problem with affordable housing.

Trustee DeJesus stated that there is talk in Albany of awarding communities for coming up with affordable housing. He doesn't know what form it will take.

Trustee Hurd stated that the village also works against that not necessarily meaning to but we set minimum lot sizes, minimum square footages that preclude a radical approach. For example where you would have high density ownership type

situation, almost taking townhouses and putting 20 units on an acre to drive the cost down. Most communities don't like with they are left with.

Ms. Adams stated that in regard to kennels she is familiar with the one on South Montgomery Street, how would you know that person only had one dog. It would be the sign that would bother someone.

Deputy Mayor Matise stated that neighbors complain about different places and they have no way to control what is going on in the yard next door and we have no definition. So, we don't have any control either.

Correspondence

Mayor Pearson indicated that she received a letter from the Mason's attorney regarding dumpsters.

Informational Items-Village Manager's Report

Manager Politi stated that Interstate Waste has been noticed regarding the throwing of garbage cans.

Trustee Wynkoop stated that he has seen a difference.

Mayor Pearson stated that she also spoke to someone from the garbage company.

Manager Politi stated that he received a letter from Orange County Department of Public Works regarding the guardrail on Cross Street.

Mayor Pearson asked if there was anything in the garbage company's contract regarding broken garbage cans.

Mr. Dowd stated that he doesn't think that is in the contract.

Manager Politi stated that the Building Inspector wrote some wording up for the demolition permits, no person shall demolish any building or structure within the Village of Walden without first applying for and obtaining a demolition permit from the Village of Walden Building Inspector. Before demolition permit can be obtained from the building department there shall be a maximum 14 day waiting period so the members of the Historical Society or their agents can carefully document all exterior and interior features of such structure.

Trustees Norman and DeJesus stated that sounds good to them.

Deputy Mayor Matise stated that she thought it was going to be thirty days.

Manager Politi stated that thirty days is too long.

Trustee Hurd stated that some of the board members have reservations about privacy and private property issues. Are we forcing them to allow people onto their property that is not necessary to the health, safety and welfare of the village.

Manager Politi stated that they would contact the owner first. They will work on the wording more.

Mr. Dowd stated that they can't stop someone from going down the street and taking pictures.

Trustee Hurd stated that there were several suggestions that all this stuff be categorized long before it's torn down, because that's not the only thing that can happen to a historical building.

Manager Politi stated that he needs to know if anyone else is interested in going to the legislative meeting.

Manager Politi indicated that the department head reports are in the packets.

Deputy Mayor Matise stated that usually when something happens the Police Chief calls the board members and he never called them about the break in at Olley Park.

Manager Politi stated that the Olley Park house has been broken into several times as well as the barn because of the remote area. They took wheelchairs out of the building and put them in the creek.

Deputy Mayor Matise stated that when something like this happens she hates hearing it on the street. She would appreciate a call or email.

Mayor Pearson asked if they know who did that.

Manager Politi stated that they think they do.

Mayor Pearson asked if a camera can go in that area.

Manager Politi stated that the cameras are on Valley Avenue, Wooster Grove and one at the other end of Main Street.

Mayor Pearson asked if the one at Wooster Grove could go to Olley Park.

Manager Politi stated that you should try for another camera because as much as you need it at Olley you need it at Wooster.

Mayor Pearson stated that they need more lights at Wooster Grove.

Trustee DeJesus stated that his concern is next time there will be a fire.

Manager Politi stated that the Police Department has been doing assignment down there.

Mayor Pearson asked where the village was with the cameras is.

Manager Politi stated that it has to come through as contracts. State grants are time consuming.

Mayor Pearson asked that the Manager to get her that information.

Trustee DeJesus asked if the manager could find out about if the new rule for member item funding will apply to that funding, will they have to go to the attorney generals office now and identify the purpose.

Manager Politi stated that he will find out for the board.

Deputy Mayor Matise asked why the Chief gave the board the write up about an incident.

Manager Politi stated that there were two officers hurt, Sergeant McCoskery is out on 207-c all to put together an investigation for the property owner to pull and walk away and not press any charges. It's frustrating when you're doing policing work and you lose a sergeant in the process only to have the charges dropped and you never come to a conclusion.

Mayor Pearson asked if anyone has met with the property owner.

Manager Politi stated that he believes the Chief has.

Mayor Pearson asked if it would be beneficial to go further.

Manager Politi stated that they dropped the charges. He doesn't know how much further they can take it.

Trustee DeJesus stated that with the sergeant being out this is the first he's heard about it through this report. That is not a good thing. He doesn't know if they are supposed to know this, if someone is out and it's a major situation. When he read this he said what. He's not surprised that he learned about this through this report. When one is hot under the collar one doesn't write reports because then you come out with stuff, he understands the frustration level but then it crosses to another point.

Manager Politi stated that he's bringing the board up to speed.

Mayor Pearson asked that Orchard Street be swept.

Manager Politi stated that once you get into the colder weather you can't bring it out because the water freezes.

Mayor Pearson stated that Sohn's is having his 100th anniversary this weekend.

Mayor Pearson stated that the winter dance was great.

Trustee Norman stated that she would like to compliment Bonnie Clyde. She has so many good ideas and she opened the dance to kindergarten and up.

Trustee DeJesus asked how are these jobs advertised.

Manager Politi stated that it has to go out internally for 10 days and then it goes to the public. If no one takes it then it goes to the paper.

Board Comments

Trustee Norman stated that she was talking to Mr. Howland about looking at things for the future. They would like to do a garage sale again.

Deputy Mayor Matisse stated that she was talking to the building inspector and in July he gave the board a memo in regard to the 14 lot subdivision that will be on North Montgomery Street and his recommendation was to take a parcel from them for parkland. She feels the board should look at this further.

Trustee Leonard stated that he thought the board already did that. The planning board told the developer that the board wanted a parcel.

Deputy Mayor Matisse stated that the Building Inspector wants direction so when they come back to the planning board it will be in place. She would like that brought up at the next meeting.

Deputy Mayor Matisse asked if the board could get another garbage report. She would also like a report on the web site. She asked the manager if he's heard anything on the lower bridge snow shoveling.

Manager Politi stated no.

Deputy Mayor Matisse asked if the audit was almost ready.

Manager Politi stated yes.

Deputy Mayor Matisse asked if it would tie the audit report into the budget meetings.

Trustee Leonard asked about the maintenance on the rail trail.

Manager Politi stated that everything is coming along quite well.

Mayor Pearson reminded the board about Sohn's anniversary celebration Saturday, 11 am. She asked about the proclamation for Sohn's.

Manager Politi indicated that he will prepare that.

Mayor Pearson asked about the park master plan.

Manager Politi indicated that he hasn't done anything on that.

Mayor Pearson also asked about the 100% assessment.

Manager Politi stated that he hasn't received that yet.

Mayor Pearson thanked Deputy Mayor Matisse for the presentation on Col. Bradley.

Executive Session

Trustee Norman moved to hold an executive session pursuant to 105-h, Land Acquisition, of the Public Officers Law. Seconded by Deputy Mayor Matisse. All ayes. Motion carried.

Trustee Hurd moved to reconvene the meeting. Seconded by Trustee DeJesus. All ayes. Meeting reconvened.

Trustee Hurd moved to pay Mr. DeLong \$100,000 for his property on Lake Osiris Road for Well #8. Seconded by Trustee DeJesus. All ayes. Motion carried.

Adjournment

Trustee Leonard moved to adjourn. Seconded by Trustee DeJesus. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell
Village Clerk

