

**Village of Walden
Board of Trustee
January 27, 2009**

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

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matisse
	Trustees	Mary Jean Norman
		Richard Hurd
		Susan Rumbold
		Marcus Millspaugh Jr.
Absent:	Trustee	Roy Wynkoop

Village Manager's Report

Manager Politi stated that a letter was received from Mrs. Hunter requesting relief from her water bill. She had a leak which jumped her bill up to \$192.00. The bill is typically between \$25.00 and \$40.00. He did explain to her that the water did pass through the meter so there is a responsibility to pay for the water.

Trustee Rumbold asked if they wanted relief from the entire bill or what she feels is in excess.

Manager Politi stated that they requested to go down to the typical bill. They went back four or five bills to see what the cycle would be and you are between \$25.00 and \$40.00.

Trustee Norman stated that she doesn't have a problem with it. We've been lenient with other things. She's a senior citizen, she doesn't have a problem.

Mayor Pearson stated that they've not been lenient on water bills. She came before the Board for her water bill a long time ago which was \$1300.00 and she had to pay it.

Trustee Hurd stated that maybe they can work out something.

Manager Politi stated that they do try to set up payments. He will try to work out a payment plan with them.

Trustee Millspaugh stated that he would like them to discuss that option with no penalty.

It was the consensus of the Board to have this request on the agenda for the next meeting.

Deputy Mayor Matise asked if they were notified that the Rural Development Advisory Council does have emergency money for home repairs for seniors.

Manager Politi stated that he is working on an RFP for civil engineering and Delaware Engineering did move into the other contract for water/sewer general work. The sewer plant remains the same.

Manager Politi stated that they have been doing snow clearing which raised another issue.

Manager Politi stated that they did meet with Hudson Energy and they gave him all the bills. He was looking at electric and gas to see if he could do better. Electric looks fair, he is looking into the gas.

Deputy Mayor Matise asked if Hudson Energy was able to meet NYSEG's rate.

Manager Politi stated that it is so minimal it doesn't make a difference.

Deputy Mayor Matise stated that it would save us the tax.

Manager Politi asked if there were any questions on the department head reports.

Mayor Pearson asked about the police agreement for the license plate readers. She asked if they would have to purchase a lap top.

Chief Holmes stated that they do not have to purchase a lap top. We have three lap tops.

Mayor Pearson asked if they would have to develop a policy for that whole program.

Chief Holmes stated yes, they will mirror what the other agencies have done.

Mayor Pearson asked if they would have to purchase the hardware.

Chief Holmes stated that they would have to purchase nuts, bolts and wiring. Its not computer hardware.

Mayor Pearson asked if there would be a fee at some point.

Chief Holmes stated after the third year they have to sign up for a warrantee which is \$1000 or under.

Mayor Pearson asked if the Scout Cabin got sent back to the County.

Manager Politi stated yes.

Mayor Pearson asked about Walden Day Care Center extension.

Manager Politi stated that has been taken care of.

Mayor Pearson asked about the clarifier having a problem. Didn't we just fix that?

Manager Politi stated that they fixed the chain system inside the scraping system. He would rather have Mr. Bright explain that to the Board.

Presentation –Overlook at Kidd Farm Proposed Development Review

Ross Winglovitz, P.E. stated that he's here representing 845 Area Code LLC regarding a post cluster plan. This was presented to the Planning Board a number of times. They worked up the scoping document of SEQRA. They are before this Board because of the cluster authorization they need from this Board. The proposal is for 204 town homes on approximately 37 acres. The property is broken up into three different zones, OLI, R-3 and Townhouse. The property for the townhouse zone is 28.1 acres; R-3, 4.8 acres and OLI zone 4.7 acres. The OLI is the commercial zone; this is a public street proposal for commercial lots. Nothing is proposed at this time. That will come in on a future date. On the remainder of the property which is the townhouse zone and R-3 the applicant is proposing 204 town homes. The reason this is a cluster is because of the R-3 zone which permits single family residential. The conventional plan, the entire property has the potential for the townhouse zone in the R-3 zone and they believe they can get 225 units between those two and what they are proposing is 240 on the entire property spread out across the entire property. The site has two access points, one on Coldenham Road and one on Route 208. The access on 208 will require the review and approval of the New York State Department of Transportation and the access on Coldenham Road will require Orange County Department of Public Works review and approval. The third access point is for emergency only which is 400 feet north on of the main access point into the project on Coldenham Road. They envision that the Coldenham Road access will be the main access into this project. They designed it with a boulevard entry, club house with pool, playground area, dog run over looking a pond that they will create. It will be a two tier pond with a small water fall. There will be a buffer area, a wooded area along the road and there will be two ponds with the club house. The units will be set back significantly from Coldenham Road as well as the ones on Route 208. As you enter through Coldenham Road entrance there is a main collector road that goes through the site where people can enter and exit through the site. There were concerns of shortcutting through there which is part of the SEQRA process that they will be discussing ways to mitigate the potential for people short cutting through the site. They will use stop signs

and the number of intersections to slow traffic down. They propose all private roads with this being the only public road in the cluster layout. They did meet with the neighbors regarding the layout, neighbors along Coldenham Road as well as the Bruderhofs. They will be preserving an evergreen tree stand behind the neighbor's house and providing a privacy fence along the property line to screen them. They met with the Bruderhofs and they agreed to retain the tree line along their property. They will also provide additional evergreens for them to plant on their property to provide further screening. There will be two water connection points, one on Coldenham Road and one on Route 208 with a looped water system through the project. Sewer will be collected by gravity from the top of the hill and be connected to an existing manhole and sewer system that is in Coldenham Road. This goes out to the pump station behind the Big Apple Circus which will be subject to their analysis that will be in the environmental impact statement. There will be three or four detention ponds which will be shown where they are located as they get into the detailed analysis. They will be defined better and the sizes will be refined through the process. One of the key elements was to try and take the units around the hill to minimize grading. There is an uphill unit and a downhill unit. The uphill units allow them to put the units into the hill so the grade will be reduced. The uphill units will have two car garages underneath with two stories of residential living space above the garages. The downhill units will have one car garages and will be designed with walk out basements so they can lose about 10 feet of grade from the front entry to the rear of the building. What they did at the request of the Mayor and the Planning Board was to prepare a conventional plan to show what the density could be if they built it in conformance with the zoning. Zoning permits 276 units on the property. By laying out with the space consideration of wetlands they are only able to fit 225 units on the property, 214 town homes and 11 single family homes. The main difference in the two layouts is one uses a lot of open space. Open space with the conventional plan is 15 acres and the cluster plan is 20.3 acres. There is also a significant reduction in impervious. There is 2.5 acres less in impervious in the cluster than there is in the conventional plan. They have less runoff. With the conventional layout an area of approximately 20,000 square feet of isolated wetlands would be disturbed. Those wetlands are preserved in their cluster layout. There was a letter submitted by the applicant regarding other reasons why they feel the clustering is beneficial.

Brain Paz, Attorney for the applicant, 845 Area Code stated that a letter has been previously submitted to all the Village Board of Trustee members and the Planning Board members. That letter that was submitted basically tried to lay out all the reasons for and the positives regarding a cluster proposal for this project. He thanked the Board for allowing them this opportunity to come before the Board of Trustees. As Mr. Winglovitz mentioned they did have a joint board meeting on January 21st where the Planning Board members and the Village Board members were present. At the end of the meeting it appeared that the Planning Board members had been there for quite awhile and everyone needed to leave and there were some questions left. What they are ultimately looking at and need the Village Board to do because the applicant does have a cluster development they need the Village Board to authorize, by local law, a cluster for this project. All this Village Board is authorizing is the Planning Board to consider a cluster development on this property. The Village Board isn't saying yes or no they are just giving the Planning

Board the authority within their discretion after a review of the entire project to say yes we think the cluster development is the way to go on this project or no maybe we don't. He wanted to make sure everybody is clear as to that and understood that. Now, back to reason for allowing clustering on this project, the first reason that was indicated in the letter that was sent to the Board of Trustees is that the proposal as it exists on the cluster plan is consistent with the Village's comprehensive plan. In 2007 a local law was passed that allowed for townhouse development on the vast majority of this parcel and at that time, prior to that local law being passed they had to do a draft generic environmental impact statement and in that statement it planned on anywhere between 240 and 276 townhouse units being constructed on this property. The applicant today is only proposing, with a cluster development, 204 units. If you think the high number the draft EIS indicated you're looking at a 35% reduction. That number was before the two acres was annexed from the town into the village. After that annexation that two acres was zoned townhouse. That two acres was unknown at that time to the planner, wasn't considered in the draft environmental impact statement and would arguably mathematically allow an additional 19 units on that property. If you took the high number of 276 and added 19 you're looking at 295 units that the planner would have anticipated back in 2007 and the applicant is only proposing 204 units. The 276, 295, 270, 281 were the number of units that could have and that is a mathematical number which is based upon the village code which says you have to have 4500 square feet per unit in the townhouse zone. When they did the conventional plan they actually came up with 225 units on that property because of certain constraints the layout of the land, etc. Having said that 204 is still considerably less than 225 that the conventional plan would allow. One of the other benefits here is that the village in incorporating their townhouse law and putting that in their zoning which requires 20% of the units in the townhouse zone to be affordable. There is a definition of what affordable means, but lets say this, that those affordable units have to be more affordable to the average person, the average person living in the Village of Walden or looking to live in the Village of Walden. They will be at a lower price. By putting the townhouse in the R-3 zone you're having additional affordable housing units that will be in the R-3 zone which if you built simply single family detached residences in the R-3 zone you are not required under the village law to have affordable houses in that zone. When the village also in their townhouse law said you have to spread the affordable houses throughout the project. In other words you can't say over here in this section we're going to put all the affordables and the rest we'll leave it; you have to spread them throughout the units, throughout the project. They are meant so from the outside no one driving along can tell the difference. One of the other reasons they believe the clustering is appropriate is that the townhouse zone which is this entire area except for this piece right in here, this dotted line, which is the R-3. The townhouse zone already on two of the four sides of this zone is already buffered by townhouse, so you're already going to have townhouse up against, if you built single family townhouses they are going to be against those single families on two of the sides already. On a third side its zone OLI which is office/light industrial which is a more intensive use generally speaking than residential so on three of the four sides of this R-3 zone you already have a more intensive use than you would if you had the townhouse or any difference in it. The fourth side of this is the four homes that currently exist on Coldenham Road that are in the R-3 zone today. One of these homes is already bordered

by the townhouse zone. Another of these homes is already bordered by the office light/ industrial. So you have two homes in between that are as of right now would only be two homes that aren't currently affected by the townhouse zone. In the cluster plan that they are proposing if you can see here we're basically looking at one building along the border of these four homes and that building that would be the only townhouse building and that particular building has six units in it. What they are currently proposing is that this building be located approximately 50 feet from the property line. The regulations in this zone as they are today say that you can build within 35 feet of this property line with a single family residential. So, we're actually pushing this house further away from these properties than otherwise would be required if single family homes. Another benefit to the Village of this entire parcel being townhouse developed as a cluster and townhouse is that we've agreed with the planning board that all the roads within the townhouse project will be private roads. Which means that the village residents and property owners, the taxes you pay won't be increased because of the maintenance and services that these townhouse owners have to provide to maintain their own roads and other services. If they were public roads you'd be paying for the snow plowing maintenance and repairs and 20 years down the road reconstruction. If this R-3 zone is developed single family residential then there will be a public road through this R-3 zone and when that public road goes in what typically happens is that the road upon completion and reviewed by the Village engineer is then dedicated to the Village and then the Village becomes the owner of the public road and as owners the Village is responsible for all the inherent costs associated with maintaining, repairing and replacing that road. The same is true for the drainage that would be in this R-3 zone, single family detached residents' subdivision, any drainage would eventually be dedicated to the Village and then the Village would be responsible for maintaining and all costs associated therewith. By having a cluster plan we have less roads, we have less impervious surface and therefore we anticipate much less run off and much less drainage systems. That's a benefit both economically and environmentally as far as this project goes. Originally this parcel here which is in the R-3 zone was part of a larger parcel which was attached to this home. Last year it got subdivided off of this parcel and as far as the subdivision approval by the Planning Board the Planning Board said to the applicant you have to join this parcel with the other parcel here that you have related ownership with. This other parcel that the Planning Board joined it with is zoned town. At that time the Planning Board was already anticipating that this parcel would be part of this overall project and that is one of reasons why they required that. Also, last year when the Village changed their zoning prior to the change in the zoning this parcel wasn't zoned R-3 it was zone OLI, Office Light Industrial. So, a little more than a year ago had the owner of this parcel wanted to develop it they could have come to the Planning Board and said I want to put some light industrial project here and if everything was met they would have been entitled to an approval. Generally speaking, and the Planning Board would tell you this and the Village's planner would tell you this that an office light industrial use of this property would be much more intensive than a town home use as they are currently proposing and it would be more intensive than a residential, generally speaking. A residential use of this property as they are proposing here. Another advantage here is that by clustering here, and he made some mention of this already, this cluster is in the townhouse zone is creating a buffer between the OLI and the R-3 they think that is a positive for this project and the positive reads and also to

allow the cluster. If you had added 11 or 12 more single family homes which is what the applicant believes they can get in this R-3 zone you would just increase the level of disparity between this area and this area and the OLI area and they think that's the project as a whole as a townhouse project is a better plan than splitting it up into adding more single family detached residential, more road, etc, verses how this plans proposed currently. As Ross also had mentioned they did have a meeting with the property owners down here along Coldenham Road with the property owners up here, Bruderhof. They spoke to them and showed them the plan, at that time as it was proposed and it wasn't much different than what we have here and some of the changes, why it's different now is because they took their concerns into consideration and said, you know what, you said you would like the evergreen trees in this area to remain screening, we're going to do that, you indicated that you'd like a fence and the Village code limits it to six feet so that is what they have offered to put up through this zone and that allowed screening and it also one of the concerns was people walking through the property and that fence will create a situation makes is less likely that people would cut through here through these peoples property. Another thing why it's less likely is they've provided this additional emergency access that comes into the bulb of the cul de sac on this road. It's a narrow emergency access and the thought, intention is to have the pavers that are open and grass can grow through but they provide a substantial base so that fire trucks and other emergency vehicles, if necessary, can access this off of Coldenham Road, but regular traffic can't do this. We're being realistic. This road if its there will be used by younger people as a foot path to travel down to Coldenham Road. There will be a homeowners association that will be created for these town homes and that homeowners association will have the common charges that are charged for maintenance on the common areas of the property, the roads, the open areas, the pool, the clubhouse, etc. One of the things if this project wasn't clustered and got developed as a single family section here and town homes here, it creates a lot of problems and difficulties regarding the townhouse association. The single family detached homes would have lots that they could put a swimming pool on, they could put their own play set, etc and they will say to the rest of the town home owners why do I have to pay for your clubhouse, why do I have to pay for your parks, why do I have to pay for your roads, I'm not using them, I don't need to and that creates a major issue, both with legal because a townhouse association have certain things that they have to comply with and a developer does when they set up a townhouse association. You might end up having to create two different sets of fees with two different sets of users and it just creates a lot of complications that can be eliminated if the project is done by clustering and its townhouse throughout. The other thing and the final thing he'll mention is that when the Village rezoned this, part of the reason they rezoned it was to limit the density and create compatibility in this area. The project they've proposed they feel does that because they are proposing only 204 units and their regular plan that Ross indicated shows 225 units total could be put on this entire parcel if you use the current zoning. They believe they are limiting the density which is one of the things the Village was intending to do when they rezoned this. Last, by allowing the cluster it allows flexibility of design for the applicant, it allows you to move homes around in different areas and use them and Ross explained you can do a better job of placing the roads so that you have less cuts and fill and hopefully at the end of the day

it's a less environmental impact than what the regular plan would cause to occur on this property if that was what the Village requires.

Deputy Mayor Matise stated, Oak Street Management, MSLRLOC and Kissaroo, what's the relationship or who are the principals.

Mr. Paz stated that they are the deeded property owners for those parcels.

Deputy Mayor Matise asked if any of those owners were here.

Mr. Paz stated that Mr. Jacobowitz is involved with Oak Street Management.

Deputy Mayor Matise stated that she has a question about the units. All the units are going to be two story units, basement level, garage level, first floor level and bedrooms above?

Mr. Jacobowitz stated yes.

Deputy Mayor Matise asked if there was going to be any single level units that would be more appropriate for seniors or for people with disabilities.

Mr. Jacobowitz stated that the units that are on the downside. They can have bedrooms on the first floor.

Deputy Mayor Matise asked, with a full bathroom?

Mr. Jacobowitz stated, sure.

Deputy Mayor Matise asked if people would order them that way.

Mr. Jacobowitz stated that they have a layout that would provide a bedroom on the first floor.

Deputy Mayor Matise asked about dial a bus access on private roads.

Mr. Paz indicated that can be arranged.

Deputy Mayor Matise stated that right now she sees people sitting on Route 52 because the dial a bus does not go down a private lane.

Mr. Jacobowitz stated that is part of what they will check on as part of the environmental analysis. That comes under availability of services.

Deputy Mayor Matise stated that she has heard people around the village, they show an interest in a townhouse, especially a lot of seniors are interested because you don't have the outside maintenance and she has seen a lot of projects where they have

single floor units and she wonders why they haven't incorporated that into what they are doing here.

Mr. Jacobowitz stated because there will be units with first floor bedrooms.

Deputy Mayor Matise asked what if they need two bedrooms on a single level.

Mr. Jacobowitz stated, and then they won't buy here.

Deputy Mayor Matise stated then they won't buy in the Village of Walden unless they can find a ranch style home on a single level that has outside maintenance.

Mr. Jacobowitz stated that there are other projects in the Village that provide that kind of living.

Deputy Mayor Matise stated that she doesn't know if there are.

Mr. Jacobowitz stated the project on the west side of the Village off of Route 52.

Deputy Mayor Matise stated those are two stories.

Trustee Hurd stated that he believes they indicated that they have asked the Board to permit the Planning Board to have the option and it would be a one time authorization for this specific project.

Mr. Paz stated that's correct.

Mr. Dowd stated that they are asking this board to consider by local law an authorization to allow the Planning Board to consider a cluster for this development. That means for the R-3 and the townhouse as one integrated project. You're not going to give a general authorization to the Planning Board to cluster anything that comes before them. They are asking for this project and this specific project only and the authorization for this project only.

Deputy Mayor Matise indicated that the townhouse zone they can cluster as of right now, so they don't need authorization to do that.

Mr. Dowd indicated that the Board would want to tie it together because of the number of units in the project and you want to put this as one integrated project between R-3 and townhouse. You don't want any misinterpretation between the Village Board and the Planning Board as to how this project is going to be reviewed if you authorize cluster.

Mr. Jacobowitz stated that we're only asking you to give the power to the Planning Board for this specific R-3 parcel. If you want to do it on a broader legislative basis that is up to you. That is up to you to decide, that is not necessary for you to decide

that in order to grant the limited power to the Planning Board just for the R-3 piece. That is not what they are asking to do today, it's not necessary for their purposes.

Deputy Mayor Matise asked, if they don't authorize extending it to the whole parcel is there the possibility they would go back to a conventional plan on the townhouse parcel.

Mr. Jacobowitz stated that they can't because the zoning limits the use of the main parcel to townhouse.

Deputy Mayor Matise stated that it doesn't say it has to be clustered.

Mr. Jacobowitz stated that the clustering is mandated by the terms of the conditions in the law. There is no way to do this project without clustering on the townhouse parcel if they meet all the standards that they've built into the law. You might want to ask council.

Mr. Dowd stated that is correct.

Mr. Jacobowitz stated that they don't have a choice, it's mandated.

Mr. Dowd stated as part of reviewing the R-3, clustering the R-3 to put more units on that and therefore to spread the other units out across the whole two parcels you are looking at the idea of this is one integrated project and authorizing clustering for the one integrated project.

Trustee Rumbold asked what the main focus was when they started designing this project.

Mr. Winglovitz stated that they looked at it actually as a single family project and a multi family project together and it didn't make sense to them initially so their focus was a development aesthetically pleasing project that fit the topography.

Mr. Paz stated that when Mr. Winglovitz is referring to multi family he's really referring to single family attached housing.

Trustee Rumbold asked what Mr. Winglovitz accomplished with this, as an engineer.

Mr. Winglovitz stated less grading.

Trustee Rumbold asked if this project makes Mr. Winglovitz happy as an engineer.

Mr. Winglovitz stated yes.

Deputy Mayor Matise asked, when they are calculating open space are they calculating the property around each unit.

Mr. Paz stated yes.

Mr. Winglovitz stated that even if they are privately owned they will all be part of the homeowners association and will have easements across that to maintain that. These units will pay higher taxes than a typical condominium unit.

Mayor Pearson stated that the definition of cluster, purpose of a cluster development shall be to enable and encourage the flexibility of design and development of land in such a manner as to preserve a natural and scenic quality of open land. When she looks at this what she sees as open land is wetlands, the pond at the bottom and the pond at the top. Where's the scenic part coming in and where is the other natural part coming in for that cluster.

Mr. Jacobowitz stated that along Coldenham Road, if you travel that road and look to the south you will see a large area of trees that basically the height of those and screens anything that will be behind them, even all the way up to the crest of the hill.

Mayor Pearson stated that on the original plan they were all left there so really if she looks at the original plan underneath it's the same kind of frontage that you have anyway. They don't come much closer to the road. Is that what they are calling scenic, the wetland property.

Mr. Winglovitz stated that's a nice scenic buffer for the project.

Trustee Hurd stated that because that is a slope going from Coldenham Road up you will be seeing open breaks and a much larger open area bordering Coldenham Road.

Mr. Jacobowitz stated that with the cluster plan you have the gazebo area and the mini park that will allow the people to view the mountains.

Mayor Pearson asked if that will be higher than the townhouses that are in front of it.

Mr. Winglovitz stated that it will be slightly higher, the first floor levels and as they go through the process they will look at the views and how to modify them if they need to. The idea is to provide a view to the mountains.

Mayor Pearson indicated that they would be looking into people's bedroom windows.

Mr. Winglovitz stated that they are far away, so the bedrooms would be in the back of the building.

Trustee Millspaugh asked what flexibility would the homeowners have with landscaping around their houses.

Mr. Winglovitz stated that it would all go through the association and consistency is the key here.

Mayor Pearson asked if these are approved plans or are they concept plans.

Mr. Winglovitz stated that these are the concept plans.

Mayor Pearson asked, if the Village Board approves that the Planning Board can do the clustering how are we assured, do we put stipulations on what can and cannot go in this clustering.

Mr. Dowd stated that they can place conditions upon the local law and the authority to cluster.

Mr. Jacobowitz stated that the Planning Board asked for two things, the clustering be conditioned on the application of all townhouse zone regulations in the R-3 zone and those regulations deal with what a lot of what Trustee Millspaugh is asking about, the fencing, the set backs, landscaping plan, all are components of what the final plan would be and the Planning Board wants to make it clear that if they have the discretionary power they will impose all those restrictions on that piece. The second thing the Planning Board wants is that they want a specific limit of the 204 on the townhouses as the number within which they can exercise the discretion.

Mr. Dowd indicated that they may end up with a few less, they don't know until after the environmental review and how the plan works out technically.

Mayor Pearson asked if it can be less than that.

Mr. Dowd stated that he supposes they have the discretion to do that. On what basis would you do that?

Mayor Pearson indicated open space and what clustering is all about.

Mr. Jacobowitz stated that at the public hearing it's their intention that they will make a presentation of details of the two standards that they were referring to the other night that are also in the standards for clustering to show they meet the standards that are in the statute that requires work to be done. It will be an analysis of how much less impervious surface and how much less foot print and how many less highway and roads, how much more open space, what the lesser affect on the wetland that is on the west boundary and some other ideas that they've had about why is this plan better than the conventional plan. That is their burden to satisfy the Board about the statutory standards which they will try to do at the public hearing.

Mayor Pearson stated that Mr. Dowd told her that the roads are not part of the overall plan, they don't take the roads out of their square footage.

Mr. Dowd stated yes, when they make the first calculation. That is where the 268 to 275 units came from.

Mayor Pearson stated they don't have to take the roads and wetlands out of there.

Mr. Dowd stated right. That is why the Planning Board asked them to do a conventional because they wanted to see a layout with roads and ponds.

Mayor Pearson stated that he may want to read Village Law, Section 738, B about the land with the zoning law and they didn't make a distinction between public and private roads to utilize a development.

Mr. Winglovitz stated what they are getting at is if they said they could get 268 and they showed 268 in a cluster layout without showing a conventional because then they did take those into account.

Mr. Dowd stated that our law does not say you deduct anything from that straight calculation of square footage, acreage, into the number of units.

Mayor Pearson stated that what we are doing is creating this clustering law we can put that into that clustering law that it has to be that way.

Mr. Dowd stated that the conventional does that and that is where they came up with the 225. That is why you're going to tie them into a number of units based upon the conventional less what they are actually showing.

Mr. Jacobowitz asked if the Board would consider this later in the meeting.

Mayor Pearson stated no, because she just received the law and she doesn't know if Mr. Dowd has reviewed it.

Mr. Dowd stated that he did look at it and he spoke to Mr. Paz this afternoon. There are certain things that would have to be amended such as putting the number of units in it. He doesn't know whether to proceed until the Board tells him to. He's not going to prepare the law unless the consensus of the Board is to do it.

Deputy Mayor Matise suggested they discuss it during discussion items. She would like to here the Village Attorney's concerns.

Trustee Hurd suggested, since the applicant is here why not it do now.

Mr. Dowd stated that the proposed law as drafted needs to be refined to say that its compliant to this project and these particular lots and its not a general authorization to

the Planning Board, that you are limiting the number of units that are going to be done in a cluster of 204 and that the Planning Board is restricted to your existing regulations on townhouses for all the development of these parcels. Those that are built in the R-3 are subject to the townhouse restrictions as far as separation distances, number of units, setbacks and that will apply to the R-3. Those are what the Planning Board were concerned about. That is not in the law, but it can be placed in the law. Those are two things that would have to be done right now.

Mayor Pearson stated that she would rather have Mr. Dowd put something together and have it for discussion at the next meeting.

Trustee Hurd moved to authorize the Village Attorney to prepare the local law for clustering. Seconded by Trustee Norman. All ayes. Motion carried.

Deputy Mayor Matise requested a copy of the local law before the meeting.

Public Comment

Nancy Phelps stated that she wrote a letter to the Board stating that she would like to apply for a records management grant which will use the records in the library local history section that is not accessible to the public. There are also records in the Village Office too. She would like to make these documents more accessible through a variety of means so teachers can use them and write lesson plans. She would also like to put the records on the library web site with links to the village and school districts web site. Mr. Barnes has helped her to do this. She is asking for a letter of support.

Manager Politi asked if there were matching funds.

Ms. Phelps stated no.

Manager Politi stated that the Village would be the applicant.

Ms. Phelps asked that the Village pay Mr. Barnes fees.

Trustee Hurd moved to authorize a records management grant up to \$10,000. Seconded by Trustee Millsbaugh. All ayes. Motion carried.

Manager Politi stated that he will have to find out where they will be paying Mr. Barnes out of.

Mayor Pearson congratulated Ms. Phelps on the award her class received from the New York State Archives Student Research Award. She also asked for the names of the children.

Eileen Brickner, 25 Bank Street asked that parking regulations be lifted for the Village Election in the area of the library.

It was the consensus of the Board to have the Police Chief and Village Manager look into lifting parking restrictions on March 18th.

Lynn Schwandt, 143 N. Montgomery Street stated the DPW have been doing a great job with snow removal. Also, the new garbage company is doing a great job. She also asked the Mayor if she was in contact with the previous PBA president about their proceedings.

Mayor Pearson asked when.

Ms. Schwandt stated this past year.

Mayor Pearson asked, was I in contact with them.

Ms. Schwandt stated yes, about the labor contracts and everything that was going through.

Mayor Pearson stated that she thinks he did call her a couple times and he didn't tell her specifics he just asked where they were and she said where they were at, she didn't give any specifics of anything.

Ms. Schwandt stated that she will be filing a FOIL request. There has been so much going back and forth about who's been saying what. She wants to see what was said with emails and text messages. Last meeting the Mayor made a comment when one of the residents brought up special meetings and Mr. Wynkoop explained it to everybody, the Mayor did make a comment, well that is the last time I help someone in the Village, businessmen in the Village and that wasn't in the minutes. As the Mayor that should not have been said.

Ed Leonard stated that February 18th the Planning Board will be holding a public session and they can submit questions about this project. In addition to the Planning Board taking a hard look at the project the Orange County Planning Department will also be reviewing this.

Deputy Mayor Matise asked if it was at 7:30pm and can it be in the Bradley Assembly Room.

Manager Politi stated as long as there is no court that night.

John Revella, 16 Church Street stated that he appreciates the Village's reaction to the last meeting in getting Main Street cleaned up. He also stated that Candidates Night is scheduled for March 5th at 6:30pm. He also stated how great the new garbage company is doing.

Brian Sebring, 84 E. Main Street stated that there are dumpsters that are not enclosed especially Millspaugh Furniture has two and one behind Mr. Lustigs property and one behind Related Management. What bothers him is you have a Trustee here and his in not enclosed and the Village Board enacted the local law for dumpster enclosures.

Mayor Pearson stated that they've already been told. We have the manager and Building Inspector who are in charge of that. He doesn't own the building.

Manager Politi stated that he talked to Keith Millspaugh about it.

Mayor Pearson stated that you need to talk to him again.

Mr. Sebring stated that Trustee Millspaugh is a principal in the place.

Deputy Mayor Matise stated that Mr. Lustig has an exemption.

Mayor Pearson asked Mr. Sebring how he knows Trustee Millspaugh is a principal.

Mr. Sebring stated that the Mayor made a statement in the paper about keeping people accountable, he's trying to keep her accountable for her Board member.

Trustee Millspaugh stated that he has nothing to do with the store other than it's his son that owns it and runs it.

Mr. Sebring stated that if Trustee Millspaugh can't talk to his son about getting it enclosed who can.

Trustee Millspaugh stated that he has physical problems with doing that and he doesn't know what he said.

Mr. Sebring stated that Stewarts has a chain link fence.

Trustee Millspaugh stated that he's talking to someone that is not involved. Everybody's can't be enclosed. Why doesn't Spence have theirs enclosed. He presumes they have physical problems. He hopes that Keith's problems are recognized and it will be done correctly.

Manager Politi stated that the Lustig building dumpster is exempt because there is no real space to create a dumpster enclosure so the Board exempted them.

Trustee Rumbold asked about the dumpster behind the Chinese Restaurant on Main Street.

Manager Politi stated that they are finishing the pad for the dumpster.

Mr. Revella stated that he's been at the previous Board meetings that some of these issues were addressed maybe they should read through the minutes about the law for dumpsters. They did address Mr. Millspaugh's dumpster.

Friends of Walden Youth-Proposed Playhouses @Olley Park

Mayor Pearson stated that the Friends of the Walden Youth sent a letter regarding the buildings at Olley Park.

Manager Politi stated that the primary question is the location of the buildings in Olley Park. It would be better to have them out front for security reasons.

Deputy Mayor Matise asked if they thought into the future if they decided to do something with the house.

Manager Politi stated that if they were to build a new building it has to go on that footprint.

Deputy Mayor Matise stated that the house does not have historic designation.

Trustee Norman stated that they wanted to dress up the park so they decided to do historic buildings. They wanted to put the houses by the Volunteer Square sign and someone is interested in putting in a train. If you put the houses by the gazebo and dock you might just put regular houses. They're not putting special houses that the children can't go into and enjoy. They are trying to do history of the Village.

Deputy Mayor Matise asked how much money do they have for the houses.

Ms. Adams stated that they have \$1250 from the Friends of Walden Youth and the Village Recreation Department has money in the budget for this. The original price was between \$1500 and \$2000 per house because they were hiring a builder to do them. The Bruderhof have offered to do them now which will be donated labor and the Village will pay for the materials.

Deputy Mayor Matise asked how many houses would they have.

Trustee Norman indicated three to start.

Deputy Mayor Matise stated that they started holding meetings talking about a park master plan which is part of the comprehensive plan. Part of the park master plan would be to incorporate their project.

Manager Politi stated that basic question is to get the buildings on that side of the park rather than in the back.

Deputy Mayor Matise stated that they are doing it without a plan.

Ms. Glass stated that they are trying to donate something to the park and she is making a big deal of this. They are the ones who raised the money.

Deputy Mayor Matise stated that she understands and she helped to raise the money.

Mayor Pearson asked if there would be an age group that would use these houses.

Ms. Adams stated up to 12 years old.

Trustee Norman stated that their idea started from the houses at the Orange County Park. There are all ages of children over there enjoying them. This is a project for the children of Walden, why are we making it so hard to put three houses in a park.

Manager Politi stated that these aren't permanent structures. They are not set on concrete so you can move them.

Trustee Hurd stated that you can't let the absence of a master plan deter something from happening to such a good project.

Mayor Pearson stated that her comment to Ms. Adams at that time is that she felt if the gazebo is there and swings and parents are there with their children and if it was in that area it would get used more. She does understand the concept of not being able to see them as well.

Ms. Adams stated that if the Board chooses to have them put them up on the hill then all they need is regular houses that won't have any historic look. They are looking at the third phase of getting plaques to describe the history of the buildings.

Deputy Mayor Matise stated that she feels everyone should make the decision of where the houses go, not just the Board.

Mayor Pearson stated that she thinks the Board already voted on that.

Ms. Adams stated that they have had yard sales to raise money for this project and they have additional money and are ready to hold another yard sale. They don't feel it's right to ask the public to support the yard sale, they've been very generous. When they are going to put something in the paper about having another yard sale they should see something tangible that they are getting.

Trustee Hurd stated that he is in favor of the location.

Trustee Rumbold asked if there was a danger in someone coming into the park and running into these houses.

Trustee Norman stated no.

Mayor Pearson stated that the Board already voted on this.

Deputy Mayor Matise asked if it would interfere with the sledding.

Ms. Brickner stated no.

Trustee Norman moved to play the playhouses at Olley Park where the trees were removed. Seconded by Trustee Hurd. All ayes. Motion carried.

Village Budget Development Time-Line & Meeting Dates

Manager Politi stated that from March 20 – April 13 would be the days available for Board review of the budget.

Deputy Mayor Matise stated that's not enough time.

Manager Politi stated that it's Village Law.

Deputy Mayor Matise stated those are deadlines it doesn't mean you can't start earlier. Last year they started February 27, 28 and 29 with department heads coming in. There is only three weeks for board review and the public hearing was set during a school break.

Manager Politi stated that the public hearing is law.

Deputy Mayor Matise stated that it's not leaving enough time if they wanted to leave the public hearing open. It's during a school break when people might be away.

Trustee Hurd stated that the manager needs adequate time to have his department heads prepare their budget. He doesn't object to the schedule. They can meet whenever necessary.

Trustee Rumbold asked if the manager really needs from February 5th until March 19th to review.

Manager Politi stated that it takes every bit of that time. The Treasurer also has to put the numbers in.

Deputy Mayor Matise asked if any of the department heads have submitted their budgets yet.

Manager Politi stated no, they're not required to.

Deputy Mayor Matise stated that the holidays will cut into the time.

Trustee Hurd stated that if you give the manager and his staff time to put together an accurate detailed budget then it means we've got something much more accurate and detailed to work with. They do the three departments in three evenings and that still leaves them with weeks to discuss this.

Trustee Millspaugh suggested that make a final decision on February 24th to make the dates for deliberations.

Manager Politi stated that he has until March 20th, by law, that he must deliver the budget to the clerk. If it's prepared prior he will advise the Board.

Mayor Pearson stated that they can settle the dates on February 24th.

Resolution No. 13-08-09 - Interoperability Grant Application

Mayor Pearson asked if the agreement is for one year.

Chief Holmes stated it's usually a couple years.

Mayor Pearson stated that the Village wouldn't have to worry about extra funding until 2010.

Chief Holmes stated right and that would be done by the Department of Homeland Security. This is good until 2010.

Mayor Pearson asked about the cost.

Chief Holmes stated that there would be a cost if you wanted to be part of a county wide frequency. You don't have to do it.

Deputy Mayor Matise moved to adopt Resolution No. 13-08-09, Authorizing he Village Manager to Execute an Agreement with the County of Orange to Increase the Interoperability of Communications between Public Safety and Emergency Response Agencies During Emergencies, (attached). Seconded by Trustee Hurd. All ayes. Resolution adopted.

Resolution No. 12-08-09 General Village Election date and Location

Trustee Millspaugh moved to adopt Resolution No. 12-08-09, 2009 General Village Election, (attached). Seconded by Trustee Norman. All ayes. Resolution adopted.

Set a date for Special Village Board Meeting to Review General Code

Deputy Mayor Matisse moved to hold a special Board meeting on February 11, 2009 at 6:30pm to discuss General Code. Seconded by Trustee Norman. All ayes. Motion carried.

Set a date for Special Joint Board Meeting for CHG&E Power Line

Mayor Pearson indicated that the Town Planning Board should be invited and to also have a representative from Central Hudson at the meeting.

Trustee Norman moved to hold a special joint meeting with the Planning Board on March 2, 2009 at 8:00pm to discuss the Central Hudson Gas and Electric power line. Seconded by Trustee Rumbold. All ayes. Motion carried.

Fire Department Street Parking Review & Suggestions/Valley Avenue

Fire Chief Gary Kurtz stated that after riding around the Village he prepared a list of locations that have a turning radius problem. You will either need one side of the street parking or alternate parking. Where there is parking on two sides it's a constant problem. Some of the problem streets are Bank and Capron Streets, Ridge and Gladstone Avenues. The corner of Gladstone and Scofield is marked but it needs to be enforced more. One of his concerns is Lafayette Street, you can just barely get through with a car. Another concern is Orchard Street from the bridge to Pine Street, two sides of the street parking and you can barely get through. He would like to meet with the Police Chief and DPW Supervisor to get more solid recommendations.

Mayor Pearson stated that one thought was to put the parking on the other side of the street on Valley Avenue. The side streets coming down to Valley Avenue are also a problem.

Mr. Adams stated that when it snows people are parking further in the road so you can't get around. If they parked on the other side it would solve the problem.

It was the consensus of the Board to have the Fire Chief go out with the Police Chief and DPW Supervisor to get more recommendations.

Snow Removal on Main Street

Manager Politi stated that a question came up when they do clearing of snow on Main Street. Right now they clear West Main, Main, around the corner on Main Street to the Post Office and the square, Orchard Street and Bank Street up to the corner. Questions always come in from other sections of the Village. One is on E. Main by Dr. Bojsiuk. It is an expensive process to get through there quickly. They have gone to day

time removal for funding purposes. The question to the Board is how far should they go with the snow removal.

Trustee Hurd stated that the Village is performing a service for certain businesses in certain locations and not for other businesses in other locations.

Manager Politi stated that a lot of it is the street size and the streets start to channelize. Those are the areas you impact most. He asked the Board if there is any other area they need to get to.

Board members stated that they've never heard anything.

Deputy Mayor Matisse stated that Andrew Court hasn't been cleaned out this year.

Manager Politi stated that after this storm they will get to it.

Trustee Rumbold stated that she noticed we received our last delivery of salt.

Manager Politi stated that we are having a heavy winter and we tried to hold the budget. We will be able to get more salt.

DPW Supervisor Lamandola stated that they still have 250 tons available to them.

School Transportation Policy

Mayor Pearson stated that there will be a school board meeting on February 2nd about the bussing on the west side of the village. There was a suggestion to send a letter to the school board.

Trustee Hurd stated that is the main issue. He urged everyone to write to the board or go to the meeting and let them know this is not acceptable. They will be cost shifting because we will need more crossing guards.

Mayor Pearson stated that to walk to school from the Beazer development there is a large section where there are no sidewalk. There is a policy that if the bus goes through the area and there is room on the bus that they will be able to pick the children up.

Mr. Leonard stated that there was a letter to the editor in the paper which stated we are the only village that is being denied bussing.

Deputy Mayor Matisse stated that there is a group of parents on the west side that are pursuing this. She has put them in touch with the Orange County Planning Department because someone has offered to look at the idea of sidewalks. The only way the law would change is if there is a district referendum.

Mr. Dowd indicated that it is state law.

Trustee Rumbold stated that the state law says two miles, the school district can change that which was a proposition.

Mr. Dowd stated that if they do it for Walden Elementary they have to do it equally to all the others. Legally they are within their rights to do what they are doing.

Deputy Mayor Matisse moved that the manager write a letter to the school board regarding bussing on the west side. Seconded by Trustee Hurd. All ayes. Motion carried.

Montgomery (Town) Community Economic Development Plan Review

Deputy Mayor Matisse stated that there is a proposed objective 2.4 improved transportation infrastructure for an industrial parcel south of 17K in the Coldenham area and the plan is recommending an access road off of Route 84 onto that parcel and two of the tributaries that come under 84 through this parcel come up through Browns Road and are the major contributory parcels to the Tin Brook which comes to well six. She feels the village should comment on this. That is a major development on that parcel which will be an impact on our water shed.

Trustee Rumbold stated that if Deputy Mayor Matisse wants to contact Camoin Associates they are the ones that put this document together.

Deputy Mayor Matisse stated that it's not them.

Mayor Pearson stated that it's a public hearing.

Deputy Mayor Matisse stated that the public hearing was closed but the Town Board is still accepting comments. It hasn't been reviewed by the Town yet.

Trustee Rumbold stated that Camoin has always been good about accepting any kind of comments on anything. If Deputy Mayor Matisse wants to comment she encourages her to do so.

Deputy Mayor Matisse stated that it's beyond Camoin input they made there final presentation. The comment should go to the Town Board.

Trustee Rumbold moved that Deputy Mayor Matisse draft a letter to the Town for the Board to review regarding this development and the impact to our well site. Seconded by Trustee Norman. All ayes. Motion carried.

Public Comment on Discussion Items

No comments on discussion items.

Approval of Minutes

Trustee Rumbold moved to adopt the minutes of January 13, 2009. Seconded by Trustee Norman. All ayes. Minutes adopted.

Trustee Hurd moved to adopt the minutes of January 21, 2009. Seconded by Deputy Mayor Matise. All ayes. Minutes adopted.

Audited Bills

Trustee Rumbold moved to pay the audited bills of January 27, 2009. Seconded by Mayor Pearson.

Trustee Millspaugh stated that there is a bill for the Tinn Brook pump station for 90% of the job and there is just a sign off by the engineer and there should be something stating what is left to be done. Ten percent is a tight number. He would either not like to pay the whole amount or increase the percentage not completed.

Manager Politi asked what if the number reflects what they've completed. He asked if there were any quantities in that.

Trustee Millspaugh stated no.

Trustee Rumbold asked the manager if in his estimation 90% of that project is finished.

Manager Politi stated that it's on line. Yes, they have painting left and incidentals, and going over the manual.

Trustee Rumbold asked about the punch list.

Manager Politi stated that there won't be a punch list because 90% is done. Final inspection will occur.

All ayes. Motion carried.

Correspondence

Mayor Pearson stated that she did receive a letter from the Community Council thanking the Board for the pledge of \$500 for the flag pole by the Veterans Bridge. They are still looking for funding because pricing has gone up.

Mr. Dowd passed out the letter he was asked by the Board to write to the Supervisor of the Town. If it's okay he will send it out.

Mayor Pearson asked about the AG's letter.

Mr. Dowd stated that he hopes to have that by the end of the week.

Trustee Rumbold stated that the letter suggests how they pay the Village back. She asked how long this has been going on.

Mr. Dowd stated years, as long as the Town has been paying the Village for Town residents to go to Village park recreation program.

Trustee Rumbold stated that of course there is no way to go back and find how that initiated.

Mr. Dowd stated that no one has seen it and no one knew it happened until this past budget year. It's not the Village that has been overpaid, it's the Village taxpayers and they would have to take their own individual action against the Town. Each of the Board members as individuals could bring action against the Town to recoup the money. He will check the statute of limitations.

Deputy Mayor Matise stated that they brought this up before the supervisor finalized his budget and he would not address it. She asked if the attorney spoke to the supervisor about the dog control officer.

Mr. Dowd stated that he did and he doesn't believe there is any inappropriate charging there. He called the Association of Towns as well about the A fund or B fund and they are not doing anything incorrect.

Mayor Pearson stated that this is a good letter.

Deputy Mayor Matise moved to send the letter to the Town. Seconded by Trustee Rumbold. All ayes. Motion carried.

Deputy Mayor Matise asked if there is any movement on the ambulance corp.

Mr. Dowd stated that he has calls into the Town Attorney and he hasn't been able to talk to him. He will follow up.

Trustee Rumbold asked how successful would someone be going after the Town for this money.

Mr. Dowd stated that it was clearly improperly budgeted and therefore improperly raised by Town tax on Village residents. It's not a lot of money so he doesn't know if anyone would like to bring a law suit against the Town to recover \$20.00.

Deputy Mayor Matise stated that the ambulance funding is also under Part A and they service everyone in the Town. They've never talked to the Village about the contract.

Mr. Dowd stated that they are not required to.

Board Comments

Trustee Millspaugh stated that he is still concerned with the sewer treatment plant. A lot of work has to be done down there. He knows help was taken off for snow removal. The priority level has to be increased down there. Hopefully our efforts will be awarded with DEC looking kindly at what we are trying to do. We can't leave the plant hanging there.

Mayor Pearson stated that she emailed the attorney about the agreement with the Town and the police. It had nothing to do with consolidation, it was the mutual aide.

Mr. Dowd stated that the Board should see the agreement that was given to him. They need to negotiate with the Town to get it into place. The Village has to make some decisions on how they want to handle that. He will get the Board copies of that. He thinks they may want to change some of issues raised by the mutual aide.

Mayor Pearson stated that she is happy to see the department heads in attendance.

Executive Session

Mayor Pearson moved to hold an Executive Session pursuant to 105-(f), Personnel, Village Manager and Police Personnel and 105-(e), Police negotiations of the Public Officers Law. Seconded by Trustee Rumbold. All ayes. Motion carried.

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

Trustee Hurd moved to offer an employment agreement to Manager Politi. Seconded by Trustee Norman. On roll call Trustee Norman, Hurd and Rumbold voted yes. Trustee Millspaugh, Deputy Mayor Matise and Mayor Pearson voted no. Motion defeated.

Trustee Rumbold moved to extend the current contract for the Village Manager until a full board is present at the February 10th, 2009 meeting. Seconded by Trustee Hurd. On roll call Trustee Norman, Hurd, Rumbold and Millspaugh voted yes. Deputy Mayor Matise and Mayor Pearson voted no. Motion carried.

Adjournment

Trustee Hurd moved to adjourn. Seconded by Trustee Rumbold. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell
Village Clerk