

**Village of Walden  
Board of Trustees Regular Meeting  
February 14, 2012**

Deputy Mayor Rumbold called the regular meeting of the Village of Walden Board of Trustees to order at 6:30 pm.

On roll call the following were:

Present:	Deputy Mayor Trustees	Sue Rumbold Edmond Leonard Bernard Bowen Randi Lee Penney Tara Lown Sean Hoffman
Absent	Mayor	Brian Maher

Also Present:	John Revella, Village Manager Lori Pinckney, Village Clerk Kevin Dowd, Village Attorney
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**Public Hearing – Introductory Local Law I-1 of 2012**

Deputy Mayor Rumbold read the Local Law: A local law amending Chapter 305 of the Code of the Village of Walden entitled “Zoning” to authorize a change to the Townhouse Zoning District regulations as they pertain to the lot width of certain dwelling units located therein. Specifically this was noted for units from 24’ to 20’ in this project.

Kevin clarified it is for the market-rate units.

Trustee Lown motioned to open the public hearing on Introductory LL I-1 of 2012. Seconded by Trustee Hoffman. All ayes. Motion carried.

Kevin commented that the applicant is present if she wishes him to make a presentation of what is being requested.

Deputy Mayor Rumbold asked if the presentation would be any different than what’s already been heard. She read the section of the Local Law: The minimum lot width of an affordable townhouse unit shall be twenty feet. For all other units not designated as affordable units, the following minimum widths shall apply: (a) 20% of the total number of townhouse units in the project shall have a minimum lot width of twenty feet, the locations of which shall be determined by the Planning Board; all other townhouse units shall have a minimum lot width of twenty-four feet. She asked the Board’s recommendation.

Trustee Hoffman recommended a presentation from the applicant for the benefit of the public and to refresh it for the Board.

Trustee’s Lown, Bowen and Leonard agreed.

Gerald Jacobowitz, introduced himself as Principal owner of the property, commented he would like to cover some procedural things and have David Weinberg, who is the

construction manager of the project, explain some physical and topographical matters that relate to the plan, that have prompted the request for the changes. He referenced the letter dated February 6, 2012 from the Orange County Planning Department for which their recommendation is it's a local determination to be made by the Board and they do not take any position either way. He indicated the Planning Board on February 6, 2012 adopted a motion to recommend to the Village Board to adopt the Local Law as proposed to them. He also produced three letters to be made part of the record expressing support of the Board's adoption of the Local Law. The letters were handed to the Clerk.

Deputy Mayor Rumbold asked if there was a copy of the Planning Board action in the packets.

Manager Revella responded yes, in the action items section. A memo from Dean Stickles dated February 8, 2012.

Deputy Mayor Rumbold read the memo which stated "the Board consider adopting Local Law I-1 of 2012". She indicated it doesn't say that the Planning Board is in favor of it, all it says is that we consider it, which is what this public hearing is about.

Kevin commented she read the wording correctly; that it's to consider adopting, it's not a negative. Based upon the discussion, it was a positive in a sense that we are recommending to you to consider adopting it.

Deputy Mayor Rumbold responded she doesn't feel it is a positive or a negative; it's a statement indicating they have no problem with the Board considering adopting the law.

Kevin agreed, they are not objecting in any shape or form.

Gerald Jacobowitz commented it's a positive, otherwise they would have recommended that the Board deny it. They didn't say to deny it.

Deputy Mayor Rumbold commented that she doesn't see it as an affirmation that the Planning Board is telling them they are recommending they adopt the local law, they are recommending the Board considers adopting it. She would like to make the sure the wording is accurate for the public understanding. It's not really a recommendation from the Planning Board that we adopt it, but that we consider it.

Gerald Jacobowitz responded that is her interpretation of those words and she's entitled to that interpretation but he doesn't think that necessarily determines what is said in the transmittal from the Planning Board.

Deputy Mayor Rumbold read the memo.

Gerald Jacobowitz indicated matters that were submitted in writing in support of the application are also part of the record and hopefully the Board has had a chance to read them. They came out of the environmental review that was conducted by the Planning Board and as part of the FEIS and part of the findings that were made by the Planning Board. He introduced David Weinberg.

David Weinberg commented he's been working on this project through the SEQRA process with the Planning Board and is hoping he could provide some insight as to what has transpired and why certain things have been done. He reviewed the project consists of 204 townhouses on approximately 38 acres. It's off Coldenham Road with Rt 208 as a secondary access. He indicated there are 38 buildings; 10 are uphill units and 28 are downhill units. The project takes into consideration the topography of the site, so an uphill unit will have a garage which will be level with the street and two stories above which are the living areas. The downhill unit, you enter the garage at street level, go up to the second floor and there is a walk-out basement. The downhill units will have walk-out basements with a sliding glass door to go out to a patio. The law being introduced tonight is talking about 20% of these units being smaller and predominantly on the uphill units. He indicated the original plan had all 24' units and the road layout goes along with the topography. After reviewing the project, it was found that there were benefits in altering the road to take advantage of the grades and improve the project. One would be to soften the road "sharpness", which allows them to re-grade and eliminates some of the retaining wall height from 6-8' down to 2-3', by changing the configuration of the road which is precipitated by the smaller unit. This would also reduce the impervious surface, it will increase the open space and it would reduce some of the site disturbance. He indicated this was all part of the Planning Board and SEQRA process. He noted the SEQRA findings. He commented it is important in today's economy to have some flexibility in the design of the units and maintaining some variations in cost. He indicated the advantage of a 20' uphill unit include a cut in some of the construction costs per unit, which will provide some flexibility to the buyer and allowing the basements of the uphill units to be finished. The value of that is tremendous for a marketing tool. He predicts a vast array of different types of buyers for this project and a finished basement/rec room is a big selling point. The 20' units are excellent sellers. He referenced the most successful project in Orange County over the last 3 years as Woodside Knolls in Middletown. He commented they have used this technique of finishing the basement as part of their sales tool, to increase the value of their units, not the price, but the value. He indicated the square footage of this project's units is 1800 ft<sup>2</sup> and by finishing the space on the lower levels, they would be able to advertise an additional 500-600 ft<sup>2</sup>; it is a very good marketing tool. He commented the key is keeping the price as low as the market needs to be set, he doesn't set the price, the consumer sets the price. It's imperative for both marketing and financing to keep the price as reasonable as possible but giving value to the home buyer. By utilizing the 20' units in only 40+ units, it provides another marketing tool to offer a different type of buyer another product and keep the prices in the range that they need to keep them. He passed around some illustrated photos of a 20' unit as compared to the 24' unit. The units for this project have not been designed yet.

Deputy Mayor Rumbold asked what is considered open space.

David responded any areas which are outside of the building envelopes, impervious roads and lawns.

Trustee Hoffman asked if there has been an analysis to determine the difference in limits of the disturbance of the two feet.

David responded there is approximately a 2 acre difference in disturbance from the 24' to the 20' units. He clarified that there would be 2 less acres of impervious surface, but the disturbance area would basically remain the same. He indicated the road would become

smaller, the footprint of the unit would be somewhat smaller and if you add all those factors it's about 2 acres less impervious surface.

Trustee Leonard confirmed this would be a phased project, he asked if the phases are known.

David responded there is a detailed analysis in the EIS, but believes there are 5 phases and each one will be done almost from sales, building by building.

Deputy Mayor Rumbold asked for clarification of the 2 acres being smaller pieces added up totaling the 2 acres.

David confirmed it's cumulative.

Trustee Bowen commented understanding the economy today and putting a basement in, as his house was built he had to pay additional to get a basement, so this project is adding a basement from cutting a unit or cutting feet. He asked Mr. Weinberg that he's saying that is more feasible as a sales rep.

David responded he's saying that it's a marketing tool on the uphill units which are less desirable than the downhill units. There are more downhill units and they are more desirable to the public. The uphill units are more difficult to sell so in order to give them better value, if the units were smaller but the basements finished, that trade-off makes the units more salable and increases their usable square footage, so they are getting more value for the same or less dollars.

Deputy Mayor Rumbold asked if this includes the affordable units; their basements will be finished.

David responded no, the affordable units, which will be 20' as per the village ordinance, will not have finished basements. They are being built to be affordable but future owners can finish them later on.

Trustee Hoffman asked why the uphill units are less desirable.

David responded that is what years and history tell us. The reason being on the downhill units, where you drive into the garage with the living space on the first floor when you come out of the garage and the bedrooms are upstairs, that is your standard and most sought after type of house. When you go downstairs to the lower level, you can finish that basement off, which will be an option to any owner. If you finish that basement off with the sliding glass door to patio, it makes it a very nice unit. In the uphill units, you drive into the garage and walk up a flight of stairs to get to the living room. That is generally deemed not as marketable since you are walking up a flight of stairs to get to your first floor living area. We have found it is needed to give the uphill buyer a hook, something they can appreciate that is going to offset them having to walk up that flight of stairs.

Trustee Hoffman commented the topography drives the architecture and the architecture the uphill units.

David responded yes, that is why when the site is designed we only have about 25% of the units that are uphill and that is driven by the topography.

Trustee Leonard asked if the units on the top of the project going to be priced higher; they should have a great view.

David responded he is hopeful that is the case. Projects start off at a certain price range and as the project goes on, you hope the prices will increase, and the upper units are in the latter stages of the development so it is hopeful they will be higher.

Marcus Millspaugh, 10 Jessup Street, asked when coming up with the square footage, if a unit is made skinnier, than shouldn't it be made deeper.

David responded the units would not be made deeper. The units will be smaller since four feet is taken off the width, but not changing the depth. There are no requirements for square footage. There is a minimum sized unit, but these units are not close to that minimum.

Kevin referenced the Code which calls for a minimum habitable floor area by bedroom count, so a 3 bedroom unit has to be at least 1250 ft<sup>2</sup>, a 2 bedroom – 1000 ft<sup>2</sup> and a 1 bedroom is 900 ft<sup>2</sup>.

David commented that all of the units are 3 bedroom and all are in excess of 1600 ft<sup>2</sup> including the 20' units without the basements.

Becky Pearson, 167 Walnut Street, commented this law is for all the Village of Walden not just this project. This law was created for any other townhouse project that may come before the Village as well. She thinks we are being very specific in changing this law for the applicant and doesn't know if that should be necessary. She asked if it should be going before the Zoning Board since it is a zoning change instead of a law change.

Kevin responded it is a zoning change that they are asking the Village Board to make on the ordinance, so they are in the right place.

Becky commented that the applicant has been apart of this law from the beginning and he understood the law, he was at the public hearing and he helped the process as well. This law is for the whole Village not just this project. If the law is changed, it is changed for all the projects that come before you in the future.

Trustee Hoffman confirmed this is the only parcel in the Village that is zoned for townhouses.

Becky commented if we are changing this law now, why don't we think about changing the affordability factor as well; look at the whole law. She asked why is the Village Board responsible for how much money the applicant makes on these projects; it's not your responsibility. She's not saying it shouldn't happen, but the Board is not responsible for how the project is sold or who buys them, it's the builder's responsibility. She indicated there are townhouses being sold in the Town of Newburgh that are being sold in the high \$200K to 300K; she brought that to the Board a few weeks ago. She hasn't heard any further discussion on it. She asked if the letters the applicant submitted could be read into

the minutes; she asked if they were from Village residents or Town of Montgomery residents. She asked if it is in stone that these basements will be finished; where is it stated. She asked if Sue could possibly go back to the Planning Board minutes because she wants to know how the vote went.

Manager Revella responded the vote was 3-0

Becky clarified then only three Board members were there. She asked who voted.

Kevin commented that Stan, Jose and John Duffy voted.

Becky responded that one of the Planning Board members that sits on the Board might have a little conflict of interest for her to be thinking about but he rents possibly two buildings from the family of the applicant. She doesn't know if that is a conflict for anybody else, but she's throwing it out there.

Mary Ellen Matisse, 21 Clinton Street, asked if the downhill units have a garage. She had asked back in 2009 about affordability and accessibility. Points are given for seniors and the disabled. She asked about the upside units and how many of those that won't be accessible are going to be affordable. The affordable units start out being 20'; she asked if the doorways and hallways would be wide enough for people who might be severely disabled. These things were discussed three years ago, but these questions go disregarded. She commented the open space question was brought up in 2009 as well and it's in the minutes.

David Weinberg responded that every unit will have a garage and every unit will meet ADA handicap requirements that the building codes require. These units are not designed to have first level bedrooms. On the downhill units, you will drive into the garage, you'll walk out of the garage into the living room/dining room and kitchen area with ½ bath. You'll walk upstairs and there will be 3 bedrooms with 2 full baths. On the uphill units, you drive into the garage, you'll walk up a flight of stairs where the living room/dining room/kitchen and ½ bath are, then up another flight of stairs to the third floor where there are 3 bedrooms and 2 full baths. So every unit will have 3 bedrooms and 2.5 baths, including the affordables. There will be a difference in the finishes from the affordable and market rate units, but no difference from the outside.

Deputy Mayor Rumbold asked if the garages are 1 car or 2 car. She asked if the driveways were wide enough for two cars.

David responded they've all been designed for one car garages. He indicated there is one car in the driveway and one car inside driveway and there are designated parking areas off street for additional parking for guests or additional vehicles. The project meets all the code requirements on parking.

Deputy Mayor Rumbold read the three letters submitted by the applicant:

To Whom It May Concern:

I am unable to attend the public hearing tonight, but would like to let the Village Board know that I am in favor of the request being made for the project on Coldenham Road. Sincerely, David J. Bonne, Vice President Hudson Valley Agents

To Whom It may Concern:

I am unable to attend the public hearing tonight, but would like to let the Village Board know that I am in favor of the request being made for the project on Coldenham Road. Sincerely, David A Bonne, Property Owner 99 West Main St, Walden.

To Whom it May Concern:

I am unable to make the public hearing tonight, but would like to let the Village Board know that I am in favor of the request being made for the project on Coldenham Road. Sincerely, Riaz Watto, Pharmacist, Wallkill Pharmacy, UAR Corp.

Manager Revella asked if the Board were to grant the amendment would it change the timeframe of breaking ground, would it move the project faster.

David responded it's difficult to answer; they still need to go through the site plan with the Planning Board and go to the outside agencies.

Gerald Jacobowitz commented the Planning Board after four years has completed the environmental impact statement. The next step is for them to grant preliminary approval for the project, since they studied two plans, the question is which plan will they give preliminary approval to. Preliminary approval is needed because you can't go to DEC, DOH or DOT and Orange County DPW until you have a preliminary plan. The delay would be if this is not acted on tonight or if it is denied and then the issues will need to be figured out, this would delay the Planning Board. When the project goes to DOH, DOT, DEC and OC DPW, they will review everything that has been reviewed and they will provide their comments to the Village. When everyone comes together in agreement, approval will be granted for the extension of the sewer main, DOH will give realty subdivision approval and water main approval, DOT would give approval for the access on Route 208 and OC DPW will give approval for a highway disturbance from the property out onto Coldenham Rd. When we have all those approvals we come back to the Planning Board to grant final approval of the project. Then we put up the bonds, we have to resolve all outstanding matters in the statement of findings that was adopted, then we put up money in escrow to cover the Village's Engineer and Inspection services to make sure the project gets built the way the plan shows. Then we file for the building permit to build the first unit. If everything goes wonderful, we would hope to be back to the Planning Board in March or April 2013 for final approval. So we could hopefully start hopefully before the end of 2013.

Trustee Hoffman asked for clarification on going from 24' to 20'; is it 4' or 2' on either side.

David responded it is 4' per unit; the unit will be appropriately centered with a 20' unit. The total number of units affected is 41.

Kevin commented if the Board is satisfied and there is no further public comment, the Board can make the motion to close the public hearing, it is up to you.

Trustee Lown made the motion to close the public hearing on Introductory LL I-1 of 2012. Seconded by Trustee Penney. All ayes. Motion carried.

### **Code Violation Hearing – 23 Oak Street**

Jay Buchalski, Code Enforcement Officer, commented the there is a yellow 4WD vehicle parked in the front lawn of 23 Oak Street for approximately 8 months. They were issued a

Notice of Violation back in April 2011, there was no response. There were 2 subsequent notices, also no response. The vehicle remains there today, it is parked in the front, the transmission is missing from underneath the vehicle, hence being defined an abandoned vehicle.

Deputy Mayor Rumbold asked how do we know the transmission is missing.

Jay responded he looked underneath it and it's not there.

Manager Revella commented the issue is that there is more than one.

Kevin commented there may be two unlicensed vehicles; the Code allows one to remain on the property as long as it's not in a wrecked, rusted, dismantled or partially dismantled condition and able to pass inspection. The one that is unlicensed is okay, but the other one, the yellow jeep is not operable with the transmission is missing from it, and therefore does not meet the code and is an abandoned or junked vehicle under the statute and needs to be removed or fixed or removed and fixed and licensed. The owner has been noticed several times without any kind of abatement, a resolution was passed at the last meeting.

Mr. Bogert commented the transmission is in the vehicle; the transfer case is out of the vehicle because he has to put a clutch in it. The transfer case will be put back in, the vehicle will start and it will run. He commented it is the only unregistered vehicle he has sitting there and doesn't understand the problem. The vehicle is for his son or daughter once they receive their license; they are both permitted drivers.

Deputy Mayor Rumbold confirmed that the vehicle parked behind the jeep is licensed. She asked what licensed means.

Mr. Bogert responded absolutely.

Kevin responded licensed means a properly registered and properly inspected with a license plate on it; ready to drive.

Jay it shows an expired registration from January 2011 with a 2007 inspection sticker.

Mr. Bogert indicated that the registration wasn't put in the window as of yet; the plates are on it.

Trustee Bowen asked when did it expire; he commented that Mr. Bogert forgot it for a year.

Jay responded January 2011.

Mr. Bogert commented we just got it registered because our insurance lapsed. We had to take the insurance off, the plates off; we got new insurance for it and now new registration.

Trustee Bowen asked how long will it take for you to become compliant.

Mrs. Bogert responded she can put the registration in the window tonight.

Kevin asked if it has a valid inspection sticker.

Mrs. Bogert commented it has insurance and registration.

Mr. Bogert commented it has new brakes; it will pass an inspection.

Trustee Bowen commented he just wants to know when it will be fixed. There are two vehicles that are not in compliance.

Mrs. Bogert will get the blue car inspected within the week; then they will be in compliance.

Deputy Mayor Rumbold asked if they received the Notices.

Mrs. Bogert responded she did but didn't know how to respond to them.

Kevin commented the Jeep has to be operable; it is technically partially dismantled which is a violation of our statute. You are allowed to have one unlicensed vehicle on your property.

Deputy Mayor Rumbold asked what needs to be produced in the next two weeks.

Kevin commented that the one vehicle is properly registered and inspected and has licensed plates; the other car, if it is unlicensed, it can not be in a partially dismantled state. If the piece gets put back on, then it can remain unlicensed.

Manager Revella commented just call the office and either Jay or the Building Inspector or himself can stop by. Just have the car running; that's proof enough.

Deputy Mayor Rumbold confirmed that Mr. & Mrs. Bogert understand what is required for them to be in compliance and it will be done in two weeks.

Kevin commented that if it is not done in two weeks, the Board is authorizing the Manager to remove the Jeep from the property.

Trustee Leonard made the motion to allow the Bogert's at 23 Oak Street two weeks to become compliant. Seconded by Trustee Bowen. All ayes. Motion carried.

### **Village Manager's Report**

- received funds from NYSEG for tree replacement due to the disturbance they will be causing at Besdesky Park.
- They've agreed to pay for the road replacement along Westwood Drive
- Been cameraing the sewer lines - found several breaks in sewer lines, will be scheduling repairs in coordination with DEC
- Basketball program is going well at Rec center, had ice skating for one weekend
- Clearing catch basins
- Met with Delaware Engineering/VRI/Village Attorney regarding sewer plant upgrades and billing issues
- Finalized FEMA reimbursement packet – the first packet was for \$72,000
- Water break at 71 Main Street

- Reviewed parking issues with Engineer at Route 52 and S. Montgomery Street – report should be available for next meeting.
- Also reviewed the work at Wooster's Grove; teen center building is nearly complete
- Met with IWS and Village Attorney regarding garbage collection; they've given us assurances
- Comprehensive Plan Meeting – reviewed the plan with the Planner
- DPW cleaned up behind Municipal Hall – additional parking spaces
- Met with John Kidd regarding Walden Quarterly magazine that will be starting up
- Received \$189,000 in reimbursement in CHIPS funding for roadwork that's been done
- Several meetings with OCTC; light issues brought up and the sidewalks on Ulster. Should be fully funded by the State
- Taylor Biomass presentation at the Association of Towns & Villages meeting
- Continue to repair potholes and road patches
- Had some issues with the sewer jet
- Parks dept working with DPW clearing dangerous trees at Olley Park
- Meeting with Orange County Youth Bureau about bullying initiatives
- Meeting with WBA and Business Accelerator – discuss ways to entice businesses to Walden and a possible satellite office in Walden
- Meeting with the Big Apple Circus with Mayor and Rec Coordinator; discussed ticketed show and use of their facilities while they're out of town.
- Meeting with Chief Holmes and Town of Newburgh Supervisor regarding speed humps; determining the appropriate location for them based on statistics
- All draft budgets from all departments have been submitted. Should be ready for the Board by the end of the month
- Building inspector and self been following up with NYSEG and electrician about lights on Overlook Terrace, Selina Ct and Walden Estates as well as Main Street and the upper bridge.
- Resolution later – CDBG FY 2012 awarded \$292,500 for sewer system

Trustee Lown asked about the water main break discussed at last meeting and if any reimbursements were received.

Manager Revella responded he's been in contact with them; we've gotten our pricing together. We'll see if it'll be JBL or Central Hudson. They also have to do some remedial work since disturbing the soil; he'll follow up with the Building Inspector.

Trustee Lown asked about the potholes on S. Montgomery Street.

Manager Revella responded he now has the address and can submit it to the County.

Trustee Leonard asked about the sewer main breaks and where they are.

Manager Revella responded there are 6 breaks on Pleasant Avenue, 2 major issues on Rifton near Riverview and so far we've uncovered 8 manholes that have been buried under the roads. There are several more to uncover.

Trustee Hoffman asked about the speed humps.

Manager Revella responded after the meeting; it's very feasible and easy to do, we were cautioned to have a town hall meeting with the area residents where the concerns are. The speed sign on River Road has worked very well so far.

Trustee Leonard asked about the letter on 154 W. Main Street, if we have received a response from the Commissioner of Social Services.

Manager Revella responded we have not received a response yet; the police were there again today.

Deputy Mayor Rumbold asked if Kevin has contacted them yet.

Kevin responded he has a call into the attorney for DSS and he's waiting for a call back.

Deputy Mayor Rumbold asked if this is the only location and do they perform inspections.

Manager Revella responded there are two locations; one on Scofield and the one on West Main. He commented if they do perform inspections, then they are not doing a good job.

Kevin commented that in the instance of 154 W. Main Street, some of those apartments are illegal apartments, so people are being placed not only in deficient housing but also illegal housing.

Deputy Mayor Rumbold asked how does that happen; where is the disconnect.

Kevin responded that Dean has sent letters to the Commissioner starting over a year ago.

Manager Revella responded two years.

Deputy Mayor Rumbold asked if there is a policy for DSS for Orange County that says they inspect the places before they place people; who does the overseeing.

Kevin responded he believes there are state regulations regarding housing quality and standards that they are supposed to abide by and there are supposed to be building code standards but that is not what is happening here. If somebody leaves, someone else is being put in their place and they are getting housing subsidies. Regarding the overseeing of the County, he believes it might have to go to the State Social Services Commissioner. He is currently trying to get to the County Commissioner to find out this is happening and why he is not responding to the Building Inspectors letters and concerns about housing people in illegal and substandard housing.

Manager Revella responded the only other thing we could do is if it is uninhabitable.

Deputy Mayor Rumbold responded if there is no heat isn't that considered uninhabitable.

Kevin commented there is also an issue with the ownership of the premises. The premises were owned by an individual and it was taken in foreclosure about three years ago by Wells Fargo Bank. There was a lawsuit involved. He found out literally, last week that the Notice of Foreclosure was vacated by the judge in Orange County so the original owner still owns the property although all the tax records show Wells Fargo owns the

property. We are now putting together a case against the owner of the property to shut him down and there are businesses in the front of the building that are illegal and not approved. It doesn't match the zoning. There have been ongoing problems with the owner before he lost it and he now owns it again, but the tax records never got changed.

Deputy Mayor Rumbold asked who is getting the checks from Social Services.

Manager Revella responded the current owner.

Trustee Hoffman spoke to the building inspector about this matter on Monday and he's very frustrated.

Deputy Mayor Rumbold would like a report back in the two weeks.

Kevin responded absolutely, if not sooner.

Manager Revella commented that Kevin sent a memo out to everyone regarding the sidewalks on Evergreen. We had the residents come in about the sidewalks around the pond. It has been clarified that the property owners of the two different properties that goes up to Evergreen are responsible for clearing the sidewalk.

Kevin clarified that is the outer sidewalk around the pond.

Deputy Mayor Rumbold asked why didn't the HOA know that and inform them.

Manager Revella responded he believes that they have informed her.

Trustee Bowen asked if we informed her as well.

Kevin commented she was informed by Dean Stickles about the need to shovel the sidewalks which triggered the whole question.

Trustee Bowen asked was it spelled out.

Kevin responded in the letter from Dean, it was. His email to John and the Trustees could be shared with the homeowners as well.

Trustee Bowen commented we need to make sure that homeowner is totally aware that it is not the village's responsibility.

Trustee Hoffman referenced the letter from the building inspector in the packets.

Trustee Bowen commented what was said at the meeting was different from what the letter states and he feels a letter should come from John because she spoke to John. We need to make sure it's clear.

### **Trustee's Committee Reports**

#### **Energy Efficiency Committee/DPW liaison – Trustee Leonard**

Trustee Leonard met with the mechanic last week. A representative from Progressive Hydraulic was brought down and it's been discussed to make our own hydraulic hoses.

### **Treasurer/Clerk liaison – Trustee Bowen**

Nothing to report

### **Economic & Community Development Committee – Trustee Lown**

Trustee Lown commented the Walden Women's Club held a wonderful dinner last night honoring Brenda and Chris Adams. She commented there was a town hall meeting on Saturday regarding the potential re-design of the Square with the Orange County Citizens Foundation. It was well attended and there were questions brought up which Steve Esposito from Esposito & Associates will address. There will be a Walden Community Council meeting March 14<sup>th</sup> at AMPAC. St. Baldricks event will be March 31<sup>st</sup>, but leading up to it will be a few other events/fundraisers: a zumbathon on 3/11 and a pub crawl on 3/24. She indicated the Friends of Walden Youth will be having their yard sale on March 25<sup>th</sup>.

### **Building Dept liaison – Trustee Hoffman**

Trustee Hoffman reported the 14 Northern Avenue has a Building Permit to get the work done.

### **Shared Services Committee/Police Dept. liaison – Trustee Rumbold**

Nothing to report

### **Business of the Board of Trustees**

#### **Action Items**

#### **Resolution 20-11-12 Greenway Grant**

Manager Revella commented we are applying for funds to improve the waterfront in the Village of Walden. This resolution supports that application.

Trustee Lown motioned to pass Resolution 20-11-12 Greenway Grant. Seconded by Trustee Bowen. All ayes. Motion carried.

#### **Introductory Local Law I-1 of 2012**

Trustee Leonard made the motion to approve Introductory Local Law I-1 of 2012. Seconded by Trustee Penney.

Kevin commented that the Planning Board in its environmental impact finding statement fully analyzed this amendment to the zoning code so you don't have to take the SEQRA action, since it was already done. Basically, the decision was that this alternative plan is less detrimental to the environment than the original plan.

Deputy Mayor Rumbold asked each Board member if they had any discussion.

Trustee Hoffman responded no.

Trustee Lown responded no.

Trustee Penney responded no.

Trustee Leonard responded no.

Trustee Bowen responded no.

Deputy Mayor Rumbold commented that she's said it before. It is not the Village Board's responsibility to change the law in order to ensure a property owner or a developer sees a

certain amount of profit in what they're doing. She still believes that and she feels she didn't hear anything tonight....

Trustee Bowen commented that he would prefer to leave it as it is....not to change it.

Deputy Mayor Rumbold clarified that the motion on the floor it to change it so your vote will reflect....

Trustee Bowen commented he's not changing it.

Kevin clarified there's a motion on the floor to adopt the Local Law which would change the zoning law; a yes vote would be to change it and a no vote would be not to change it.

Deputy Mayor Rumbold asked for a roll call

Trustee Hoffman	aye
Trustee Lown	aye
Trustee Penney	aye
Trustee Bowen	no
Trustee Leonard	aye
Deputy Mayor Rumbold	no

Motion carried.

### **Hearing Request – Property Maintenance 106 First Street – Resolution 23-11-12**

Kevin commented this was originally set for a hearing tonight, but after review the wrong Code sections were referenced. It is now under the property maintenance law, so we ask the Board to set a hearing for two weeks from now to bring these property owners at 106 First Street. He believed there were two sofas/couches on the front lawn.

Trustee Lown moved to set hearing date for 106 First Street for February 28, 2012 at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

### **Resolution 21-11-12 CDBG FY 2012 \$292,500 for sewer system improvements**

Trustee Bowen made the motion to pass Resolution 21-11-12 accepting Community Development Block Grant & authorizing the Mayor to sign the agreement. Seconded by Trustee Lown. All ayes. Motion carried.

### **Discussion Items**

#### **157 Elm Street Rezoning**

Kevin commented Ms. Lafargue was here three weeks ago representing the property owners, which are her parents. Since she is not the record property owner, he asked her to get a letter from her parents authorizing her to speak on their behalf. There are two parcels that they would like changed from OLI to R3. When it was discussed last time, there would be conditions placed on the property; one – consolidate the property and two – no further subdivision of the property. The letter received back indicates the owners are willing to consolidate the property but they would like to limit the restrictions put on the property after it is rezoned. They may be thinking of selling it or potentially subdividing it. He asked if the Board would still like to have the restrictions or not put that restriction in place. If they want to subdivide at a future date, they would have to run the sewer line

down. The total property together is about 1.5 acres. He indicated with both water and sewer for R3 it's 12,000 ft<sup>2</sup> lots so maybe 4-5 lots max, with one or the other it's 18,000 ft<sup>2</sup>.

Trustee Hoffman asked if the barn lot is a conforming lot.

Kevin responded both are conforming as to size if changed to R3.

Manager Revella commented the barn is not conforming because it's not in the proper zone to build a barn.

Trustee Leonard commented there is an approved 3 lot subdivision at the beginning of the street. That approval might or might not be current. He commented he would agree to them being allowed to subdivide as long as they bring the sewer line down.

Deputy Mayor Rumbold asked the Manager's opinion.

Manager Revella responded he doesn't have a problem with it; it would benefit the Village. Merging the lots would be beneficial.

Trustee Hoffman commented if they don't subdivide they could still get 3 lots at 18,000.

Kevin commented he could provide a local law for the next meeting; he just needs to know if the Board would like any restrictions.

Manager Revella commented without sewer, there could be roughly 5 lots and with sewer, roughly 6 lots.

Trustee Hoffman commented right now he'd like to see it merged.

Deputy Mayor Rumbold confirmed the Board does not wish to add restrictions.

### **27 North Montgomery Street Reversion**

Manager Revella commented this is the reversion of one of the Firehouses back to the Village. We own the property and if the Fire District ever ceases to use it for firematic purposes, it automatically reverts back to the Village. We don't really have a choice. We are getting information on the property prior to the reversion; they have given us the courtesy of meeting with us and discussing the roof, windows and the fuel tank.

Trustee Bowen asked if it's office space.

Manager Revella responded yes; a meeting hall and some storage.

Deputy Mayor Rumbold asked no matter what condition the building is in, we have to take it.

Manager Revella responded correct.

Kevin commented that we asked for documentation on the underground storage tank, the roof, windows and the boiler. The maintenance records will be checked.

Manager Revella commented the only condition the building needs to meet is the same on any property in the Village. The only concern we can address is if there is an issue with the fuel tank and that would remain their responsibility.

Trustee Leonard asked how the fuel tank condition will be established, it's in the ground.

Manager Revella responded we will be getting the report; they've had it inspected by American Petroleum. After we take it over, it is his intention to have the tank removed and convert it to natural gas regardless of what happens with the building.

### **Public Comment**

Greg Raymondo, 200 Orange Avenue, thanked the water department and the Manager for the great job done fixing the break by his home. There was a large mess from Central Hudson; they do own the right of way, but he doesn't think they have the right to disturb the drainage.

Deputy Mayor Rumbold asked if all that is being addressed.

Manager Revella responded yes, it's all being addressed along with the bill that will be sent for the water break.

Greg commented his concern is during the summer and there is no drainage. He has natural drainage and a drain pipe. The sub contractor for Central Hudson said if Greg buys the pipe, he would fix the drain. Greg purchased the pipe and hasn't seen him since but it is winter time. He is glad John has spoken to them. The water lines were marked; an 8" main goes down his property and a 6" main goes down the neighbor's property.

Becky Pearson, Walnut Street, commented that she is not angry but is concerned and saddened about the vote tonight. She was saddened there was no discussion of why the vote went the way it did. Discussion is the most important part of this Village meeting. She asked how is she going to vote for you at election if she doesn't know why you're voting yes or no. There should be discussion amongst you. She asked how can you run the Village of Walden without discussion; this public deserves the right to have public discussion. She asked if John met with the Fire Commissioners and if there was a vote from them yet.

Manager Revella responded yes, he met with them. He did not know if the Commissioners voted on it yet. They've discussed the possibility of reversion. It is likely to happen.

Jessica Metzger, 4 Gracewood Court, commented that she is extremely disappointment with no public comment prior to Action Items. She asked who sets the Agenda.

Manager Revella responded the mayor and himself set the Agenda.

Jessica commented then as a Board you can collectively say to the Mayor that there is a need for public comment prior to the business of the Board, so if there is someone here with a question, they can ask prior to the Board taking action. She commented she is so disappointed that there are 7 members sitting there and she can't understand why you don't want to hear from someone who has respect enough for this Village to come here and sit in this meeting, that you can't offer them the opportunity to ask a questions or make

a comment about one of the action items. She commented there are people that come to almost every meeting, just like the Board members and some come more than you do and for you to sit there and not give them the respect. The Mayor preaches that he runs an open government, she is sorry to say that this is not an open government. When you talk behind closed doors and make deals behind closed doors and she is not speaking specifically about anyone sitting here, it is such a bad reflection on our Village. She echoed what Becky Pearson said; the public needs to hear the Board's thought processes. She commented we don't know why Bernard voted no or why Sean and Tara voted yes. She asked how can we vote for you or how do we know what you stand for if you are not saying it to the public. She commented the only person she ever really hears from is Sue and although she doesn't always agree with what Sue says, but the respect she has for someone who is a public official and who is doing the job she was elected to do, she thanked Sue. Sue talks about how she feels and she lets the public know her opinions and she tells the public why she's voting the way she's voting. She asked about the scope of authority the code enforcer has; she was shocked to hear he went on someone's property and got under a vehicle to see if there was a transmission. She asked if that is allowed and if the Village is insuring him when he does that.

Manager Revella responded his actions were within the scope of his job. He is not sure if he went in to the property to see it or if he saw it from the road.

Jessica indicated no, he said that he looked and he saw that there was no transmission.

Manager Revella responded yes, he did say that. He doesn't know if he went on the property to see it or if it was from the sidewalk.

Jessica responded then how the hell else did he see it, did he fly a helicopter over the property. These people have huge dogs and if this is not in the scope of his authority, somebody may want to sit down and tell Mr. Buchalski what the scope of his authority is. She commented that she was actually embarrassed. She knows the property, these are hard working people and they are good people. It was like they were being interrogated. She realizes they did not answer previous letters. She commented that people are getting letters because garbage cans are seen ¼ mile away. She commented she loved the anti-bullying initiative that the Manager spoke about. She referenced a horrific beating in a gym class last week at Valley Central Middle School and her son was witness to it. Her son was very impacted by it. The boy that was beat was beat so severely they were mopping blood off the floor and he had to be transported to a trauma center and subsequently the 15 year old boy was arrested. This was in Middle School, she doesn't believe the two boys involved were resident's of the village of Walden. She commented that anything that can be done at the village level is appreciated, because as much as the school tries, it's still not enough since some of these kids are not getting it at home. She respectfully requested the Board talk to the Mayor about reinstating the public comment portion. She knows that none of the Board members sitting here are using their position as a political platform to catapult yourself to a higher level. She commented the public cares and she knows the Board cares, but the public needs to hear their thought processes. She thanked Ed, Bernard, Sue, Randi, Tara, Sean and Kevin Dowd who has been here many years. She thanked John and Lori.

Manager Revella clarified the structure of the Agenda is set by the Village Board.

Jessica responded that when she asked the Mayor several months ago, he told her that he made the decision on his own and that is in the minutes.

Deputy Mayor Rumbold indicated the reorganizational meeting is coming up where the Board can discuss things of this nature.

Jessica asked that it please be discussed and maybe put it on the next agenda and discuss it in public. Her guess is that you didn't even know it was happening because he just did it.

Donna Penney, 32 Capron Street, commented she received a violation notice for garbage cans that were visible from the street. She indicated that many of her neighbors whose cans are also visible from the street did not receive violation notices. She commented that this is not fair. She read the Notice when getting home from work at 4:30. She came over to the Village offices immediately to find out alternatives for her garbage cans. The office was closed and she recommended keeping the office open one evening for an extended time so working people can go there and talk to someone. She drove around the Village that evening and saw at least 50% of the Village in many different areas from poor, older homes to middle class and to the new mc-mansions and there were garbage cans visible throughout the Village, perhaps the Code is not meaningful. She also indicated that for a single woman, a widow or a senior citizen to have put a garbage can from no sooner than 5 pm in the evening in the winter is asking her to go into a dark area. It's not a safe place, she could fall. She commented she lives next to 34 Capron Street and it has deteriorated, she has spoken to Trustees and those running for Trustee, anyone about having to live there, it is her penance in life and absolutely nothing has been done through code violations that have alleviated that situation. She has at this point lived next to a place that has two mattresses in it's driveway, open garbage cans, litter all over the side of her house, she has lived with the smell of dog excrement and nothing has been accomplished. She lives with the curtains closed on that side of the house so she doesn't have to look at it. That house has broken windows leaving it open to vermin and everything else, but she gets a violation and the only one in her immediate neighborhood and it's very unfair. She thinks the Code Enforcement Officer needs to be a little more fair. She believes the calendar needs to be re-done; there is not one spot on the entire calendar that indicates the hours of Village hall. It only provides websites and text message information.

Trustee Penney asked the Manager if that Code will be on the next meeting's agenda to discuss it.

Manager Revella responded yes, he also indicated that 34 Capron Street is currently closed. The Village cited them last year and charged them for cleaning up some of the debris but we couldn't finish cleaning up the rest of the debris.

Donna responded the foundation is crumbling. She indicated she has a fence to protect herself and she doesn't appreciate having to drag garbage cans from the dark. She commented she has given a lot of volunteer hours to this Village and to find out she was the only one to receive the violation notice in her neighborhood and she felt targeted. She was also upset that the Code Enforcement Officer could come on her property without proper identification or without public knowledge.

Mary Ellen Matise, Clinton Street, commented she attended the session on Saturday. She asked who is paying Steve Esposito, is the village paying him or the Citizens Foundation.

Manager Revella responded nobody yet, not unless we are going to go further. He might be hired eventually for this project; it depends on what happens.

Mary Ellen commented that Stew Turner was here too and there was a walk around. She commented she doesn't think we have a problem on using the Square for pedestrian uses; we know how to use the Square. She thinks the problem with the Square is traffic control. They seem to think we need to be told how to have pedestrian uses of that Square. She asked for more information on the waterfront grant.

Manager Revella responded we are looking to do work along the Wallkill River from Bradley Park to Maple Street Park. Looking to get boat launch/boardwalk fixed along Maple Street and the other is by the Thruway, we have some property there and also by Bradley Park along the river.

Mary Ellen commented that since 2009, she still feels even with the explanation about the downside units that they are not handicapped accessible and we are given points for seniors and disabled in our law for affordable units. They can't be ADA compliant if you have to go up a set of steps. She commented get ready for the rec fees.

Greg Raymondo commented he attended the first School Board budget meeting and the Superintendent is proposing a 3.7% increase. There were 110 people there and 10 were regular people and the other 100 were the school teachers and district employees and he was saying that if he gets a super majority to increase it to 6.6. He indicated it's over \$80 million in salaries, medical and retirements and he stood there and told us he can't buy better books for our students. As a senior citizen living on retirement, he will be taxed out of this state. He recommended everyone go to the next meeting.

Mary Ellen commented that the STAR discount will only apply to the first 2%.

### **Approval of the Minutes – January 24, 2012**

Trustee Lown moved to approve the minutes from January 24, 2012. Seconded by Trustee Leonard. 5 ayes, 1 abstention by Trustee Penney. Minutes approved.

### **Payment of the Audited Bills**

Trustee Lown moved to approve payment of the audited bills. Seconded by Trustee Bowen.

Deputy Mayor Rumbold commented only those with the required signatures.

Trustee Lown responded she was the last to sign.

All ayes. Motion carried.

### **Correspondence**

Trustee Hoffman commented about the correspondence regarding the Rail Trail.

Manager Revella responded they know it's the Town.

Trustee Lown clarified that someone had written to complain about the conditions of the Rail Trail but it is the responsibility of the Town.

### **Miscellaneous Comments from the Board of Trustees**

Trustee Leonard wanted to explain his vote. He commented that in 2006, he was on the Committee to develop the affordable housing and the townhouse law. In 2006 the Town was experiencing 6 years of growth and everyone was conditioned to more subdivisions and more growth. It was approved in 2007 and he doesn't think anyone in their wildest dreams thought the housing market would fall apart in 2008 and 2009. While developing the Affordable Housing Law, it became apparent to us that for it to work the builders needed to be part of the process. We learned a lot from them. He thinks Jerry and his people made a good case, that in this environment, the units need to be affordable. The alternative is a project that's started and may never finish because they can't sell the units; that was seen up the street from him on Hidden View. For it to work both ways, there has to be salable units and that's why he voted yes to go with it.

Trustee Bowen explained his vote. He feels that if someone wants to buy a home and there is 2400 ft<sup>2</sup> as opposed to 2000 ft<sup>2</sup> and you get the same price for 2000 that you would pay for 2000, he would take the 2400 for the same price. There was no land that was separated; why was the difference of changing the square feet? That's for the seller to profit and to him it's not about the profit for the seller, it's about how to bring people into the community that's going to pay taxes that's going to help out in the community. Making the units smaller, he doesn't think it's going to make that much of a difference.

Becky Pearson indicated this is the discussion she was hoping to hear.

Deputy Mayor Rumbold commented that she has made statements and she had discussion and it didn't matter, it didn't make a difference. At the end of the day, everybody does what they think it right.

Trustee Hoffman commented he saw the Board being asked to make a reduction of four feet on each unit so there was a balance between the environmental impacts as well as the fiscal impacts to the Village. He also commented about keeping the retaining walls to a minimum height.

Deputy Mayor Rumbold commented she still feels that this had not a lot to do with the environment and not a lot to do with anything but making certain that the project was successful from a financial point of view. When you say you're going to finish a basement because it's a hook to get someone to buy something, you know. She commented she's not as smart as some people here, someone like Sean, when it comes to knowing squiggles on paper and grades; it's not that she's against development, not because she didn't like the applicant, it was about protecting the taxpayers of the Village and she believes all the Trustees feel that way. They might not make the same decisions and she respects that. She agrees with Becky that the public should hear why they come to their decisions. Each individual that sits at this table has every right to exercise their office in the way they choose to do so. She thanked the Women's Club for a wonderful evening and she congratulated Brenda and Chris. She offered her congratulations to Trustee Lown who is recently engaged to be married.

**Executive Session – Property purchase & CSEA negotiations**

Trustee Lown moved to go into Executive Session to discuss property purchase and CSEA negotiations. Seconded by Trustee Penney. All ayes. Motion carried.

**Reconvene**

Trustee Lown moved to reconvene the regular meeting. Seconded by Deputy Mayor Rumbold. All ayes. Meeting reconvened.

**Adjournment**

Trustee Lown moved to adjourn. Seconded by Trustee Bowen. Meeting adjourned.

**Village of Walden Board of Trustees  
February 14, 2012  
Motions & Resolutions**

**Public Hearing – Introductory Local Law I-1 of 2012**

Trustee Lown motioned to open the public hearing on Introductory LL I-1 of 2012. Seconded by Trustee Hoffman. All ayes. Motion carried.

Trustee Lown made the motion to close the public hearing on Introductory LL I-1 of 2012. Seconded by Trustee Penney. All ayes. Motion carried.

**Code Violation Hearing – 23 Oak Street**

Trustee Leonard made the motion to allow the Bogert's at 23 Oak Street two weeks to become compliant. Seconded by Trustee Bowen. All ayes. Motion carried.

**Resolution 20-11-12 Greenway Grant**

Trustee Lown motioned to pass Resolution 20-11-12 Greenway Grant. Seconded by Trustee Bowen. All ayes. Motion carried.

**Introductory Local Law I-1 of 2012**

Trustee Leonard made the motion to approve Introductory Local Law I-1 of 2012. Seconded by Trustee Penney. 4 ayes, 2 nays. Motion carried

**Hearing Request – Property Maintenance 106 First Street – Resolution 23-11-12**

Trustee Lown moved to set hearing date for 106 First Street for February 28, 2012 at 6:30pm. Seconded by Trustee Leonard. All ayes. Motion carried.

**Resolution 21-11-12 CDBG FY 2012 \$292,500 for sewer system improvements**

Trustee Bowen made the motion to pass Resolution 21-11-12 accepting Community Development Block Grant & authorizing the Mayor to sign the agreement. Seconded by Trustee Lown. All ayes. Motion carried.

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**Adjournment**

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