

**Board of Trustees of the Village of Walden
Joint Meeting with the Planning Board and Zoning Board of Appeals
April 1, 2014**

Mayor Maher 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:

Mayor	Brian Maher
Trustees	Bernard Bowen
	Sean Hoffman
	Edmond Leonard
	Gerald Mishk

Planning Board	Stan Plato, Chair
	Jay Wilkins
	Lisa Dore
	Brian Sebring

Zoning Board	Brenda Adams, Chair
	Carolyn Wesenberg
	Rebecca Pearson
	Greg Raymondo
	Oscar Alleyne

Absent:

Deputy Mayor	Sue Rumbold
Trustee	Willie Carley
Planning Board	John Duffy
	Zac Pearson
	Jason Trafton
Zoning Board	Faith Moore

Also Present:

John Revella, Village Manager
Tara Bliss, Village Clerk
David Donovan, Village Attorney
Dean Stickles, Building Inspector

Proclamation Presentation – Walden Fire Department

Mayor Maher presented members of the Walden Fire Department a proclamation on behalf of the Village Board, the Village Clerk and the Village Manager to render our respect, appreciation and honor to the Walden Fire Department for their significant and enduring contributions to our community. Specifically for the recent six week period in February and March of 2014 when the Walden Fire Department responded to no less than four serious and substantial structure fires and each time their rapid and professional response ensured that no lives were lost and only minimal property damage was done. Thank you all for your service to the residents of Walden!

Mayor Maher announced to the public that the Public Hearing for Local Law 4 of 2014 will be adjourned tonight until the Thursday, May 15, 2014 Town Hall meeting specifically for that Law so that more attention and detail can be paid to making the best form of the law possible. The public is welcome to speak tonight as the Public Hearing is still open but please know that there will be no action taken on this law until after that Town Hall Meeting which would be the May 20, 2014 regular Board Meeting.

Discussion Items

Recommendation for Next Joint (Tri-Board) Meeting

Mayor Maher explained that he wanted to get an idea of everyone's availability and set the meeting dates for the rest of the year.

Jay Wilkins suggested meeting once in the Spring, Fall, and Winter.

After some discussion on dates the following dates were set for the next Tri-Board Meetings: Tuesday, September 16, 2014 and Tuesday, February 3, 2015 both beginning at 6:30pm prior to the regular Board of Trustee meetings in the Bradley Assembly Room, 3rd Floor Municipal Building.

Planning & Zoning Boards – Annual Training Certification, Records & Course Offerings, Disclosure Forms

Manager Revella explained that we wanted to be certain that each Planning and Zoning Board member has a completed file including forms and the 4 hours of required continuing education courses that are needed annually.

Clerk Bliss explained that Dean sent out the training information from the Orange County Municipal Planning Federation for their spring courses and she had flyers with her available to anyone who wanted to attend one of their courses. Contact her to make reservations for any of the classes. Also there was one member from each Board that did not fulfill their training requirements this year.

Brenda Adams asked what happens if the required training is not completed.

Manager Revella replied they would be subject to removal.

Trustee Hoffman commented that the Spring courses are in April and May with the reservation date coming up quickly so be sure to check them out. They have an all day meeting as well as some night classes.

Carolyn Wesenberg asked about when there might be a training date from our attorney.

Attorney Donovan replied that he or someone from his firm can do the training at the Board's leisure. He suggested doing it an hour before an already scheduled Planning, Zoning or Board of Trustees meeting as that would work best to do a meeting when they already need to be in the Village.

Stan Plato asked what about after a meeting instead of before a meeting.

Attorney Donovan replied sure if it's best for the Board.

Mayor Maher stated that might be best working around people's work schedules so it may be difficult to get them here and hour earlier.

Stan Plato stated that you would have a captive audience at that time.

Trustee Hoffman suggested if you had it on the date of the Planning Board meeting you could just have the Zoning Board attend as well. The Zoning Board can go sometimes for months without meeting.

Becky Pearson replied that's late at night.

Stan Plato replied that the Planning Board meetings are faster than they used to be.

Carolyn Wessenberg stated that she has attended the all day meetings and they are great but a lot of it doesn't have anything to do with Zoning. She wants to be trained specifically on zoning. The trainings are great and she goes but they are more about Planning Board things.

Attorney Donovan stated that only issue would be that starting time and he doesn't know the work schedule of everyone on the board but ultimately whatever works for the majority he will make work.

Jay Wilkins asked if we could have a separate meeting for the training all together.

Attorney Donovan stated that would be fine as well.

Brenda and Stan, chairs of each board, would get the contact information for Attorney Donovan and set up the training with them. The Clerk will send them his contact information.

Ethics Law changes & Acknowledgement

Clerk Bliss explained that the Board of Trustees made changes to the Ethics Code in December 2013. That being said everyone will need to sign off that they received the revised code. She passed out the new Ethics Code and signature forms to the Planning & Zoning Board members present and asked them to return the signature page as soon as possible.

Zoning Amendments (Code 305 Art. XI)

Attorney Donovan explained that the topic arose from a question brought up by Trustee Hoffman about how the amendments work or are generated and what the procedure is. Basically there are 3 ways for a Zoning amendment to get before the board: The Village Board can come up with it on their own; a property owner can petition; or the Planning Board can recommend. There are two types of changes: a text change, out of use or tables; or there is a map change, from district a to district b. What is important is that the Zoning Board is not involved in the amendments. It is a mandatory referral from the Village Board to the Planning Board. The Planning Board then has 30 days to report to Village Board and the Village Board has to wait that 30 days before they can take action.

Stan Plato asked if it had to be a complete transmission or not.

Attorney Donovan asked what he meant by not complete.

Stan Plato replied that for the record they didn't have any problems with the changes but that what was presented to them was not complete.

Attorney Donovan replied that generally speaking the amendments will be in either petition form if presented by a property owner or in the form of a local law if it comes from the Village Board. So it should be complete before it gets to Planning Board, no reason for it to be incomplete in any fashion unless it's an issue that comes up at a Public Hearing. What he did want to talk about a little bit was what their report should consist of when reporting back to the Village Board. A lot of boards will report back that they are in favor or against. The report should consist of 4 different things. If it's a text change it should answer whether or not it is consistent with principles embodied in the zoning ordinance, secondly it should answer which areas, land uses and establishments it will directly affect and in what way they would be affected, the third is about the indirect affect of such change on other regulations, and the fourth is whether or not it is consistent with the Comprehensive Plan. If it's a map change the report should answer whether the use would be appropriate in that area, whether the public facilities and services (water and sewer) exist or can be created to serve the needs of the residents in that area, third is whether the changes are in accordance with any existing or proposed plans in that area, and the fourth is whether or not the change is consistent with the Comprehensive Plan. That is taken right out of the Zoning Code 305.66. When the report comes back it should address each of those areas mentioned in some fashion.

Stan Plato stated that the reason they didn't respond to that particular case is they felt they didn't have all the background information for why the change was requested so they didn't respond at all; negative or positive.

Mayor Maher asked if this was for the Comprehensive Plan Zoning changes.

Stan Plato replied yes.

Mayor Maher asked Manager Revella if they got a presentation from Alan on those changes.

Stan Plato replied no; they did not get any kind of presentation.

Manager Revella replied that both the Zoning Board and the Planning Board both took part in making the Comprehensive Plan.

Mayor Maher asked if Alan made those suggestions at meetings.

Manager Revella replied yes, absolutely.

Mayor Maher clarified that Alan did not specifically go to a Planning Board meeting. In the future we'll be more careful.

Stan Plato replied that they didn't have a problem with what happened but it would have been better if they had been given a recommendation.

Attorney Donovan commented that they could have requested an extension.

Stan Plato replied they did ask for one. He felt just thought it went too far.

Trustee Hoffman replied that his recollection was that they did give an extension but due to holidays.

Stan Plato continued that they asked for a presentation to know exactly why the changes were being proposed but didn't get one.

Trustee Hoffman stated that Trustee Leonard came to a meeting and he went over as much as he could at a Planning Board meeting.

Stan Plato agreed that was true but there were also 2 changes they had some issue with. One was a church, not that they had an issue with it itself, but 2 years ago it was presented to them and it that had to be done that night, they did it and then nothing happened. The other one was the Jacobowitz property which they do not have any feelings either for or against. But he did present that the property isn't being used and would never be used and they would like to hear the Village Board's feeling on it as they heard one side not the other.

Trustee Hoffman stated that Mr. Jacobowitz came and requested the Village Board to change the zoning and asked for it to be referred to the Planning Board. At that time we didn't refer it so now Mr. Jacobowitz is petitioning the Planning Board to see if they would make a recommendation to the Village Board in terms of the zoning.

Stan Plato replied yes that was his goal but we didn't make any recommendation without hearing the objections.

Mayor Maher replied that if it were presented again then this Board would have to act which we have not done yet.

Stan Plato confirmed.

Becky Pearson asked if we only have to act if you want it to change. Only reason to act is to change it. If you don't want any change you don't have to act at all.

Attorney Donovan clarified that just because you act doesn't mean to you have to make a change either.

Becky Pearson stated that she just wanted to reiterate that fact.

Mayor Maher reiterated that acting doesn't mean you are changing anything.

Trustee Leonard suggested that in the future when we do a review of the Comprehensive Plan, which he hopes is in 4 years, that we started with 12 members and because it took over a year so attendance dropped off. When that happens we need to contact the boards so they have someone present to know what's going on and send someone else to be the voice of the Board. He understands it's a lot of meetings.

Mayor Maher asked if anyone from the Zoning or Planning Boards had any strong feelings one way or another about the Village Board making a specific recommendation on that property.

No responses were made.

Roundtable Discussion

Becky Pearson asked if alternate members are supposed to be at all the Planning and Zoning Board meetings.

Manager Revella replied yes, their attendance requirement is the same as a regular member.

Becky Pearson stated that she spoke to an alternate member and no one knew that he was an alternate. It would be nice if he was introduced or let the members know he was an alternate member. If a regular member couldn't attend then the alternate would need to sit in their place so they need to attend those meetings.

Manager Revella replied that the Building Inspector notifies the Boards of alternate members' appointments.

Becky Pearson stated that at the end of the meeting he was told he didn't need to be there.

Mayor Maher asked if she knew who told him that.

Becky Pearson stated she believed it was by the attorney but she's not sure.

Trustee Hoffman commented that these meetings seem to be beneficial at least getting together to give the opportunity to say anything. Thanks everyone for coming out tonight.

Dean Stickles, Building Inspector, commented that both boards are happy with secretary they have.

Public Comment

Brett Egath, 50 S. Montgomery Street, asked if they were talking about the Landlord Registry Law.

Mayor Maher stated that we were going to let people speak on it during the public hearing tonight but then we are going to adjourn the public hearing until after the Town Hall meeting on May 15, 2014. He assured him there was no action being taken on that law but that we are here to hear comments.

Adjournment

Mayor Maher moved to adjourn. Seconded by Trustee Hoffman. All ayes. Meeting adjourned.