

Village of Walden  
Planning Board Meeting  
January 15, 2014

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Brian Sebring	Present
	Lisa Dore	Present
	Jason Trafton	Present
	John Duffy	Absent
Planning Board Engineer	Ron Gainer	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Nancy LaMancuso	Present

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Stan Plato - Called the Planning Board meeting to order at 7:30pm

**1. APPROVAL OF MINUTES:**

Chairman Plato – Approval of minutes for 10/16/13 & 12/18/13, any corrections/changes?  
None noted.

**Member Wilkins made Motion to accept Planning Board Minutes of Member Sebring  
Seconded by Member Sebring with all members voting yes.**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 Stewart Shops, Site Plan Amendment, Proposed Addition.**

Chad Fowler, Stewart Shops, Saratoga Springs NY (presented a Site Plan) – We would like to some work at our Walden location built in 1998. It's time for some upgrades; initially we were going to just do cosmetics inside floor walls ceilings, a face lift. After a second look at the inside it just feels kind of tight when you walk in. So we are proposing an addition 20 X 40 feet that would allow us to push the cooler back same size cooler same number of doors take the bathroom away from the counter and push the counters away from the front doors. To give it a more open feeling inside so it's not so congested when you first walk in. Counter wise we are looking at a couple feet of counter but no significant retail space just better flow, that's important to us. We are a convenient store so we want our customers to get in and our fairly easy and not have to trip over each other while they do it. As far as the exterior that addition will take up some green space but we are also eliminating some blacktop behind the building, the addition would take the place of that. Essentially I'm putting in 60 sq. feet but I'm taking out 430 sq. feet of blacktop and I would also like to add a patio under the over hang in the front. I'm not adding any parking; I'm actually taking away a couple spaces way in the back that the employees use.

Chairman Plato – I have had issues with parking in front.

Chad Fowler – We did look at where else to put it but there is no place else. We're kind of stuck with what we have with the street and lot. I thought about a drive around but that doesn't gain any parking, so I didn't want to eliminate any of the green area.

Member Wilkins – Most of the time the parking lot is full and customer's park all over the place.

Chairman Plato – The parking spaces you loose are employee parking spaces?

Chad Fowler – Correct, you go all the way around the building past the dumpster to even get to the area. The public really doesn't see it, they don't use it.

Chairman Plato – Where would your employees park?

Chad Fowler – There is still enough room in the back with what's left to park all my employees, I don't use all the area in the back and I don't need it for my truck for the trucks. I can easily pave more blacktop and fit more spaces in the back.

Chairman Plato – You are going to need employee parking, do you agree with that?

Chad Fowler – Correct, I can use the area that I already have.

Chairman Plato – The Site Plan should show that. On the floor plan there are some abbreviations which are unclear, example EAG what is that.

Chad Fowler – Ego shelving/racking this is our own kind of jargon we use in the business. SHV is shelving; FRZ is freezer and so on.

Chairman Plato – The back area for the most part is not assessable for the public.

Chad Fowler – Correct. We are planning to just extend the building as it is to day with the brown plans over the brick and maintain the same look and because I am creating that overhang that is essentially unused and there is no parking in front of it with the addition that is where I want to put a stamped concrete patio with some tables, this way there will be a defined space for tables. Lighting I would like to replace all the lighting, white per light, LED lighting to shine down, light for light replacement. With the exception of the addition I have equally spaced lights under the over hang, I would like to have two (2) more same spacing and one (1) in the back over the delivery door.

Chairman Plato – None of the signs are internally illuminated?

Member Sebring – You're not going to have lights shine in the back? Where the new addition is into the woods area that would be a dark spot, I would put one back there for security purposes.

Chad Fowler – On the pole (pointed to the Site Plan ) there is a big spot light, I don't know who it belongs to, that lights up that whole area and as long as the dumpster is lit I'm fine with the lights in the back. If you would like an added light I can do that. No change or alteration to the landscaping, we will touch it up and clean up the rest as we normally do in the spring. As far as drainage, the impervious area I'm gaining with the roof we already have a gutter with a gutter drain. My net gain is 760 new sq. feet of impervious area.

Chairman Plato – Any question/comments from the Board?

PB Engineer Gainer – Memo from Attorney Dickover dated 01/09/14, SEQRA is required, coordinated review or uncoordinated Review the Board must determine, short form EAF submitted and has some deficiencies. Has the Orange County Department of Planning responded?

Building Inspector Stickles – Not yet.

PB Engineer Gainer – One thing I would bring your attention to is the EAF form has some deficiencies. Question 10 & 11 both should be acknowledge with a yes, question 17 expansion of an impervious surface, question 18 whether there will be any construction I assume the answer there would be no. The applicant to amend that and then refile correct the EAF that would satisfy the requirements and then resubmit to Board.

Member Wilkins – You're no going to sell LP tanks?

Chad Fowler – No, we do at some stores but it's not proposed here.

PB Engineer Gainer – In regards to Site Plan there are a number of things not contained on the plan is. Topography should be it may not be deemed for this plan, it's a minor revision. We have no objection to waiving it. We have identified that there is one nonconforming that exists, on the original set of plans, the front setback was improperly shown this correct plan now identifies it and is 28 ft from the from property line that's noncompliant, at this point it is a preexisting condition.

Attorney Dickover – It is a preexisting nonconforming structure at this point, it appeared that way on the plan that was previously approved by this Board and to go back now would require this applicant to show your variance of it is probably not worth doing. If it were denied they would get relief from the courts because this Board previously approved it, I don't think you can enforce having it removed at this point. I don't think they need a variance nor do I suggest to this Board that you require them to obtain one.

Chairman Plato – How do we set the record straight so if they are doing something in the future we know it.

Attorney Dickover – Any change in the Site Plan would have to come back, so if they are proposing a new canopy or relocation they would be subject to the Zoning ordinance then and then have to come back to this Board.

PB Engineer Gainer – Is there and change in the staffing/occupancy of the building with the larger footprint that would affect water/sewage? There should be notations on the Site Plan.

Chairman Plato – Parking requirements, has anyone done a parking calculation?

PB Engineer Gainer – Site Plan I agree with the calculation 17 spaces would change with the addition of the building and the reduction of parking in the rear as the Site Plan indicates he only has parking for 14.

Chairman Plato – I am looking along the South side is it possible to put parking spaces there because that is where people park away.

Chad Fowler – I can stripe there parallel, that's fine.

PB Engineer Gainer – There is plenty of space to turn around behind the building. Lastly to the Board, is there any desire to see enhancements to landscaping, it should be addressed as part of this application.

Chad Fowler – I will also take a second look at the landscaping.

Chairman Plato – If it could be enhanced that would be nice too.

Chad Fowler – Is LED signage internal or external?

Building Inspector Stickles – They are in compliance from when they were given approval, if they change the sign in any way then they will have to go to external lighting.

PB Engineer Gainer – Administratively application for Site Plan approval, Public Hearing on the matter is discretionary so the Board at this stage should determine whether you wish to schedule one or if you wish to waive it.

Member Sebring – I would waive it.

Chairman Plato – I would say waive it too. Building Inspector Stickles have there been any complaints about the Stewart's operation at all?

Building Inspector Stickles – No, their attendance for people stopping there increased when the Thruway Market closed.

PB Engineer Gainer – Has your plan been modified to address erosion protection?

Chad Fowler – I think the drafter just didn't label it. The dark X'd fence and that is suppose to be labeled as a silt fence. I will have him clean up the Site Plan.

Attorney Dickover – I have a few comments. PB Engineer Gainer addressed a number of them just to remind the Board, we do need to SEQRA declaration being Lead Agency at least tonight perhaps and Typing the project a bit later. On the Site Plan elements the structure in the southeast corner is the dumpster location it should be labeled. You addressed the parking issue you're going to show some additional parking in back corner in for employees and striping on the side. Is there a new entrance way into the addition access/egress you mentioned utility door?

Chad Fowler – No, we have one front door for customers and employees and we have one rear door that will actually get relocated towards the new addition and will be shown on Site Plan. It's still the same number of openings. We have an overhang in the back that they put the milk crates under and we would like to keep that and are showing it.

Attorney Dickover – We talked about the existing canopy and its setback I don't believe the Planning Board should require the applicant to pursue a variance of that at this time. Also on the plan set I'm looking at an unlabeled structure directly off the entrance way that is the underground tank facility? Could you label that and the pump and canopy location as well. You have a 25' set back for pumps, the determination of the Planning Board from 1998 issued its special use exception permit that all pumps lubrications other devices shall be located 25' from any building structure or street line, you should show the distance from the pumps to the building. The same determination this Board said that there will be no outdoor storage and display of accessories nor shall the premises be used for the sale rent or display of automobiles, trailers, mobile homes, boats or other vehicles, you might want to review whether or not the outdoor seating that has been brought to your attention falls within that display of accessories exception.

Chad Fowler – The free standing merchandise is brought in nightly.

Member Sebring – Where is the gas tank vents going to be, in the South Southeast area? Are they going to be moved back also?

Chad Fowler - That is the vent to allow air into the tank and gas out. It doesn't expel vapor, when the trucks delivers they collect the vapor to the truck and stays contained.

Member Sebring – The new gas meter is it going to have steel pipes around it? I would still like to it there anyway.

Chad Fowler – I can protect it.

Chairman Plato – Building Inspector Stickles and PB Engineer Gainer on the egress end of the building front door, can you get out the back door if the front door was blocked.

Building Inspector Stickles – Yes, it is a double swinging door. If you needed to use it for egress you can.

Chairman Plato – Any other comments/questions? None noted.

**Member Wilkins made Motion to Declare Lead Agency on an Uncoordinated Review of SEQRA  
Seconded by Member Sebring, All Ayes / Motion Carried**

**Member Sebring made Motion to Grant a Negative Dec Unlisted Action  
Seconded by Member Duffy, All Ayes / Motion Carried**

Chairman Plato – I think the Board is in favor of waiving the Public Hearing. Board acknowledged agreement of waiving the Public Hearing.

**Member Wilkins made Motion to waive the Public Hearing  
Seconded by Member Sebring, All Ayes / Motion Carried**

Chairman Plato – We will put you on for the next meeting.

### **B2. 43 & 47 Walker Street, Lot Line Change**

Bill Kirnan, 47 Walker Street – At present my mother and brother are at 43, my wife and I are at 47 Walker St. and behind both single family homes there is an unoccupied open lot that we would like to eliminate and absorb it into the two residential lots (handed out plan for review). 5.1 would be deleted to the rear of the two residents and the new lot line 2/3 would be added to 47 Walker St. and 1/3 of the existing lot would be added to 43 Walker St.

Chairman Plato – Any comments/questions from the Board?

PB Engineer Gainer – Normally with a lot line adjustment that you're proposing, it's good to put a table on the plan that identifies the existing lots, the present area and the future area. You would show all three lots and that way everyone can agree on the before and after size of the lots.

Bill Kirnan – They are on the plan.

Attorney Dickover – You treat it as a minor subdivision by your definition of the code, a Public Hearing is required. You need to get your SEQRA determinations made before you hold the Public Hearing, if the Board feels they have enough information you could determine this to be an uncoordinated review for SEQRA purposes and declare yourselves to be Lead Agency. You can Type the Action as unlisted.

**Member Wilkins made Motion to do an Uncoordinated Review and declare Lead Agency  
Seconded by Member Trafton, All Ayes / Motion Carried**

Chairman Plato – If there is no objection then I would like we declare a Negative Declaration in regards to SEQRA

**Member Wilkins made Motion to declare a Negative Declaration in regards to SEQRA  
Seconded by Member Sebring, All Ayes / Motion Carried**

PB Engineer Gainer – I have looked at the Short Form EAF, there are no issues that arise to any concerns for the applicant.

**Member Wilkins Made Motion to schedule a Public Hearing for the regular meeting in February the 19<sup>th</sup>, Seconded by Member Dore, All Ayes / Motion Carried**

### C. DISCUSSION ITEMS:

#### C.1 Local Law #1 of 2014

Ed Leonard, Village of Walden Trustee – Reviewed zoning changes recommended by the Comprehensive Planning Board, which stopped meeting early last year (2013).

Chairman Plato – Didn't the Village of Walden Board come to this Board a long time ago with changes they wanted. As I recall we were asked to look at this immediately because this had to get done and that was a couple of years ago, right?

Ed Leonard – It was awhile ago. Some of this is just consolidating zoning and cleaning up and putting it all into one document (each item below 1-8 was discussed with the Board). The Village Board didn't really go through this, the Comprehensive Planning Board originally did and it's been well over a year, these are the zoning changes that the Village Board wants to do from the Comprehensive Plan.

1. From R5 to B-3:

S.B.L. 309-3-1, 309-3-2 & 309-3-23, Church property

The Village wanted to bring it back on the tax rolls, and the properties around it were sold off by the church years ago over time. At that time there was an interested party and this change would help them sell it.

2. From RM-1 to the R-4:

Premises designated as 316-1-1, located on the East side of Edmunds Lane

The property was mined for Rte 84, a portion of the area was deeded to the Buddhist by a man named Dean there is another portion with another ownership. Central Hudson now goes through the middle of it.

3. From O-L1 to B-4:

Premises designated as 315-5-2 & 11, located on the East side of NYS Route 208

Guardian Storage & Newburgh Auto Glass, these 2 facilities are conforming to the present zoning and will still be conforming to the new zoning requirements, B-4 would be commercial and a better fit for the uses that are currently there.

4. From MX & R-4 to entire parcel within the MX-Mixed Use District:

Premises designated as 310-1-1.1, 1.21, 6.1 & 6.22, located in the vicinity of Elm St. & Union St.

Nelco property - apparently this was never included in the MX zone and they felt it should be.

5. From R-3 & R-5 Districts to the TH-Townhouse Zoning District:

Premises designated as 302-8-1 through 49: 318-1-1 through 13: 318-2-1 through 13: and 318-3-1 through 18

Winding Brook Townhouses, the newer section when it was first built was all R-5 the second faze was R-3 they're changing it all to Townhouse, they are single family.

6. From RM-1 to the TH-Townhouse Zoning District:

Premises designated as 301-1-1 through 44

Northgate Townhouses, change it to Townhouse zoning.

7. **From O-L1 & R-3 to placing the entire parcel in R-3:**

**Premises designated as 313-1-3.12**

**From Edmunds Lane all the way to Elm Street Extension near the Buddhist's, Donovan's property with storage, vacant area till you get to the cross road & Spence Engineering.**

8. **From B-2 and R-5 to placing the entire parcel in B-2:**

Premises designated as 305-10-4 through 8: 305-11-2-4: 305-12-1, 2, 3.1 & 3.2:  
and 308-2-3 through 8

West side of North & South Montgomery Streets, basically it will clean up a mix up of zoning and make it more consistent.

Chairman Plato – Once the Village Board gets our impute, what's happens, is the Village Board is going to act on that? Are they going to have a presentation by Alan Sorenson to see exactly what it is?

Ed Leonard – The Village Board has already had two presentations by Alan Sorenson.

Chairman Plato – This is something I would have recommended a joint meeting for.

Building Inspector Stickles – At the last Village Board meeting, didn't the Board approve these changes contingent on Planning Board or not?

Ed Leonard – No, they held off because we were waiting for the Planning Board to review it and give their opinion.

Chairman Plato – Does the Village Board feel we have enough information.

Ed Leonard – No.

Member Dore – The only thing that is unfair to me is number eight.

Chairman Plato – I think we have 89% of it I'm a bit confused by number eight too.

Mr. Gerry Jacobowitz - I've tracked the comprehensive plan efforts from the beginning. When the concluded and had a report prepared they asked for comments I sent a six or eight page letter pointing out things. If you read the comprehensive plan a lot great words, interesting comments and some very interesting facts in there but when you get all done this is a document to take Walden in to the next five years.

Chairman Plato – So your saying it is or isn't?

Mr. Gerry Jacobowitz – That was my question, I didn't see that it was. Economic development is given about ten lines there's no section on economic development in the whole plan that is ten or twelve step but that's past, I'm one voice and as a committee they did what they did. Now the attempt is to put into legislation for the Village of Walden. I have a difficult problem with certain things that they want to do. First is that they are eliminating RM-1 and RM-2 zones, some they redefined as Townhouse others they are eliminating. The property on Edmunds Lane #7 (handed out a map of current zoning districts) you all know where the Buddhist Temple is, across the street is a property 4.75 acres it was approved for 66 units of multiple residents it's grandfathered under the Federal and NYS Wetlands. At some point the owners Norbert May and Bernard Muschel decided they didn't want to do anymore building and they turn the property over to Walkkill Valley Health Coalition, took a tax deduction for it and Walkkill Valley Health Coalition marketed it and the benefactor of the Buddhists bought it as a place holder for the Buddhists. They wanted to have a contemplation meditation area so that the area they look at will be built into some walking trail, benches, meditation kind of use with their congregation. This proposed law takes away the RM zoning from it because as a practical mater they are not going to build on it, they don't want to build on it, they don't want anybody to build on it. That's why they got it and so changing it from RM-1 to

something else isn't practical but no place do in this do they replace that RM with anything and on the other side they take away a RM zoning from other portions of the Village in RM-2, that sends a message the message is we don't want rental housing. It's kind of contrary to what is happening because if you ride around the county you'll see what is being built in a very large portion is rental apartments. Go down 17K to Montgomery there are apartments along there, go to Maybrook they are expanding the apartment project they built there on the old JP Drive-in, go to New Windsor on Temple Hill Road you'll see a huge area there that's been graded for an apartment project. Go down Rte 94 in to New Windsor two new apartment projects there, Middletown is just changing zoning from residential family single to multiple residents in the paper the other day making the zoning changes to accommodate rental housing. Go on County 78 you'll see new rental housing being constructed and you'll say why is that happening what do they all know that nobody else knows, well they don't know anything else nobody else knows they know what everybody should know that the increase of rental of housing is going up in our county the ownership of homes is going down, rental is going up and that trend is the trend that is attracting capital. People with money will try to spend it in a way that they are going to make money. This plan is running counter to what the economic realities are that we have in our economy right now. When you look at the hand out in blue down in the right corner, it says "The Village Board may consider rezoning for residential developments upon receipt of a Sketch Plan by a developer, which is consistent with adjacent residential zones". Pursuant to that we submitted such a sketch plan and a petition for this property (referring to map) Elm Street, Edmunds Lane, Coldenham Road is over here, what you have in the zoning amendment is they are making a piece of OLI into R, this is R-3 it's part of the piece of property 12.4 acres, but now they are making another piece residential taking away a piece from the OLI zone. This makes absolutely no sense; they now have made this parcel even more difficult to develop before at least there was a straight line across now the zone line is going to be moved so now you're being limited in the other area. If you read your own zoning law that says setbacks if you would join a residential area your setbacks are substantially greater than if you would join a similar zone. So your setbacks are now going to preclude using a very large part of the property because to this and this is zoned R and you got setbacks so thinking you're going to get industry here or none residential use, which under you're zoning law is OLI, in there is very doubtful. If you recall Rich Art Manufacturing want to put a plant on this property, the plant worked very hard with them, the people in the area were not happy and wanted things changed and the Planning Board tried to accommodate it and every time a change was made it became another issue for the company. There were a small company out of Rockland County, they made paint for schools that is water soluble for kids finger painting, they were a successful father and son business and they needed more space they were going to move the plant here and the more things that came up then the harder it for them to see that they could ever use this site. They were surrounded on three sides by residences; they go to two shifts they've got problems with trucks and cars and lights at night and then the configuration of the building they people didn't want any loading docks showing onto any streets. That meant that the docks had to be put on the ends of the building and they had a certain manufacturing process that was in the building that would not be accommodated by putting loading docks on the ends of the buildings so eventually they said goodbye. Another on that was live was the uniform company Cintas, they are now on Bracken Road, they wanted another plant they needed water at that point the Village said we don't water that we want to commit to this kind of a use and so they walked. A lumber company the problem was even though it was a good site for them but they would have to go off main highways every time to get to their yard, they really wanted to have access on a state highway, they found a property on Rte 208 on the border of Walden. The point I'm making is we're not young enough to see the day that this is going to develop industrially; it just doesn't work that way anymore. Nobody wants to be in the middle of residences, it's not on a main highway, and it has no visibility. Stone Castle Road (connects Rte 52 & 17K) has sites along it, why is someone going to come and be in the center of a residential zone. Neeleytown Road similar there are just to many other competing sites that are better then a site here for a non residential.

Chairman Plato – What are they making into an R-3 zone?

Mr. Gerry Jacobowitz – Just this small area (referring to the map) the rest stays OLI. Historically this is a tax map piece but they are all by the same owner for 45 years. So they are saying lets rezone this strip



here because it's part of this tax map parcel but this is "I" and the other is "R", lets make it all "R" without any regard as to how it effects the rest of this property which is significant.

Member Wilkins – They want to make the whole lot the same.

Mr. Gerry Jacobowitz – Yes, the tax map lot which is irrelevant because it's only historical. I have a different suggestion for this.

Ed Leonard – All I can tell you is it was very pertinacious there was a lot of discussion about, there were very few members at that point on the committee that were attending.

Mr. Gerry Jacobowitz – Also I should mention this was approved for a single family seven lot subdivision to back up to the homes to create a buffer and that plan was given a conditional final approval and that plan is a plan we would like to go ahead with at some point. With that in mind, Edmunds Lane, Elm Street, the transmission line cuts off a whole piece of the property, but the proposed road would come in between the zone line and the same zone line would come in and serve the seven lots that are in that subdivision and that would be the street to access into the rest of the property, the rest of the property would be RM-1 that is multi residences four buildings, parking, community building, water management area another water management area, picks up the drainage that is now ending up in another area forming a ponding situation on rainy days this will solve that problem and the drainage that comes off of Elm Street and off the project with an exit off onto Elm Street and the buffer of the residential homes to the existing residential homes. That's the concept we are suggesting to the Village and we made the request as it says in the comprehensive plan and the Village Board has to vote and get four votes to refer it to the Planning Board. They failed to do that twice so it never got here to be considered, we're not giving up we're going to continue to try to persuade reasonable minds that it should get referred to the Planning Board. There is a policy that is implemented here and there are at least two or three members of the Board who believe no more rental housing in Walden.

Member Dore – You're proposing this to be all rentals?

Mr. Gerry Jacobowitz – Yes, this would be a rental project with the developer Regan Company. You can go all around Orange County and see their projects are beautiful, Silver Lake is theirs, Horizon in Wawayanda, senior residences on Rte 52 going from Orange Lake to Newburgh, they just did a great project in New Windsor with solar across the hill behind the houses. This would be a hundred-fourteen ones, twos and threes, it would accommodate seniors, singles handicapped.

Chairman Plato – Why do you think there are numbers against rental properties?

Mr. Gerry Jacobowitz – They believe that it's a breeder of crime, of lower income people and that Walden should be more single family detached residential homes. You can argue with it, it's now unreasonable.

Member Wilkins – Since the Village Board has not gotten the four votes to get it to us we really should not be reviewing it.

Mr. Gerry Jacobowitz – You can because this is relevant to what you are asked to do. You're being asked to eliminate RM in these various changes, make a change here that makes absolutely no sense to this particular property and also to do it in accordance with the Villages zoning law. Article 11 148-61 Procedure for Amendments, it lays out the standards that you have to meet in order to satisfy these standards. In submission we made the Village Board as to changing it from OLI to RM-1 we addressed every single one of these in details, there is nothing in the Villages record that show that they have even given any consideration to these standards that are in their own zoning law. I guess they think the Planning Board will do that for them.

Chairman Plato – I don't think that's our place to do it.

Mr. Gerry Jacobowitz – Somebody should do it.

Chairman Plato – I agree, somebody should do it.

Mr. Gerry Jacobowitz – Member Wilkins point is right, you're asked to report on this and some of the sections make sense. If you read through the comprehensive plan there's all kinds of things that are not being recognized by what they are doing. One of the points I want to make from the comprehensive plan is "As in the case of most communities the most suitable sites for development in the Village of Walden were the first to be developed these sites are becoming increasingly scarce leaving less desirable sites those with environmental or other site restraints for development. Development on such site will require careful review to protect the natural resources and in some cases remediation may be necessary." This property and this will clarify it for you somebody said that material was taken out of the piece across from the Buddhist that's not so. Where it came out of is this piece, this was the Girardy family gravel bank that they used for many years, Mr. Girardy was a small contractor and then he sold material from here and what is left here is the spent mine of that property which was a gravel bank for many years until it ran out. So this is one of the sites that comes within the description of this and the way to try to make it productive and beneficial to the Village is what the test is. How do we use our limited land to maximize the benefits that we can get in the community?

Member Wilkins – I think we're going to get in hot water with the Village Board because the Board asked us to review Lot #3.12 only, not the whole property in the back. If we start reviewing your project that's not even listed on here for us to even look at and we step over the Village Board hasn't approved a request from them for you to come to the Planning Board.

Chairman Plato – I not concerned about over stepping.

Mr. Gerry Jacobowitz – I understand what you're saying. The point I want to make is there is a theme embodied in this law that is not consistent. The other part of it which is unsaid which I think should have been said is that they are also going to be curtailing the conversion of homes into multi, duplexes, triplexes or fourplexes and they are going to rolling the clock back to eliminate rental apartments and houses that got converted even if they were legally converted. The illegal ones are easy, now they are going to go after the legally converted ones because they want to limit them. Historically Walden has been divided, a third rental two thirds ownership and it got bumped in the decade 2000 – 2010 your percentage of single family ownership went up and why, if you just ride around the West side you can see the different projects. That's what got built during the boom time and that was great for the Village because probably 50% of single family homes in the Village are pre 1919 wood frame, they don't get any better with age, then they require a lot of effort to maintain them at the level we would like them so we don't end up with slums and rundown properties but we needed a boost in the age of our housing and we got it in the decade from 2000 – 2010 so the balance is still 2/3's 1/3. Now what's happening in the Village? We have a project on Coldenham Road and we would hope to have this project, again its 2/3's 1/3 so we're maintaining the balance that has been historically statistically established in the Village. I don't think anyone sat down and said we're going to make out 1/3 2/3's, I think that's just the way the market forces worked and they get reflected in the real community the real economy. I would hope the Village Board is going allow it to come to the Planning Board I think it is an important thing for the future of the Village. If you go around to the sites I mentioned to you, you'll see that this is want the build (showing a sketch of the developers buildings) their not building something different, they are a very established company a very good reputation, it's two brothers and their dad and they own what they build and that's their business so their reputation is very important to them.

Chairman Plato – We've heard one side of this we thought we were going to see the other side to see what Alan Sorenson came up with, it would be good to hear the other side of it I think before we do anything.

Ed Leonard – Let me get a clarification on it 316 tax map for you and also more background on the zoning on the West side over on North and South Montgomery Street and one other comment I want to

make, I gave you all a copy of the Orange County planning review of this comprehensive plan you will notice there's only four minor items on there and that speaks volumes too.

Chairman Plato - We will be meeting on March 3, 2014 and it would be good if they could join us for that meeting along and have Alan Sorenson here with them and we can review this. The rest of it seems to make sense but we would like more clarification on this item.

Ed Leonard – I will definitely recommend that to the Village Board at this point we want to go forward with this. The new SEQRA rules made zoning within the comprehensive plan even more important now.

Attorney Dickover – The Village Board is requiring to give you thirty days to review it after the referral, they can certainly extend additional time if they so choose to do so but in the absence of your report they can do anything they want. It might not be a bad idea to tell them you are currently reviewing it and ask them for an extension of time so you can have your report when they do move on it.

Chairman Plato – I would rather not give a positive referral without knowing all the facts.

Mr. Gerry Jacobowitz – The referral to you was incomplete so your time doesn't start until you get a complete referral.

Chairman Plato – Anything else before the Board? None noted.

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

**With no other matters in front of the Planning Board, Member Sebring made a Motion to adjourn, Seconded by Member Trafton with all members voting yes.**

**MEETING ADJOURNED:                      9:15pm**

RESPECTFULLY SUBMITTED  
January 15, 2014  
Nancy LaMancuso  
Planning Board Secretary