

Village of Walden  
Planning Board Meeting  
March 07, 2016

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Absent
	Zak Pearson	Present
Alternate Members:	Re Hagele	Present
Planning Board Engineer	Ron Gainer	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Nancy LaMancuso	Present

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

**1. APPROVAL OF MINUTES:**

Chairman Plato – Approval of minutes for 09/15/15, 10/05/15, 10/21/15 and 10/28/15, I wasn't here for all of these meetings and I want to make sure they have been reviewed by everyone in detail to make sure they meet with their recollection.

Attorney Dickover – I have reviewed the minutes in respect to my comments, there were only a few typographical errors. There were no changes to the substance and I thought they were accurate.

Member Hagele – I have reviewed the minutes and I was at most of those meetings and they are pretty good, that they are spot on.

Chairman Plato – I feel the same way.

Member Wilkins – I feel the same.

Chairman Plato – Ok, if everyone agrees we can have a motion to accept them.

**Member Wilkins, made motion to Approve the minutes for 09/15/15, 10/05/15, 10/21/15 and 10/28/15  
Member Hagele, by member All Ayes, Motion Carried**

**Member Wilkins, made Motion to accept Planning Board Minutes of 09/15/15, 10/05/15, 10/21/15 and 10/28/15  
Seconded by Member Hagele. with all members voting yes.**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 12 Edmunds Lane, Site Plan Amendments, Residential Unit, Temporary Retreat Units**

Chairman Plato – Building Inspector Stickles can you bring us up to date on this.

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Building Inspector Stickle – A couple of meetings ago the applicant put in an application to amend the original 2000 2006 Site Plan to take the 3 bungalows that they were going to use on the right side of the property and replace those with 1 residence that would be used by His Holiness when he comes with his family to stay in. It will not be used for any other purposes other than that. This was sent to Orange County, they gave us a response that it was up to Local Jurisdiction. A week or two ago there was another application for the discussion that has been going on for the temporary retreat units that will be placed in the existing parking lot for the parishioners and people of the temple to use for solitary meditation. That application is in your packets tonight for an additional portion of the Site Plan amendment that I have send to Orange County. The County has not responded to that yet, hopefully they will respond by the regular meeting on 03/16/16.

Chairman Plato – Then we can't act on the temporary retreat units at this time but we can act on the parsonage.

Building Inspector Stickle – Yes and with speaking with Lois Peak in 2-3 months they will be in to reapply and redo the entire Buddhafield portion of the preliminary approval that they had gotten in 2010. Not across the street where they were going to have the walking trails, they will apply to the Board of Health for their water line extension that will go back to the permanent retreat units and also the hydrants and the water is going to go in for the temple areas. That's where they are right now.

Chairman Plato – Attorney Dickover did you have anything on the parsonage part of this?

Attorney Dickover – I took Building Inspector Stickle's memo to the Board of last week that it was going to be a combined application so my comments were addressing both of the projects now as being one. The parsonage change I sent a memo to the Board a few months ago and I don't have anything particular to add to that. There was some discussion between Engineer Ron Gainer and myself and the Board about the Special Exception Use Permit that was issued and whether or not this was a New Use Permit or amendment to the existing one. There were questions as to whether or not the prior permit had expired or not and Building Inspector Stickle provided minutes of this Board from a number of years ago were that permit was made permanent. There had been a termination date on the original one and that was subsequently amended by this Board to make it permanent. So the Board should review the permit as it's been issued and decide whether or not any of the changes that are being proposed for the parsonage and also the temporary retreat units change any of the conditions of that permit. If they don't I think the permit is still valid and nothing further needs to be said about it. If there are changes that affect the permit then it would be an amended Special Exception Permit.

Chairman Plato – Are these 2 separate applications or 1?

Building Inspector Stickle – They are 2 separate, because there was so much confusion between where they were going to be located, how they were going to be located on the property that the applicant made another application for the temporary retreat units. The existing bungalow area which is shown on the original Site Plan is going to change to the 3 bungalows being taken away and there's 1 residence that will be placed within that site area as it is. The second application they will be placing the temporary retreat units in the parking area along the tree line.

Chairman Plato – Why did they move the temporary retreat units from the back area to the front in the parking area?

Building Inspector Stickle – This will be temporary, they will be permanently built in the back area as seen on the Site Plan.

Member Hagele – The temporary location is from comments made by the Board saying we felt since they were going to do the permanent structure further in the back area why not do the temporary retreat units in the parking area where there will be less disruption.

Chairman Plato – The only thing I would probably add is to put some type of screening in the parking area to obstruct the view from the public road.

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Lois Peak, Buddhist Temple Rep – We would be happy to do that. We are going to place the temporary retreat units towards the tree line and at the edge of the parking area.

Building Inspector Stickles – Engineer Ron Gainer also questioned if the Village of Walden had any problems during the 4 events a year with parking. The answer to that is no. I spoke with the Village of Walden Police Chief; they provide their own security, transportation on and off the site. They notify the neighbors when they are having their events and there have not been any problems within the neighborhood. They have a very good working relationship with all of the neighbors that are around them.

Member Wilkins – You use parking at the Big Apple Circus and Spence Factory on the corner too?

Lois Peak – Yes, when we have a very big event we do use Spence Factory too.

Chairman Plato – Attorney Dickover where do we stand to act on the parsonage part of this application?

Attorney Dickover- Engineer Ron Gainer prepared a memorandum dated 01-18-16 that has a number of engineering issues that he would like to know if they had been addressed.

Lois Peak- There were responses provided to the Board for those items.

Engineer Ron Gainer- I can't say that I have been thru them all but recognizing the applicant it's very likely that the issues that I raised in that memorandum were responded to.

The statutory issues that I see that I have listed on the technical aspects of the plan that was originally approved is to identify all things that were approved originally and have not yet been put in ground are now identified on the Site Plan, for example storm water facilities going to the South of the temple.

Building Inspector Stickles – Everything that was on the 2006 Site Plan that was approved has been put in. The only thing they haven't completed and are in process of constructing now is the ceremonial walkway around the existing temple. All of the other storm water issues have been installed.

Engineer Ron Gainer – Ok. Building Inspector Stickles is indicating that they've taken care of it.

Chairman Plato – Are we ready to act on this?

Attorney Dickover – We need to do SEQRA.

Engineer Ron Gainer – The applicant has submitted a revised EAF.

Attorney Dickover – The Board needs to make a **motion to declare itself Lead Agency, and type this action as being an Unlisted Action.**

**Member Pearson, made motion as stated above by Attorney Dickover  
Seconded by Member Wilkins,, All Ayes, Motion Carried**

Attorney Dickover – As an Unlisted Action the Board needs to decide if they want to do a Coordinated or Uncoordinated Review. It's been my opinion all along if there are any other involved agencies here you could conduct an Uncoordinated Review.

**Member Hagele, made motion to conduct an Uncoordinated Review  
Seconded by Member Wilkins, All Ayes, Motion Carried**

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**Attorney Dickover – I have reviewed the short form EAF dated 01-28-16, and we can amend this as we go and The Board can make its determination. (The Short Form EAF was reviewed by the Board and changed/corrected accordingly by The Board)**

Chairman Plato – If any member of The Board disagrees or has a comment please speak up.

Attorney Dickover – Chairman Plato pursuant to those answers a Board member could make the following resolution and move the question. **The motion would be that this project does not impose any significant environmental impacts and therefore a Negative Declaration can issue.**

**Member Hagele, made motion as stated above by Attorney Dickover  
Seconded by Member Wilkins, All Ayes, Motion Carried**

Attorney Dickover – The Board needs to address the Special Exception Use Permit issue, if you think any of the changes proposed by this plan affect that permit you would have to deal with an amended Special Exception Use Permit and that would require a Public Hearing. If there are no changes from this project then that permit can continue unchanged.

Chairman Plato – What constitutes a change?

Engineer Ron Gainer – The Special Permit was originally granted to permit the religious use, it's only if the Board sees this activity as materially different from the religious use of the property. The internal discussion we've had in the past we didn't there was any impact and so there was no need to modify the originally granted Special Use Permit; it makes the Public Hearing discretionary.

Chairman Plato – What does the Board think?

Member Wilkins – I don't think there's been a major change.

Member Pearson – I don't either.

Member Hagele – It's pretty basic.

Attorney Dickover - On the Site Plan aspect of this it's an amended Site Plan application, a Public Hearing is discretionary.

Chairman Plato – So then there's no need for a Public Hearing. Any other questions/comments by the Board?  
None noted.

**Member Pearson, made motion to waive the Public Hearing  
Seconded by Member Hagele, All Ayes, Motion Carried**

Attorney Dickover – At this time the Board could approve the amended Site Plan with respect to the parsonage. There may be some conditions to it, I believe there is a narrative and those terms and conditions should be part of the Boards approval. Are there any engineering details that need to be addressed?

Engineer Ron Gainer – No, now that the 2006 improvements have been put in the ground.

Chairman Plato – What items do we have that should be part of the resolution?

Engineer Ron Gainer – You may want to pass a resolution that it be subject to written findings.

Attorney Dickover – I will draft a resolution and send it to Building Inspector Stickles for circulation and review for the next meeting on 03/16/2016.

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Chairman Plato – We will continue this at the next meeting 03/16/16 and hopefully we will have correspondence back from Orange County regarding the temporary retreat units.

Lois Peak – Thank you very much for the Boards positive consideration of the parsonage request. Can we discussion the temporary retreat units now?

Chairman Plato – Yes, there could be some discussion on that. I have seen correspondence where Building Inspector Stickles initiated it saying you think the temporary retreat units do fit Village of Walden code.

Engineer Ron Gainer- We have discussed that, and the initial correspondence from Attorney Dickover was that it was in Building Inspectors Stickles's purview to make the additional declaration for the Board to ultimately accept or reject. Building Inspector Stickles has provided in writing his findings that the temporary retreat units on a temporary basis comply and are permitted. So it's for the Board to either accept it or not.

Chairman Plato – Yes, I believe Building Inspector Stickles that in one of the correspondences that you recommended a time limit too.

Building Inspector Stickles – It's going to be on a yearly renewal basis up to 5 years.

Chairman Plato – Unless the Board has any objections it will be permitted, we just need to wait for Orange County to respond.

Lois Peak – Thank you very much.

Engineer Ron Gainer – Chairman Plato do you want Attorney Dickover to draft a resolution for both applications.

Chairman Plato – Yes, that's a good idea, if no one on the Board objects. Any other questions/comments by the Board? None noted.

**C. DISCUSSION ITEMS:**

Chairman Plato – The Board has a request from 845 Area Code LLC for an extension on the preliminary approval. It's my understanding that they are supposed to maintain a \$15 thousand balance to cover engineering and legal fees associated with this project, and it is to be replenished when it got down to \$10,000.00, which hasn't happened. My feeling is that the Board should not take any action on 845 Area Code request until that is replenished.

Member Wilkins – I concur.

Member Hagele – I concur completely.

Attorney Dickover – In general escrow accounts were established to cover the fees of your professionals with connection to the application, and its review. They pay in advance because generally those types of services are incurred right away and the accounts can be exhausted quickly. Here the Board has an application that has been pending before you for more than 8 years than I know and currently I don't have anything on my desk that needs to be reviewed and I don't think Engineer Ron Gainer has either. At this point of extension I don't see the need for having money on hand to pay your professionals to do what might be required of them. If the Board doesn't grant the extension you're going to find yourself in the situation where somebody is going to wonder what the status of the application is.

Chairman Plato – The applicant has until next Wednesday 03/16/16 to clarify that. A little background on this application, when they started the project they didn't want to do the \$15 thousand escrow and it was the Board, basically I said if you can't afford the \$15 thousand you probably shouldn't do the project at all. I think it should be

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maintained, the applicant agreed to that and they are not doing it. If it's a financial burden to them maybe they should scrap the whole thing.

Attorney Dickover – If you don't grant the extension the Board will put them into a limbo situation.

Chairman Plato – No, the Board hasn't put them into that, they put themselves into that.

Engineer Ron Gainer – Chairman Plato is not saying he's not going to process the request for an extension, he is just saying that there shouldn't be any new submittals or reviews of documents or new time before this Board until as such time that as the account is brought current.

Attorney Dickover – I have no problem with that, that's the way it was handled 7, 8, 9 months ago when they brought in their sequential plan they had to bring their escrow account current and I believe they did that.

Building Inspector Stickles – They did not; they paid \$480.00 that's it.

Attorney Dickover – There was an amount due on the escrow account for \$7-8 thousand within a year ago.

Building Inspector Stickles – I'm unaware of anyone paying the Village of Walden anything from 845 Area Code.

Chairman Plato – I've heard that from the Village of Walden Board too. We haven't said we're not granting the extension, we said we're not going to review it until the applicant brings the escrow current and I think that's only fair.

Member Wilkins – The applicant has known this.

Engineer Ron Gainer – Building Inspector Stickles has the applicant ever responded to your December letter?

Building Inspector Stickles – The only response was that he would bring approximately \$480.00 current to the Village of Walden and that he wanted to review all the bills because he doesn't feel that they are right. All bills that I have placed in front of the Village of Walden Board for approval and payment have been sent to the applicant beforehand to say yes or no. I have never gotten anything back that says please don't pay this.

Member Wilkins – Any monies not spent the applicant gets back.

Attorney Dickover – The request I'm looking at is a request for an extension.

Chairman Plato – Yes and the Board is saying since the escrow account per their agreement with us they have not honored it and I see no reason to waste the Boards time in granting an extension when the applicant is not doing what they should do.

Attorney Dickover – And my point is again just so we are clear is that if the Board doesn't grant the extension it may put this applicant in a position where he no longer has an approval.

Chairman Plato – Right and I'm saying, we did not put the applicant in that position; he's put himself in that position.

Member Hagele – Can we grant the extension pending restoration for the escrow?

Member Wilkins – We have been down this road before.

Chairman Plato – I think the Board waits and sees what happens by next Wednesday.

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Engineer Ron Gainer – At some point the applicant is going to come before the Board to ask for final review and he will give you a very lengthy plan submittal and that point he should be reposting escrow because it's going to warrant review along with expenses for drafting resolutions etc.

Chairman Plato – There's just no reason for the applicant to not honor this.

Member Wilkins – Building Inspector Stickles can you contact the applicant?

Chairman Plato – I think it should come from the Village of Walden Manager.

Building Inspector Stickles – I will talk with the Village of Walden Manager tomorrow.

Chairman Plato – Attorney Dickover I appreciate you position on this. I know what you are saying but I think the applicant is putting themselves in that position.

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

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

**MEETING ADJOURNED:                      815pm**

RESPECTFULLY SUBMITTED  
March 07, 2016  
Nancy LaMancuso  
Planning Board Secretary