

Village of Walden  
Planning Board Meeting  
October 21, 2015

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

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

**1. APPROVAL OF MINUTES:**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 Overlook at Kidd Farm, Action on Section Layout, and Resolution Approval**

Attorney Dickover – Since our work session approximately 2 weeks, Mr. Jacobowitz prepared a draft of the proposed resolution and forwarded it to me. I reviewed it and made some revisions. I shared it with Engineer Ron Gainer late today, and discussed it with Mr. Donovan, the Village Attorney who shared it with the Village of Walden Engineer as well, they all have added some impute to it together with Engineer Ron Gainer comments and mine and that is now what is in front of the Board. It's a composite of a lot of different people's thoughts including Mr. Jacobowitz.

I shared it with Mr. Paz this evening prior to right now and his observation is and I think to some extent it's accurate is what we have drafted for you this evening in some respects maybe inconsistent with the Findings statement and the FEIS. As a result of which we both are of the opinion that it might be best that we table the request for approval of it for this evening and perhaps schedule a joint meeting between the various players, Engineer Ron Gainer, Village of Walden Engineer, Village of Walden Attorney if he wished to attend, myself, members of this Board who may have been involved in the Finding Statement back in those years, and perhaps the Village of Walden Manager and the Mayor might want to attend that meeting as well.

There is some legitimate concern from the Villages stand point that the major infrastructure components are built earlier than later, some of the timing of that was addressed in the Finding Statement in particularly the Edmunds Lane pump grade. The resolution that you that have in front of you reflects the Village of Walden Engineers request that it be done up front as part of the phase 1 construction and completed I think prior to the issuance of the first Certificate of Occupancy in phase 1. That is from looking at the Finding Statement not consistent with the Finding Statement. So with that it might be necessary to pare back a little bit. You did try and prepare a resolution and that would be consistent with the Finding Statement and consistent with the resolution conditionally and preliminarily approved subdivision. There's a lot of language in here that makes this resolution contingent upon satisfaction on all those conditions, but those conditions also incorporate the Finding Statement, so I think a little bit more time spent in reviewing it and going over it and getting all of the people chiming in and contributing to it might be worthwhile endeavor.

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Engineer Ron Gainer – My understanding is that the issue of the timing of the construction of the thru road and the timing of the construction of the backbone water main they are in agreement with the Finding Statement, did we agree on that? Is it only the Edmunds Lane pump station?

Attorney Dickover - #1 if you look at the last sentence is not worded properly, it should say the thru road shall be completed prior to issuance of ANY Certificate of Occupancy in section 2 and that then would be consistent with the Finding Statement.

Engineer Ron Gainer – The issue is not over the timing of the road or the water main.

Brian Paz, representing Overlook at Kidd Farm project – If you are talking about the whole project, then the applicant would like an opportunity to speak to the Board etc. regarding that.

Engineer Ron Gainer – Upon your position on that.

Brian Paz – Obviously it's a substantial outlay of resources and if the full main isn't necessary during the phase construction I think the applicant would certainly prefer not having to layout all those resources if they can reach some mutually agreeable understanding of that.

Engineer Ron Gainer – I can recall the discussions at the recent work session back in October with Mr. Jacobowitz the applicant; I'm not speaking to the Board I'm just recalling the discussion at the time was that was the intention of the Board to section 2 built as the second phase. Section 2 being the entrance off Coldenham Road, the specific purpose of it ensuring both the thru road gets completed in its entirety and the backbone water main. The point of that is within limits of the roadway and the roadway has got to get completed in phases 2 so you would want the water main in the ground and operating.

Member Pearson – The plans were revised to reflect that. Does this plan show it?

Engineer Ron Gainer – That the point being made by Member Pearson is that this revised plan actually represents that as well. Section 2 does extend out thru the roadway out to section 1.

Attorney Dickover – Just so the Board is aware on this, the Finding Statement also contemplated construction of the road beginning on Coldenham Road and coming in from Coldenham Road as being the first phase of what was before the Board back then, now it's turned around so that phase 1 is coming in off of Route 208. So the Finding Statement talked about, with that in mind as to where the work was going to be done and if I'm not mistaken that Edmunds Lane pump station is down off of Coldenham Road area. It may have well been when that concept was in front of the Board if made sense to have it done as part of the first phase. Now I don't know, I wasn't involved in any of those discussions.

Engineer Ron Gainer – The Finding Statement itself as adopted back in 2011.

Member Hagele – If it's done as a condition of the first phase then if for any reason phase 2 never happens it will have been done.

Engineer Ron Gainer – The Finding Statement specifically says that in phase 2. Phase 1 done on the studies done that cumulated in the SEQRA Finding Statement was in phase 2 which would be along Coldenham Road in the initial residential phase, which flows to Edmunds Lane. It was sufficient reserve capacity in view of it back then when the studies were done that Edmunds Lane could handle the initial phase. On the onset of phase 2 the Finding Statement specifies that a further study would be done to evaluate the continuing added phases to the Edmunds Lane pump station. If it was found necessary it would be done as part of phase 2. If it was proven it still had sufficient capacity for the second phase then the Finding Statement I believe said that it had to be done at the start of phase 3, so it would be pushed off even past phase 2 if further studies documented it.

Attorney Dickover – That was contemplated the construction coming from the Coldenham Road side towards the Route 208 side. Now it's turned around so the Finding Statement may or may not be still properly stated. I think that would be a discussion for the Board and the applicant and their engineers.

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Engineer Ron Gainer – Phase 1 as it is now proposed by the applicant all that waste water flow goes out to Route 208 and doesn't impact the Edmunds Lane pump station. Understand too the original study was predicated on the original phasing which the applicant proposed originally. He didn't offer any opinion, the Board accepted as his desired start for the residential phase. Now the applicant's desire is to start elsewhere to start.

Attorney Dickover – Mr. Paz did I assume your position accurately that you would like the Board to table this discussion at this time, until a joint meeting can be scheduled with those who wish to attend?

Brian Paz – Yes and we can set up a meeting.

Attorney Dickover – It will time well spent, this isn't something you want to rush into and to some extent the resolution in front of the Board tonight has been rushed. I would think this is a good suggestion to table it at this time.

Member Hagele – Who has jurisdiction over the resolution?

Attorney Dickover – You do, the Board.

Member Hagele – Then we should have someone at the meeting.

Building Inspector Stickle – When would the Board like to have this meeting since you are the controlling agency?

Acting Chairman Trafton – Let's see when Chairman Plato is available.

Building Inspector Stickle – I will contact him tomorrow and set a date.

**Acting Chairman Trafton, made motion to table this until a meeting can be held with those involved**

**Seconded by Member Hagele, All Ayes, Motion Carried**

Acting Chairman Trafton – Any other questions/comments by the Board? None noted at this time.

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

**With no other matters in front of the Planning Board**

**Member Trafton made a Motion to adjourn**

**Seconded by Member Hagele with all members voting yes.**

**MEETING ADJOURNED:**

**800PM**

RESPECTFULLY SUBMITTED

October 21, 2015

Nancy LaMancuso

Planning Board Secretary