

Village of Walden
Planning Board Meeting
October 05, 2015

Chairman:	Stan Plato	Absent
Members: Acting Chairman	Jay Wilkins	Present
	Lisa Dore	Present
	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

Acting Chairman Wilkins - 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, Proposed Phasing and Update, Request for Approvals Extension

Acting Chairman Wilkins – Mr. Jacobowitz will give an update.

Mr. Jacobowitz – The Board should have 2 things, one is the September 21st 2015 memo from the applicant that addressed the 4 questions that we discussed at the last meeting and per Engineer Ron Gainer suggestion we sent in writing. The second thing is an e-mail from the engineering firm that answered 3 others things that the Board had asked for. Cuts and fills was one of the questions and it is approximately equal to the site. The 5 acre DEC we have to live with and we would ask them for whatever variation of that would make sense based on the size of the areas that we want to get into at any one time. Then to re-do the chart of the DU per phase for the Board. (Handed out plans) These are not colored but they are the same, it's got the number of units in each of the phases and also the road areas that are within each phase by reference to the stations that are on the plan. The first section if we do that as the section out from the highway it's a 20 unit plus the 2 commercial so that's 22 which is 10% that meets the mandatory requirement to have a section. The color coordination is now clearer and the phases are up in the corner with the colors so the Board can see what is intended to be within each section. The progression of the sections we haven't finalized although as I indicated to the Board it would be 1& 2 then 3 in that order. But it might be that we would do 4 after 1 just depends on some things.

Member Pearson – If you did 4 the water and sewer coming off of Route 208 for 1 & 4 doesn't have anything to do with the pump station.

Mr. Jacobowitz – No.

Member Hagele – It would make more sense to me to 1, 4 and 3, 2, 5, 6 because you're working up the side. Nobody plans on not completing a project but if for any reason sales fell off this would be a logical stopping point rather than having the two furthest parts.

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Engineer Ron Gainer – The Board from the beginning wanted a thru road between Coldenham Road and Route 208.

Acting Chairman Wilkins – When you do 1 part of it will be residential too and the club house should be built at the same time?

Mr. Jacobowitz – No, we can't. What we proposed that was discussed last time was that the club house would be completed at the first Certificate of Occupancy in section 3. We will have built 1 and 2 and undertaking construction in 3 but we can't get a Certificate of Occupancy until the club house is done and that's in the letter of September 21st item number 3.

Member Hagele – What exactly is the club house? How big is it, what does it house, what's its purpose, is it exclusive to the homeowners?

Mr. Jacobowitz – Yes, it's exclusive to the homeowners, it's part of the common area and everybody will have to pay their share of the cost. The square footage I don't remember at this time but it will have a larger community room, it will have some smaller rooms, there will be a place for some exercise equipment, a service kitchen for events and bathrooms as well. Outside there's provision for playground and a dog run and pool. It's an expensive item and that's why we're trying to phase it, to have gotten past at least the first two sections of the project to sustain the capital investment.

Acting Chairman Wilkins – So right now you want to do 1, 2, and 3?

Mr. Jacobowitz – It's 1&2 or 1&4, it's possible it could be 1&3 and then 2. Here is why it's a little unclear, even if we did #4 we got to put the water line in all the way thru because it's under the road, that's why we figured #2 would be 2 because we have to come out there with the water facility and we need the thru road. The other reason is if we're going to be selling like hotcakes the probably it would be easier to do 4 next because your infrastructure costs are relatively smaller there that for the other ones. That's the best we can predict at this time.

Engineer Ron Gainer – When you say club house you're saying club house, pool, dog run and all of the amenities before you get to the first Certificate of Occupancy in phase 3.

Mr. Jacobowitz – Correct.

Engineer Ron Gainer – It makes sense to really come out to Coldenham Road.

Attorney Dickover – What if you build it and then go 1, 4 you then complete the club house at the end of phase 2 if you go 1, 4, and 2?

Mr. Jacobowitz – It's at the end of the second phase, whatever its number is. It's not consecutive or consequential numbering.

Acting Chairman Wilkins – So now you're asking for phase 1?

Mr. Jacobowitz – What we would like from the Board tonight is for you to approve the phasing plan. Then with that resolution we can then go to the Health Department and ask for Realty Subdivision Approval for whatever sections we're going to ask them for. That will then trigger us having to give the Health Dept. a big check and then when we come back with the Realty Subdivision Approval and we ask this Board for final approval we have everything. This Board now gets to say, ok final approval and then you're going to give us final approval as the phases are here. Then they will be called sections and we'll have a separate map for section 1, that if you approve it you authorize the Chairman to sign it we put up our Bonds, Offers of Dedications for whatever public easements we're to be giving and then we can go file it in the Orange County Clerk's Office and all we file is that section. Not the whole project and also we file it with the clerk of your board and with the Village of Walden Clerk.

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Engineer Ron Gainer – Internally you file with the clerk the entire subdivision plot of all phasing. The only phase that gets filed with the county once bonding is posted is phase 1. That's the only one the applicant is allowed to pursue, but you file for the permanent record what you accepted as all 5 or 6 phases. So phasing is what we are talking about but an important part of tonight's discussion is does the Board concur when the different amenities be get built. Mr. Jacobowitz has offered a proposal you've seen in the letter. So one you want to say is that a reasonable phasing plan. The only difference from what you've seen before is having said #1 off of Route 208 and #2 will be Coldenham Road.

Attorney Dickover – Engineer Ron Gainer if they build phase 4, if they go 1 then 4 do they need some sort of emergency access for phase 4? I don't see it on the plan.

Engineer Ron Gainer – We talked about that at the last meeting and right now we're moving on this concept. If he changes it then we will have to revisit that issue.

Mr. Jacobowitz – 4 comes out, part of 4 is a road out to Coldenham Road with is the long term emergency road.

Attorney Dickover – What is the Attorney General's Office if anything going to do as far as requiring you to build this community facility/club house as part of your offering?

Mr. Jacobowitz- We're not sure when they're going to want that done. We have to go to the Attorney General's Office to get the offering plan approved because we're selling cooperative interests in real estate. When a homeowner gets the right to use another piece of land it's classed as a security under the state law. We're selling a security and we have to get the AG under the Martin Act to approve the offering plan. And Attorney Dickover point was, what are they going to want done about the club house. Good question, we will have to deal with it when we get there.

Acting Chairman Wilkins – Under the Attorney General's Office how many units do you have to have in order to have the club house completed?

Mr. Jacobowitz – I don't think there is an absolute number about that.

Member Hagele – I don't think you have to have a club house, but if you do it has to meet certain common property requirements.

Member Dore – So you're saying that there's a possibility that phase 2 will be phase 1? I like that idea.

Mr. Jacobowitz – The problem with that is there are economic problems. The first one is the capital investment. The second is the maintenance and operation of it. You're going to have the same expense whether you have 20 homes or 200 homes and so no you're going to end up with having to cover the expense with a relatively small number of units, that's not going to happen. The AG is going to say, if you charge unit #1 with a common charge you Mr. Developer must pay and equal amount for every other unit that you still own. So what happens is a practical matter the, developer says there's no charges for the first 2 years and they just pay them all as part of the expense of the operation it could be a year or 2 or 3.

Acting Chairman Wilkins – When will the water line be put in?

Mr. Jacobowitz – It has to be in when we finish 2, it will be done as part of section 3 and it will be located within the limits of the thru road. We have to have it completed when we complete 3.

Engineer Ron Gainer – Attorney Dickover when was the water main to be completed in the original plan? It's not clear in the notes.

Member Pearson – I thought it was 2.

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Engineer Ron Gainer – In phase 1 originally there was always the intention to build a permanent road as far as your development went and then build an emergency road out to Route 208. On the second phase you were going to get that finished road completed, whatever was phase 2. To have a permanent paved road full width out to Route 208, I was certain that's when the water main had to be in place. It's not clear here; I'd have to go back to the original plan.

Mr. Jacobowitz – Referring to the site plan, the thru road has to be done in section 2 and must be finished as part of section 3. Water mains will be completed as part of section 3.

Engineer Ron Gainer – You're right on 1 with just the thru road, that's different than the currently necessary approval. Even in phase 1 you were having an emergency road between Route 208 and Coldenham Road so you're going to build that road where ever you're going when the 1st phase was built and then you continue it, as an emergency road only, but there be a thru road and that got finished in the next phase which would be phase 2. So this pushes that back a phase.

Mr. Jacobowitz – So what you're saying is the water main should be done as part of 2.

Engineer Ron Gainer – I'm saying I've got to check that, but I believe that's what we thought was going to happen.

Mr. Jacobowitz – If that's the approval, then that's what we're going to do. The other thing is that the emergency road and that catch basin have to be done when #4 is done. Which if we do 3 first it will be done before 4.

Member Hagele – If 4 becomes 2 part of 3 has to be done but you will be back here if that change needs to be made.

Attorney Dickover – When you were here last you said that the pump station would be completed before Certificate of Occupancies were issued in phase 3? And note number 9 says that construction of the water booster station shall be completed during phase 4 prior to issuance of the Certificate of Occupancy.

Mr. Jacobowitz – That's a different pump station.

Engineer Ron Gainer – The pump station we refer to is Edmunds Lane this is a Village pump station.

Mr. Jacobowitz – So if we can get that approval tonight with the changes in that Attorney Dickover and Engineer Ron Gainer we feeling out, the formal resolution can catchup to it, if there's an ability to verbalize a motion tonight and then Attorney Dickover can get it prepared in writing. But that way we would know that we have to get put package put together for DOH. We expect 2-3 months there, although right now there's not a lot going on, it might end up be less time. We have the Core of Engineers coming on the 14th to review the delineation, we don't expect any issues, and it's a matter of procedure.

The Orange County DPW we had a very good meeting with them. It was a 6 page letter, they're checklist and when we got into it with the plans and went over everything there were only a couple items that needed to get changed on the design of the entrance way out onto Coldenham Road. That's being worked on, so that will be under control.

Attorney Dickover – Mr. Jacobowitz for your purposes to continue you need an approval of the phase plan.

Mr. Jacobowitz – Yes, we still have a lot of things to do and put together for the DOH.

Attorney Dickover – For purposes of that Acting Chairman Wilkins if you're comfortable with it and to accept a phase plan as it's present, there are other details that need to be filled in as Engineer Ron Gainer said they're down the road a little bit. It probably makes sense to try and deal with it as quickly as we can because it's fresh in your mind.

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Mr. Jacobowitz – We've working on this a long time, another couple of weeks we can live with, if you tell us tonight, yes this layout is ok and then your resolution is going to cover things that Attorney Dickover and Engineer Ron Gainer and all of the Board have said we need these things clarified. Then at your next meeting you will adopt the formal resolution, I can live with that if I know that we're on the right track here.

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

Acting Chairman Wilkins, made motion to approve the phasing plan as presented, Revision #8 dated 10/02/15

Seconded by Member Pearson, All Ayes, Motion Carried

Building Inspector Stickles – Mr. Jacobowitz do you want approval for an extension?

Mr. Jacobowitz – Yes, we submitted a letter dated 09/22/15 requesting an extension.

Attorney Dickover – I think your local law says 90 days, as a practical matter he's not going to be done in 90 days. But to stay in compliance, 2 90 day extensions is what I think your code provides for.

Member Pearson, made motion for a 90 day extension to 12/31/15

Seconded by Member Hagele, All Ayes, Motion Carried

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS:

E. CORRESPONDENCE:

3. COMMUNICATIONS:

4. EXECUTIVE SESSION:

With no other matters in front of the Planning Board

Member Dore made a Motion to adjourn

Seconded by Member Pearson with all members voting yes.

MEETING ADJOURNED:

830pm

RESPECTFULLY SUBMITTED

October 05, 2015

Nancy LaMancuso

Planning Board Secretary