

Village of Walden  
Planning Board Meeting  
September 15, 2015

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

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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**

The Planning Board members were given before the meeting pages 10-13 of the Planning Board meeting held on December 8, 2014 for their review and update as to where the project currently is.

Mr. Jacobowitz, representing Overlook at Kidd Farm project – Updated the Planning Board on the project and phases. I am one of the principles of the owner of this property on Coldenham Road. It's been in our family since the 1960's and there came a time when we said farming is not going to work there anymore, we used to lease out the fields. There aren't farmers around who are interested in doing that, so that didn't happen anymore, we said we didn't want to own this forever so let's do something. The zoning allowed multiple residences (Mr. Jacobowitz reviewed parts of the Site Plan, don't pay attention to any of the numbers, follow the color code, use the new legend). What you see is all in the Village of Walden now.

Engineer Ron Gainer – Just to be clear the white area on the Site Plan is all wet lands and is not to be disturbed, it's forever preserved and that's the reason it's not showing any development area but the ownership of the property.

Mr. Jacobowitz – In addition to the annexation the Village of Walden adopted a zoning law that better defined what the Village of Walden wanted to have to have as multiple housing here. Those changes effected part of the properties to be for affordable owners as to be defined, because that changes from year to year. They are all townhouses, attached housing in groups of 4 or 6, 2 stories, where there is a grade the lower lever is open so that will be theoretically a 3 story from the back, and they will all have garages. They will have an attractive façade and that is part of the Architectural Review Board approval process, how it's going to look is up to your final approval. It's a big project we're not going to build it all at once. Economically it would now make sense to try and do that, because the cost of providing the infrastructure is substantial. So we're going take off bites, what you see here in the six different colors

Village of Walden  
Planning Board Meeting  
September 15, 2015

are the six bites that we want to propose. We were here I believe December 14<sup>th</sup> 2014 and we gave the Board members that were present, Engineer Ron Gainer, Building Inspector Stickles and Attorney Dickover a proposed layout of these 6 sections. Since then we've been working on thinking this through some more and this is different than those you saw in December, not a lot.

Also our original thinking was that we would come in off of Coldenham Road but in conversation with other Village of Walden officials they said they would like to try to promote the commercial end of this also. On Route 208 there is 375 ft. of frontage and back in there are 4.75 acres and with the main road coming through and splitting into 2 parts we could end up with 2-4 lots there depending on what the market is going to be generated for this location. The Village of Walden street would come into the end of the four lot commercial subdivision, and then the streets in the townhouse portion would be private. The Village of Walden has no expense or responsibility for upkeep, maintenance, snow removal etc. is the responsibility of the Homeowners Association that will be created for this project. That HOA will also own all the recreational area, gazebo, they storm water facility etc. The rest of it will be individual lots each person will own the dirt under there building and their building.

The change that came over the last 6 months as we were working on this was that coming in off of Route 208 we can promote the commercial. We don't want to have a lot of the construction traffic on the other side. So this we decided to make this into the entrance road. We can have this section as long as it's 10% of the total units and we will actually be a little over, we will have 22 lots in this section 1. So we're ok under the sectionalization standard of the state Village law, and we end up being able to have our sales office and model homes there also. Then the next logical place to be doing construction for people who are buying would be in the area. The 2<sup>nd</sup> section is blue, the 3<sup>rd</sup> is brown and the club house is part of section 3 for the purposes of phasing. I think the approvals say we need to finish this before we get the first Certificate of Occupancy in section 3. With these areas done then we will have a basis of supporting the common area of the club house and the recreation area around the club house.

We are going to connect the water lines creating a loop which the Village of Walden will own and that is an important benefit to the Village of Walden because there is water coming from 2 different directions. This will be done as part of section 2. The sewer will go in 2 directions and end up going to the pump station on Edmunds Lane (near the Buddhist Temple, there is a building in the back). That pump station serves the area and part of the approvals we have is that we must up grade that pump station, but when we finish section 2 we must have it upgraded.

We have complied with everything that we can comply with at this time for approvals, the State Environmental Quality Review Act, DEC approval, DOH approval on the water, NYS DOT approval for the access off of Route 208, Wet Lands delineation from the Core of Engineers that is getting renewed, we need Orange County DPW for Coldenham Road which is an emergency exit. The last thing we need to get is the subdivision approval from Orange County DOH, what we need to do this is that this will be the layout of the project. They need to see that each section works, assuming that we never build anything else. That it can all stand on its own.

I would like to be able to come back in October and go over any issues, questions, suggestions, comments, etc. that the Board has and hopefully get the Board's approval of the sectionalization. We can then go to DOH and present this to them for the reality subdivision approval.

Prices we have no idea at this time, it will be what the market at that time allows.

Engineer Ron Gainer – A few areas of background. It's been at least 8-9 years that this project has been before the Board. The overall units now is 204, 4 commercial lots and 200 residential. It's gone through an EIF process as Mr. Jacobowitz described and it came to a Finding Statement that this Board executed in January of 2012. It does have preliminary subdivision approval that this Board granted about 1 1/2 years ago early 2014. The basic issues that the Planning Board has had in trying to define how to phase the project with the items of significance as I recall them are;

1. the through road, between the two connection points
2. the back bone water main that the Village of Walden insisted on to see a through water main connecting between Coldenham Road and Route 208
3. time timing of the construction of the club house
4. the upgrade of the Edmunds Lane sewer station as early in the process as appropriate

Mr. Jacobowitz can you review for the Board based on your current phasing as you described here tonight how do these fit in as to the terms of your phasing timeline.

Village of Walden  
Planning Board Meeting  
September 15, 2015

Mr. Jacobowitz – The through road is going to come in sections as the different sections of the project are done. Part of the road will be rough cut in because we have to put the water line in and the water line is basically in the street.

Engineer Ron Gainer – You're saying the through road will be constructed as of phase 2 and the connecting road which will be more like a construction access, but will be traversable for emergencies at the end of phase 2.

Mr. Jacobowitz – The timing of the Club house we want to be after we finish Phase 2, and included in Phase 3, and no Certificate of Occupancy's in Phase 3 until the Club House. The number of units in each section has gotten shifted around, 54 units will have been built and delivered which is ¼ of the project.

Building Inspector Stickles – Is that just the club house or will all the dog runs, parking and all other amenities that go along with what was proposed there be done?

Mr. Jacobowitz – Whatever has been approved for Phase 3 will get done. The Edmunds Lane pump station, we do not need to do anything about it for Phase 1, as no sewer will be going there. We have to have the pump station finished before the first Certificate of Occupancy. The reason it's important is because of the capital investment to get the first unit to flush is substantial and we need to have it phased.

The other part is that when we come back to the Planning Board for final approval we are going to have to bond whatever the public improvements are. The bond means we have to get an insurance company to say they guarantee the completion for the work or we have to go to a bank to issue a letter of credit which stands as cash to guarantee that the work gets done in accordance with the plans and the approvals of the Village of Walden and the other authorities. The more the Board says we must do sooner the more it creates challenges that go to the heart as to whether we're going to be able to do it.

We're not builders and we're going to be building this project. We're going to try and get a company that does this kind of thing and they are going to look at this from an entirely different angle and will be figuring out if this makes economic sense. That's who we have to end up satisfying, that it's an economically feasible project. So doing the water main, pump station, club house etc. when we said is all to try and phase the dollar investments in a way that makes it economically sensible.

Member Hagele – What is the approximate budget for the upgrades to the pump station?

Engineer Ron Gainer – I don't know that that's been figured, it's not very significant. The specific upgrades required in that station haven't been identified and they have been forced to commit to that as part of the FEIS process and preliminary approvals you granted. That was also the subject of the DOH review and we're hearing today that Mr. Jacobowitz has got the DOH and DEC approval so that's been reviewed as well.

Mr. Jacobowitz – We did some number crunching on that about 2 years ago. My recollection is definitely more the \$100 thousand.

Member Pearson – Are the phases balanced, cut and fill wise?

Engineer Ron Gainer – Building Inspector Stickles and I asked the applicant to do is take the original phase plan; this is actually the original phase plan that was approved in your preliminary subdivision approval. So the underlying numbers in black are the originally approved phases that you can see and you can now see how it is proposed to be different. Again this is just a proposal from the applicant to the Board; the Board will have time to digest it, react to it, and change it as you see appropriate.

This plan also identifies by notation the specific improvements that were originally committed to by phase and that the applicant must still be consistent, they have to commit to that same time no matter what the phases are. So the Board members can weigh in on this even if you haven't seen the history. Read the notes and understanding the layout that's on the underlying plan and how it fits. When the

Village of Walden  
Planning Board Meeting  
September 15, 2015

original phases were set up we got in to that discussion on how the grading would fit and I can't tell you what that is today but it was looked at in figuring on how the units had to be set up and which units fell in what phase, all of those things.

Mr. Jacobowitz – And we didn't change that or any of the relationships for the units to the streets, etc.

Member Pearson – The phasing makes sense and I know it's tricky.

Engineer Ron Gainer – It all has to fit. One other item that I noticed is the storm water management that is identified in Phase 3. You will have to make sure that it works, and I presume that it is ok, and it does look like it fits.

Member Hagele – What do you anticipate the timing to be on the phases? Let's assume next spring you started phase 1.

Mr. Jacobowitz – If they could sell 50 units a year they would hit a home run and that would be 4 years. Other projects like this around the county are doing 50 units a year. If we started next spring 2016 they would be able to start marketing in late summer early fall, that would be ideal. They would have to be in the ground by April 2016? When can you build the model units, that's why the green section will be easier to do and we can't do that until we have the Boards approval. If the Board gives us approval by say February 2016 we then have to still go through all of the agreements, bonding etc. and that will easily take 30-60 days, remembering this will be done in phases. So with 6-9 months to get ready you're looking at easily a 5 year time frame.

Engineer Ron Gainer - The review approval process, the project is at preliminary subdivision approval once Mr. Jacobowitz received that approval he was directed to obtain his outside agency approvals and that's what he has been doing for the last year and a half. They're still not all complete but he has ¾ of them done. At the point that Mr. Jacobowitz has those in hand and produces the documents and satisfies the outside agency he is going to file a formal plot application and come to the Board with the final plans. The Board will likely have another public hearing on this to give the public and opportunity to talk; this project has been around so long that many have forgotten about it. The Planning Board approval will be for the overall project as well as it's going to define and specify what the individual phases are that the Board finds acceptable that will drive the bonding etc.

Mr. Jacobowitz – This project at this time has approximately 63 pages that go into the details of what the Board is seeing on this overall Site Plan which is called the Phasing plan. There are plans for lighting, landscaping, storm drains, water profiles, sewer profiles etc. A lot of works has gone into this already based on the preliminary approval. Because in the preliminary you said this layout concept is ok, now go do the details. Actually before we did the preliminary we did a lot more detail than is usual for a preliminary because the feeling was let's really see the more detail. So we spent a lot of money on the preliminary which you usually don't spend until you get the final.

Engineer Ron Gainer – This issue with the level of detail that you have today is not unusual, so the applicant is very far down the road but he still is going to submit an entire new package of final design drawings for final approval that will be looked at with the same technical review by the Village of Walden Engineer, Building Inspector Stickles and the Planning Board.

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

Engineer Ron Gainer – Mr. Jacobowitz just confirm in text or notation as to the timing for the discussed, the through road, water main completion, club house timing etc.

Acting Chairman Wilkins – This will be place on the calendar for the next work session 10/05/15.

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

**With no other matters in front of the Planning Board, Alternate Member Ramos made a Motion to adjourn**

**Seconded by Member Trafton, with all members voting yes.**

**MEETING ADJOURNED: 830pm**

RESPECTFULLY SUBMITTED  
September 16, 2015  
Nancy LaMancuso  
Planning Board Secretary