

Village of Walden
Planning Board Meeting
September 21, 2016

Chairman:	Stan Plato	Absent
Members: Acting Chairman	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Present
	Zak Pearson	Absent
Alternate Members:	Larry Kraus	Present
	Lisa Sebring	Absent
Planning Board Engineer	John Queenan	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 3 Cherry Street, Lot Line Change

Howard Weeden, Surveyor – This is a lot line change for 3 Cherry Street, both the owner of the property and the person buying it are here tonight. Basically we want to shift the line over to the West one foot.

Attorney Dickover – It is a subdivision under the Village of Walden ordinance. You don't have provisions for a lot line change and your definition of subdivision includes the alteration of lines between lots. It is a minor subdivision application and needs to be treated as such.

Acting Chairman Wilkins – I read your memo. Do you want to highlight anything in it?

Attorney Dickover – I will go through the memo quickly for the board. For purposes of going on this evening I would suggest that the board declare yourselves as Lead Agency, Type the Action as Unlisted, make the 239 referral and see what comes back from Orange County. Because it is a lot line change it effects the ownership of the reputed owner by name of Murray on this plan and the board does need from the applicant the Murray's consent to this application. One of things the board would typically ask the applicant is to have the new meets and bounds descriptions prepared, in particular for the area that is being annexed, so that the deed description for applicants property as well as deed description for the Murray's property can be amended and made of record.

Acting Chairman Wilkins – Engineer John Queenan any comments?

Engineer John Queenan – Two things, yes that the Murray's had to be included on the application of describing their meets and bounds, and the bulk table should be updated to reflect the proposed lot conditions.

Attorney Dickover – Comment on the bulk table Mr. Weeden. Once you show us the bulk table is there going to be a need for any variances on the lot that you changes and or to the Murray's property? Do they still meet bulk requirements? You'll take a look at the bulk table; you may find you're creating the needs for variances in which event you will have to take the project to the Zoning Board of Appeals.

John Weeden – Ok.

Attorney Dickover – Engineer John Queenan made comment on, we have subdivision plot elements that are required to be shown and some of that typically talks about adjoining properties. Whether or not the board wants them or not on this plan is within the board's discretion to wave them if you want.

Engineer John Queenan – I think for these purposes it is sufficient.

Acting Chairman Wilkins – Are there any other questions/comments from the Board? None noted.

Attorney Dickover – The board can do the EAF at the next meeting and at that point you can schedule the Public Hearing and the board should have heard back from Orange County.

C. DISCUSSION ITEMS:

Acting Chairman Wilkins – Mr. Jacobowitz has asked to speak with the board and is here this evening.

Mr. Jacobowitz, representing Overlook at Kidd Farm project – There's a lot on confusion about a lot of things and I don't favor public laundering along these things. This is my community as well as everybody else's, it doesn't need bad press, I don't need bad press, and the Village of Walden doesn't need bad press. But there is a lot of confusion. The Village of Walden Board I think because I've had the courtesy of being told has said that we can't appear before your board because there is an outstanding issue in the escrow account agreement that we have between this project and the Village of Walden. Let me make it very clear, the agreement is not with the Village of Walden. The Village of Walden board has nothing to do with that agreement; the Planning Board is the parties of the agreement. The agreement was entered into December 17, 2008 between the applicant and the Planning Board; it was signed by the Chairman of the Planning Board, Stanley Plato Chairman. So all of this stuff that I can't come here and talk to your board because of somebody telling you I can't, I don't know who's telling or telling me I can't, Mr. Revella is the communicator of it and that was told to Stan and Stan initially said you can't come to the board meeting because they say the escrow agreement hasn't been complied with. That's not for them to say, it's for the Planning Board to make those decisions. That's the first issue any why I'm not on the agenda. We asked to be put on the agenda last July for a meeting at this time and the response was that we wouldn't be put on the agenda. So we need to clarify that, because you're the parties to the contract not the Village of Walden board not the Village of Walden manager and I don't know where all this is coming from directing you that you can't do something that is you statutory and sworn duty to do. Attorney Dickover can read the agreement and advise you what is says and follow his advice if you're comfortable with it and you will make your own judgment on it.

The reason I wanted to be in front of the board is because we had sent to Building Inspector Stickles office the letters of approvals we've gotten from DOH, Orange County DPW, DEC and we have sent through evidences of other approvals that we have received. We have almost reached the point where we can get a final approval for a section of this project and to get final approval on the section there are things we must do. We know basically what they are but every community has their certain procedures or rules and you will tell us. What we wanted to talk with the board about to night is to give authority to your consultants and whoever on your board is going to be involved and I think someone if not all of the board would want to be involved in laying out what has to happen for you to be willing to grant the final approval.

Part of that process is a Developers Agreement, this is customary and frequently used between a municipality and an applicant to cover things so there's no questions as to what was said, agreed upon, planned for etc. I believe this was discussed and authorized a long time ago, I don't know its status; I've never seen a copy of it. I would like to suggest that we get this Developers Agreement in draft so we can sit and work through it and make sure it's got in it the things the Village of Walden wants to happen and have covered in such in agreement. We're ready for that, we know what the health department, DPW, DEC wants, we know what all the regulatory departments want and the Planning Board gets to look at all that and make your comments, suggestions, changes etc. And then we reduce it to a Developers Agreement and that will be the road map that we follow as we go forward to get to the final approval that is your decision. That was the second thing I wanted to talk about tonight.

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The third thing is the procedures and process that have taken place under the escrow agreement. I'm not going to go into the details of it, you should all read it, your counsel I'm sure has read it before and possibly recently. The process was never followed, bills came in they were paid and if Engineer Ron Gainer wanted to charge mileage, he charged mileage and that got passed onto us, for him to come to a Planning Board meeting. There's a lot of that, I reduced it all to a 3 page report that I sent the Village of Walden, to which I never got a response except the other day from John Revella who said it's barred by the statute of limitations. There are certain rules that need to be followed against a municipality and we didn't follow those by telling us of these claims before and therefore we're going to ignore it. It's a whole other issue; it's around \$7,000.00 of charges that are not appropriate. I gave the reasons and the 3 pages line by line. I never had the courtesy until the other day of getting a notice that no one is going to pay attention to it. That's another issue that needs to get addressed.

The last one is the amount of the escrow. When we went into this project in December 17, 2008 a lot of work had to be done, by the Village of Walden consultants, engineer, by your board and on our end, our engineers, traffic people, everybody a lot of work, a lot of paper to be reviewed. If you look at the EIS it's extreme amount, and then there are reports that are a part of it. That was all reviewed and fees were charged and we paid them all. The \$15,000.00 was decided back in 2008 because it was going to be easily \$15 thousand. Honestly I didn't add up everything that we've paid the Village of Walden consultants since this project started but \$15 thousand is like a pea in the ocean compared to the costs that have been incurred for the project. That was fine then and we agreed to it, it's now and we don't need \$15 thousand sitting in a bank account to cover expenses because the expenses are going to be \$15 thousand to get from now to the end of the project. If the process in the agreement bills come in you get to look at them, which you never have. You never got to see the bills, we never made an issue about it, it wasn't the end of the world and you don't pick fights with a board that you need approval from. At this point if there is to be an escrow we should say what we are looking at down the road and what should an amount be that is reasonable to go in escrow. I'm offended by the escrow to start with but rules are rules and if everybody comes before the board has to do an escrow then I have to do an escrow. I'm not entitled to any special treatment. But the number is something that is subject to change. Some projects are small some are bigger, the price should be relevant. But \$15 thousand is way out of line and to have that amount sitting in a bank account not being used is just not good business and frankly its offensive because the costs here are high enough to put \$15 thousand sitting someplace and get nothing out of it. I would like to have that number re-evaluated and that can be done by your lawyer, your engineer, provide some estimates and we'll have a rational basis to determine it.

Then there's a question about the level of cooperation which I find to be extremely lacking. I was told 7-8 months ago that the Village Board was going to change the affordable housing law and what was my view of it and I said it would be great if they did, but I'm not asking for it. The people who contacted me said no we want to do that, we want to reduce it from 20 units of affordability to 10. I said terrific, thank you. Their motive for this change I do not know, but affordable housing is for the housing of people who can not necessarily afford market rate housing. So to reduce it from 20 units to 10 units means you will have less people of that type living in the community. That was the motivation, that's a Village of Walden Village Board policy matter, and for me it's great because affordable housing is subsidized basically by the rest of the units. Somebody accused me of pushing this change on the Board, which is the furthest from the truth. But there's no answer about that, so how are we to come up with a marketing plan and not know what it is we are trying to sell here.

Names of the streets I've asked 4 times. Tell me what names you want used on these streets and never got a response. I asked about if the Village of Walden wanted a particular kind of sign on Route 208 where you enter the Village of Walden and where this property empties out onto Route 208. It's just a little bit inside the Village of Walden line is our property line and I never got a response as to what type of signage they wanted. So there isn't anything on the plan at this time for that signage. Those are things I am still waiting to hear about as well as the Developers Agreement.

This has been a very one road, I'm here tonight because we have to move forward to try to bring this to a conclusion and do it in a way that is friendly, cooperative, in the interest of the community and that's our motivation. We want the opportunity to have that discussion and deal with these issues.

Acting Chairman Wilkins thank you for letting me have this time to say something.

Acting Chairman Wilkins – We have a new engineer, Engineer John Queenan.

Engineer John Queenan – I am familiar with the plans.

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Mr. Jacobowitz – When we have a sit down with the engineers, lawyers, the Developers Agreement, representation from the Planning Board anything that comes up we will have to take care of. We have to work it all out to move forward. We're looking at 3-4 months to finalize all this; there is still a lot of work that needs to be done.

Attorney Dickover - What other approvals are you waiting for?

Mr. Jacobowitz – I think we've got them all, there is one item outstanding and it's in your minutes, the SHPO the State History and Preservation Office. That report was submitted and approved, they issued us a letter, when they get the final one signed by the historical consultant the will give us the report.

Attorney Dickover – Then you are ready to proceed for all practical purposes.

Mr. Jacobowitz – Yes and our wet land delineation was renewed and I believe that was sent to the Village of Walden. That is only good for 5 years so we had to do it again.

Building Inspector Stickle – I didn't get that.

Mr. Jacobowitz – I will check on it. To answer your question Attorney Dickover I think we have everything. The DPW is an approval letter, you actually get the permit when you post the insurance bond with Orange County. Which you do before you go in to do work.

Attorney Dickover – looking back at the sequencing of the project phases, have you made a determination yet where you're going to start?

Mr. Jacobowitz – Yes, we think coming in off of Route 208 will be the first section, because it gives us the commercial availability to do something commercially and then when you come into the rotary there will be I think 18 units and the model. The more difficult decision will be what will be the next section to be built and that probably will be determined by the cost and approvals.

We don't have a developer yet because any developer will want to know when they can come in and start the project and we don't have an answer to that. We hope to have that answer by the end of the year. Thank you your time.

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 Alt Member Kraus, with all members voting yes.**

MEETING ADJOURNED: 830pm

RESPECTFULLY SUBMITTED
September 21, 2016
Nancy LaMancuso
Planning Board Secretary