

Village of Walden  
Planning Board Meeting  
April 1, 2019

Chairman:	Stan Plato	Absent
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Present
	Zac Pearson	Present
Alternate:	Vacant	
Building Inspector:	Dean Stickle	Present
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Marisa Kraus	Present

---

Member Wilkins - Called the meeting to order at 7:30pm.

**1. APPROVAL OF MINUTES:**

**February 4, 2019**

Member Pearson moved to approve the minutes for February 4, 2019. Seconded by Member Trafton. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:** None

**B. FORMAL APPLICATIONS:**

**B.1 Overlook at Kidd Farm, Site Plan/Subdivision**

**Mr. Jacobowitz:** There's two things on the agenda, the first one Overlook at Kidd Farm; we're not going to discuss that tonight, because Friday we're meeting with John, Dean and Ross to go over John's letter. Well, we've gone through it, there have been conversations between the engineers, there are two or three items that we need to have more discussion about. So we're doing that Friday 9:30 at Dean's office, so there's nothing for tonight. There is something that I would like to do now. Dean sent a letter to the Orange County Planning Department.

**Building Inspector Stickle:** I have not received comments back from the County either.

**Mr. Jacobowitz:** November 18th, I think it was, asking for them to do the review for final subdivision site plan. November 21st, the lady who is assigned to it, wanted some additional things. She got everything she wanted, but then she got jammed up with her schedule and said she really wasn't gonna get to it for a few weeks. I said it's okay because we're not pushing it that way. And then I contacted her last week and reminded her we're waiting and she said she would get to it. But Dean would give her a call or an email or something. It would be helpful I think for her to get it schedule. You had given her the original package and we gave her the additional things she wanted and they were all there in the file because I stopped there Friday just to make sure everything was there and I went through it with one of the other staff. So we would like her to get that done because John's list has on it, report from Orange County Planning Department personnel.

**B.2 161 Millspaugh Court, 3 Lot Subdivision**

Tabled

**B.3 Approval for Payment of Invoices 143681, 322450, 322739 for review of the Overlook at Kidd Farm Project**

Village of Walden  
Planning Board Meeting  
April 1, 2019

Member Trafton made a motion to approve Payment of Invoices 143681, 322450, 322739. Seconded by Member Pearson. All ayes. Motion carried.

Member Pearson made a motion to adjourn Planning Board and open Architectural Review Board. Seconded by Member Trafton. All ayes. Motion carried.

**B.4 39-45 Main Street, New Entrance Doors and Building Lighting**

Tabled

**B.5 81 East Main Street**

**Nissan Lok:** The first one is the additions to the sign. The road sign will be boxed in and built up on the top just for more lighting because the lighting that is coming from the bottom is covered by snow all the time. By building a box on top of the existing sign, I can rewire and put LED lighting, shining down towards the sign so it's much more visible from the road.

**Building Inspector Stickle:** Similar to all the other signs you've got, they're going to shine straight down.

**Nissan Lok:** Then I'll be painting grey on the outline of the sign. The next one will be another sign. This would be the block sign. Then the sign for the store is 2x8. It's the same but just a larger portion of it.

**Building Inspector Stickle:** The proposed sign will fit in the existing monument sign that's out by the road. And the other sign will be consistent with what's on there.

Member Pearson made a motion to approve sign. Seconded by Member Trafton. All ayes. Motion carried.

Member Pearson made a motion to adjourn Architectural Review Board and reopen the Planning Board. Seconded by Member Trafton. All ayes. Motion Carried.

**C. DISCUSSION ITEMS:**

**C.1 Edmunds Lane, Proposed Zoning Changes**

**Mr. Jacobowitz:** In 2013, we filed a petition with the Village Board for a change of zoning map for property on Edmunds Lane. They refused to refer it to your board for your review and report. We didn't want to make a public issue out of it. So, we let it go. In five years we've been trying to market it for commercial and haven't been successful. We now have a different plan for Edmunds Lane that I want to explain a bit of tonight. You've got a lot of reading materials. It's got a lot of information in it. If you have time and I know you'll make time to do your jobs. You'll have a chance to go through it and see if we omitted something or we over emphasized something or we missed something. Whether the message in there is going to be persuasive for you to make a judgment of a report you don't have the power to make the decision to change the zone, your reporting organization to the village board. They will get your report and a report from Orange County Planning, and then the Village Board can decide whether they want to hold a hearing or not. They hold a hearing the public gets a chance to be heard. Then the board makes its decision based on their conclusions. So what I'd like to do tonight is not go through this whole book with you. I'd like to just hit a couple important points so that you can get the bigger picture. What I'd like to do is give you each a copy of the plan that's in there. This is the plan that we're asking for the zoning change. The entire property is 14 and half acres. The site for this is about 3.5 acres. That leaves 10.8 acres and then you'll see that down on the bottom part there is some single family lots along there. That's the R3 zone. Single family homes not to be changed. And the reason that makes good sense is it backs up to all the other single family homes that front on Coldenham Road. There's a short street with a cul de sac that would become a village street, which would serve the single family homes on one side and serve the proposed multiple residents building on the other side. The rest of the land would not be used for this project, and stay zoned OL-I. The plan before used the entire property for the multiple residents and the multiple residents was going to be 114 houses. We're now at 74. We've reduced it by 40. The mix of the

Village of Walden  
Planning Board Meeting  
April 1, 2019

bedrooms, which seems to be an issue because if you have a lot of three bedrooms you're going to have more families, more children, and there are issues about that. This proposal will have no three bedrooms. It will have more than a majority will be one bedroom. Now everybody says we want senior citizens, but under some of the programs now that would be funding this kind of project, you can't call it senior citizen housing because in effect you're excluding people. So, the way that experienced builders deal with this is they do more one bedroom units. This project would have 44 one bedrooms out of 74. 29, two bedrooms and one three bedroom. There'll be one building, not four buildings. And as I said approximately 9 acres will remain zoned OL-I (office/light industry). Now what would happen to that property? I can't tell you at the moment. We've been trying to market it doesn't it doesn't lend itself for numerous reasons. But I heard tonight on the Millspaugh Court, there's a three lot residential subdivision proposed. There's gonna be three more houses surrounding this property and it'll be surrounded by homes on the west, the south and the east. So having an industrial building or industrial use or non-residential use right in the middle of that is not going to sit well with the residents and it's not good planning and it's not good to maintain property values and so on. We're going to leave it OL-I, because there are people who feel that it should be zoned OL-I, and would want to have non-residential development. This is a possible piece. It's not a place that somebody was going to put a new commercial facility. Doesn't work like that. Now what could happen to it? In all honesty the Buddhist folks have a problem when they have their get together. There's a lot of people, a lot of cars and a lot of buses, and the problem is where do all of them park? The remaining land here is impossible. It's not something they can do now. I've spoken to them about it to see if that would be of interest. It's not a matter of what the price of the land is, it's a matter of the cost to improve it, since the site is an old gravel bank and there's got to be a lot of grading work done. There's got to be drainage work done there and they're not in a position to undertake to do that at this point. Some may get done, if we did this project. If we did the housing project I'm suggesting, you just can't grade to this point, you're going to have to do more work there and then it would enhance the possibility of the use of that property as well. But they're not in a position to undertake to do it now. Now, let me give you a copy of the plan that we put in before, so you can see what the differences are. The old plan covered the whole property. Four buildings with a parking lot in the middle with a community area in the middle. The new building is an L shape and it's going to be a single building with a single entrance and a community room in the building not a separate building and in the front there'll be parking. The storm water still has to be dealt with and you'll see we've got a storm water management area designated to do that. The same road which would be a village street that would be built by the developer. Then behind the building, the idea is to have that as a garden area. And it may have to be a little wider to make it work for that, but that's something that developers are doing now. People who live in an apartment still want to be able to do some things and so there'll be an area to the rear of the building that will be designated for that kind of use. And by having the building as an L shape with this common entrance, it cuts down space. In Edmunds Lane, there's sewer, water, gas, the sewer will be served by the pump station on Edmunds Lane that we all know about, and whatever is going to be needed from the engineering standpoint will be part of what the village will have as part of its conditions, if we get that far. Water capacity and flow in quantity and pressure are all okay in that area. The storm water is going to be more controlled than it is right now. If you look at the two plans I think you'll be able to see how they differ.

**Building Inspector Stickles:** How high is the building?

**Mr. Jacobowitz:** 2 story. Well, two and a half. 35 feet is the height. There's no change of that that I'm aware of. Now the gentleman who may build this project, are the Regan Brothers, which are experienced developers of this kind of housing and they've got projects all over Orange County. Why have residential housing? Everybody feels residential housing apartments, you're going to have low income people and we don't want low income people and therefore we shouldn't have any more rental housing. That's a conclusion I don't think is supported by the facts, it just isn't the market. The market isn't people coming from Yonkers or from the Bronx to have a one bedroom apartment in Walden. So, we're hopeful that the benefits would outweigh whatever concerns there may be over low income housing. This is not low income housing by any stretch of the imagination. There is a component to give some level of priority to emergency responders and teachers, policemen, firemen, nurses. So, there'll be that component to the

Village of Walden  
Planning Board Meeting  
April 1, 2019

project also because we want to encourage people who work here and provide services here with a place to live at a reasonable cost. This is a controlled rent project, there's annual accounting, there's audits, that are required to show that the people that live there are within the income levels that are allowed. The building department will have on its calendar a schedule of when they require the reports and it's a matter of administration. That's another part of that that the building department usually gets the responsibility of enforcing. If you have any questions more than happy to try to answer. I'm sure you'll have a bunch of them after you've had a chance to read the proposal. We must comply with SEQRA and there is a long form in the package. The Village of Walden has a comprehensive plan that was adopted in 2010-11, and I think there's a committee now that is looking at the plan again. There are a few pages from the plan, but one particularly that says this property owner, can apply to the village to have the zoning change to a residential use compatible with the area, which is in your package. That is in the comprehensive plan. What we're asking for isn't something that has no one has thought about. It was embodied in the plan when they adopted the plan the last time. Would I have liked to have better language? Yes, but that committee that handled it, picked that language. The planner that the village used at that time was from Sullivan County. I think it's broad enough to allow what we've asked to have happen here. On its merits of what's good planning, I think this proposal has got a lot of good attributes for it. When we have had interested people for the property commercially, nothing in the last couple of years, the people who lived down the street. The 15 lots closer to the park down Edmunds Lane, they were not in favor of Rich Art Manufacturing, they made soluble paints for schools, art classes. They wanted to put a building on this property back then. The opposition to it and frankly it was not a nuisance industry. No electromagnetic magnetic disturbances, no air pollution, no dust, no odors, but there would be lights. There'd be loading terminal, loading docks and folks were not happy about it. The buyer of it just decided it wasn't worth going through a big fight. Then we've had Leased Tech One was interested in it. The problem was the water, which they needed a certain amount of water and the village wasn't in a position to give them that quantity of water at that time. We've had any number of guys who want to do junkyard kind of things to repair garages and it's just not something that I think we need more of. This is one of the few pieces in the whole village really that could get something built on it new. It's as I say it's 14 acres, not on a main highway, and there's no visibility. If you had a business that you didn't want anybody to know that you had, this is a great site. You could go by here all day long and not know it was here. But that's not what people who are going to invest big money in are looking for. They want to have a show place. They want to have visibility. They want the accessibility and this site just doesn't happen. Who doesn't expect to be successful? That means I may have to have two shifts. Now, I've got to worry about the 20 houses that are all around me. It just isn't conducive to having a non-residential commercial use there. Could it be a parking lot for the Buddhists? They adjoin. They would be able to have walking from their place to park the cars and walk in. Maybe part of it will be able to be handled by them. We're not adverse to it, it's just that they're not ready to do it. I'm not going to be around at your next meeting. So, I'd like to come back at the May work session and then address your concerns, questions, comments at that time and the village's code, for the record, that's the section that you guys proceed under. It's 30 days, we will give an extension. Because it'll be more than 30 days from today to your May meeting. We'll send over to Dean for his records that we're willing to extend the 30 days. We're not looking to force you to make decisions without giving it fair consideration and having the chance to think about it. We will take care of that part of it and like to be on the agenda for that May 20th. The 6th would be preferable.

**Member Wilkins:** The proposed vacant land, OL-I zone, proposed housing and the R3 zone?

**Mr. Jacobowitz:** Yes, with one other component. So, all we're asking to change is this piece right here. Nothing else needs to be changed. This is already zoned R-3. This is 3.6 Acres, is what we're asking to change. Not the whole piece. And the density is much less, 74 instead of 114.

**Attorney Dickover:** The extension date, May 6th is a work session and May 20th will be a regular meeting of this board. Are you granting an extension for our report up and through May 20th, because they would have to approve a report, get it drafted and sent out?

Village of Walden  
Planning Board Meeting  
April 1, 2019

**Mr. Jacobowitz:** Not a problem. Actually, make it a couple of days after the May 20th.

**Attorney Dickover:** You're gonna send a letter to Dean to memorialize that?

**Mr. Jacobowitz:** Yes.

**Attorney Dickover:** Give me enough time to draft a letter after the May 20th meeting, if you don't mind. Did the Village Board declare itself as lead agency on this?

**Mr. Jacobowitz:** Not yet. We want them to comply with the law.

**Attorney Dickover:** Okay, but just give some thought to segmentation, you should be putting out in front of the planning board, a plan with a contemplated zoning change.

**Mr. Jacobowitz:** But they don't have a power of approval. I think that's the distinction.

**Attorney Dickover:** They have to approve the zone change. This board would have to approve a site plan.

**Mr. Jacobowitz:** Yes. By the time we come back here, oh definitely. The Village Board will have decided something about SEQRA because they can't have a hearing and action without complying with it. But for this, I don't believe this is subject to SEQRA tonight because they have no power over this.

**Attorney Dickover:** No, not our request, our report back. But now you've got a zone change pending in front of the Village Board with a contemplated site plan. That's generating that zone request. So, you've got a question now that I think that maybe somebody on the Village Board ought to have to answer about segmentation.

**Mr. Jacobowitz:** Well we're not going to segment. It'll be a concerted review. The question is who's going to be lead agency, The Village Board or this board? You guys will advise the village about. Whatever one you say is gonna be the one it is. As far as we're concerned, we have to comply with the law, with this board and with the Village Board and whichever one is the lead agency is up to you folks. I think the Village Board has to be lead agency there.

**Attorney Dickover:** You've put in front of his board now a plan. And albeit, the plans not in front of this board for approval purposes. I don't know how the Village Board now makes an environmental determination without reviewing the environment impact of this plan.

**Mr. Jacobowitz:** There are a couple of different choices the village can make. One is that the Village Board lets the Planning Board be lead agency and we have to come here and get more detail about the plan before the Village Board will change the zone. Or the Village Board may say we're willing to change the zoning. We rely on the Planning Board to do their job which they do regularly and for all their properties.

**Attorney Dickover:** When will you be back in front of the Village Board?

**Mr. Jacobowitz:** When the Planning Board send their report.

**Attorney Dickover:** We'll have that conversation some other time to follow-up.

**Mr. Jacobowitz:** But if it's a concerted review, everybody's in on the same wavelength and that makes sense to do that. There'll be things that you may want in the environmental review from your perspective,

Village of Walden  
Planning Board Meeting  
April 1, 2019

different than what the Village Board may want and they may have something different than yours. We have to comply with all of it.

Member Trafton made a motion to adjourn. Seconded by Member Pearson. All ayes. Motion carried.

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

**5. MEETING ADJOURNED at 7:45 pm**

RESPECTFULLY SUBMITTED  
Marisa Kraus, Village Clerk  
Planning Board Secretary