

Village of Walden
Planning Board Meeting
April 17, 2019

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

Chairman Plato - Called the meeting to order at 7:30pm.

1. APPROVAL OF MINUTES:

April 1, 2019

Tabled

2. BOARD BUSINESS

A. PUBLIC HEARINGS: None

B. FORMAL APPLICATIONS:

B.1 Edmunds Lane, Proposed Zoning Changes

Chairman Plato: How deep do we have to go into it?

Attorney Dickover: You would review it as though it was setup for an ultimate approval or rejection because you would review it in the normal course just like you normally would. The thing that's weird about it in many words, it doesn't happen very often an applicant comes in with a project that they want to pursue, it doesn't meet the uses permitted in the zoning district, but you have to review it anyway. The idea is that they think the applicant, at their risk, thinks that if you give it a favorable review that the Village Board would change the zoning to accommodate the project. They do it entirely at their own risk. You could not ever approve the project because it doesn't meet zoning. So, down the road somewhere in your review process the applicant gets the feeling that, you know what, I'm going to get approved with this let me go ahead and move forward with the Village Board on the zoning change.

Chairman Plato: I would be concerned too if we spend three or four meetings on a project and it's not zoned properly and we pass that back, so why would the planning board spend so much time on this they didn't like the project?

Attorney Dickover: Well, because you have to review it.

Chairman Plato: I would like to make sure that the Village Board knows that we have to do that.

Attorney Dickover: They know.

Member Wilkins: The Comprehensive Plan Committee is totally against changing the zone on Edmund's Lane.

Chairman Plato: That would be my only concern, that if they understand that we have to do it and by us doing it doesn't mean that we're in favor or opposed to it, then that's fine.

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Member Wilkins: Do we have to refer you to the Village Board?

Attorney Dickover: We're talking about Donnelly again. It's kind of coming to you from the Village Board. I know that maybe it's not a correct statement, but they know about it and certainly Mr. Donnelly knows that it would require a zone change to be allowed to do it. But when you review it, you're going to be looking at the side yards, front yards, rear yards, all of the area local environments that you normally would be and the projects should be designed pursuant your feedback. What would work there? What would make sense there? What doesn't make sense?

Member Wilkins: Do you think it's classified as spot zoning?

Attorney Dickover: Is it spot zoning? Yeah, well maybe. I don't know.

Engineer Queenan: The application wouldn't be, because I think the use is allowed into the zone. He's looking for density. So, that's not really pure spot zoning.

Attorney Dickover: It would not be. If you're right, I remember precisely the application. If the use is permitted then it would not be spot zoning as it's typically referred to.

Chairman Plato: I think also you have informed us that they don't have to be turned down to go to the Zoning Board of Appeal, they can go at any time?

Attorney Dickover: For area variances they can go directly to the Zoning Board these days without a referral from this board.

Chairman Plato: Edmunds Lane, Proposed zoning changes. Anybody have any comments on that.

Member Wilkins: I'm not in favor of it.

Building Inspector Stickles: That was another thing that Member Pearson commented on, he thought it would have been better used as single family to fit the area than to have apartments.

Member Trafton: I was confused, it was looking to be senior housing, but then it seemed like Mr. Jacobowitz was contradicting himself on what it was actually going to be in the future. I mean the way he was talking with the demographics.

Building Inspector Stickles: I don't have a booklet, but that's why I gave you those booklets, which will explain exactly what his purposes were.

Engineer Queenan: He was a little confusing in the book, because in the book, his application starts off discussing senior housing and then that's not what was requested. It looks like the property is in two zones. It's OL-1. And a portion of it is R3. Basically the proposal is to carve out three plus acres of the OL-1 and propose it as RM-2. Then develop those three plus acres to get, I think it was 74 units. Market units, not seniors. Just apartments. Then to redo the boundary of the R3 zone. Push it back, because he wants to build a road and then on the other side of the road do a couple of single family lots. Then the balance of the property will be OL-1.

Member Trafton: That would be landlocked in the back of it.

Engineer Queenan: Well, that has access from Millspaugh Ct. So, that's the proposal. In this case I think you're sliding down the slope of some spots zone, because there is no more R2 anywhere in the area and you're basically making a three acre parcel of RM2. In that case it's simply to get when I see it as is density, three acres to get 70 something units. The area around it is mixed, it's commercial. And then

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there are single family homes on the other side. Couple single family homes on Edmunds so it's more suited for that.

Chairman Plato: I believe he waived the time.

Attorney Dickover: Yes, he's extended our time. You have by state law actually 30 days after the referral date to comment back to the Village Board. That's all you're doing is reporting back. You're not making a decision on this application. If the board doesn't have your report back within 30 days, they're free to go ahead and make a determination. But the applicant here has extended your time to comment back until May 20th. I did send you a memo on this. Just for purposes of reporting back, your local code requires that you comment back on 4 items. 1, whether the use permitted by the proposed change would be appropriate in the area concerned. John just mentioned some factors where you may be to consider with respect to that one to of public facilities and services including roads, water, sewer exist or can be created to serve the needs of any additional residences or other use is likely to be constructed as a result of that change and that's something that I don't know if we have enough information on. From an engineering standpoint your knowledge of the infrastructure might be of interest there. The 3rd issue is whether the proposed changes in accord with any existing or proposed plans in the vicinity. I guess we have in front of yourselves now a three lot subdivision on Edmunds lane.

Chairman Plato: Millspaugh Court.

Building Inspector Stickles: It's adjacent to Millspaugh Court.

Attorney Dickover: You certainly know what the uses are there currently.

Building Inspector Stickles: Townhouse.

Attorney Dickover: That is something to consider. Then the last one, the effect of the amendment upon the growth of the village as envisaged by the comprehensive plan.

Member Trafton: Talking about spot zoning, that's the townhouses, what's the zoning for that?

Attorney Dickover: TH or multiple residence.

Building Inspector Stickles: All the parcels that were zoned RM-2 with this type of use were rezoned to townhouse.

Member Trafton: And it's not fully approved, yet. Does that have any influence on our determination of saying if it's not spot zoning or is spot zoning on a proposed project in the nearby properties?

Attorney Dickover: He goes to that first act that they'd liked to report back on, whether the use permitted by the proposed change multiple residence would be appropriate in the area of concern. The area includes the townhouses across the street as the same respect as the townhouses.

Member Trafton: As the property sits now or is it as it's proposed to be developed?

Attorney Dickover: Both.

Chairman Plato: Since the applicant extended ours till the 20th, does that extend ours to get back to the board about 20th?

Attorney Dickover: You'd need to be back to the board by the 20th, I think.

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Chairman Plato: So we do have a meeting in between, because what I'd like to do is get your input on that and if you have any additional input.

Attorney Dickover: That's really it. I was just commenting upon the code provisions.

Chairman Plato: It just seems like a lot of units in a small space.

Building Inspector Stickles: Just to put another thing on the table, you know we already have 911 apartments within the village now and you want 74 more here and I don't know what Donnelly wants, another hundred. You're looking at almost 150 more apartments within the village.

Chairman Plato: And how many single family homes are in the village?

Building Inspector Stickles: I don't know. 2,000. 2500.

Chairman Plato: It's almost 2 to 1. I don't know what the ratio should be. Could you look into that? What a community this size, what's a normal ratio?

Engineer Queenan: Yes, I'm sure we can get something.

Attorney Dickover: So, your plan would be to reconsider this before May 20th?

Chairman Plato: Well, our next meeting would be the 20th.

Attorney Dickover: So, we will be back in time for the 21st Village Board meeting.

Chairman Plato: Have our meeting and our work session on the first Monday. I think it would be better to do that. Can you have everything by then? I think it'd be better to have that meeting. So, if anything comes up we can at least have one more.

Attorney Dickover: Starting in June, do you want to forgo the work session?

Chairman Plato: Starting in June, I think that would be good unless the workload says that we can't.

Member Wilkins: You don't have a conflict the first Monday do you?

Attorney Dickover: No, I'm presently scheduled to be here the first. But what I was talking to Dean about was that we're coming over here and applicants aren't showing up. We have one item and it's a lot of your time that we're here twiddling our thumbs when work can be accomplished in one meeting rather than two.

B.2 Architectural Review, Sign 7 Main St

Building Inspector Stickles: This is what is there now. That is what he's proposing to do. He's changing Jerry's.

Member Trafton: As long as it's the same material. Because if you notice next door, the sign is basically a banner.

Building Inspector Stickles: That has to come down.

Member Wilkins made a motion to approve sign at 7 Main St. Seconded by Member Trafton. All ayes. Motion carried.

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C. DISCUSSION ITEMS

C.1 Redevelopment of 82-86 West Main St and 79 Wet Main St

Building Inspector Stickles: The other item was a young gentleman, who was looking to purchase both 82-86 West Main Street and 79-80 West Main Street. Remove both buildings. Buildings right across the street from the bagel shop, right next to the barbershop, next to the old town hall. They're looking to tear those 2 buildings down and construct 2 brand new buildings to put a shipping store in 1 and some kind of a design studio in the other and have 2 apartments above each. Its 2 lots, but he said he wanted to come in just get your input tonight and that's what I thought he would be doing, but I guess not. That's what they're proposing. Whether it comes to light, I don't know.

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