

Village of Walden  
Planning Board Meeting  
July 15, 2019

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Present
	Zac Pearson	Present
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:**

Tabled

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:** None

**B. FORMAL APPLICATIONS:**

**B.1 161 Millspaugh Court, 3 Lot Subdivision**

Tabled

**B.2 Edmunds Lane, Proposed Zoning Changes**

**Chairman Plato:** I believe this was before the board, given 30 days and we probably had about 90 days, to review this. Presented us with a summary of things we should consider. For the use permitted by the proposed change would be appropriate in the area of concern. We now believe it's zoned Industrial.

**Building Inspector Stickles:** OL-I. Office Light Industry.

**Member Pearson:** Did we send him questions and did he respond?

**Engineer Queenan:** Yes. He said "Thank you and looks forward to answering them tonight."

**Member Pearson:** We talked about that he was coming back to present and update us. We gave him a list of questions.

**Engineer Queenan:** He wanted to do another presentation and fill in the gaps. So, we came up with a list of questions.

**Member Trafton:** I want to make it clear that I do have a relationship with Jerry Jacobowitz, with both the funeral home and his offices. I don't believe it would impair my decision at all.

**Attorney Dickover:** Perhaps the same inquiry should be made of Mr. Jacobowitz as to whether or not he believes this board member would be fair and impartial on your application or whether your relationship with him professionally, I assume, would be such that he would not want him to make a decision on your request.

**Jerry Jacobowitz:** For the record, I have faith and confidence in his integrity and that he'll make his decision based on his own determinations and conclusions of fact.

Village of Walden  
Planning Board Meeting  
July 15, 2019

**Chairman Plato:** Let's continue. We were given 30 days to give our recommendation to the Village Board on this proposed zoning change. And extended it probably close to 90 days.

**Jerry Jacobowitz:** The last meeting it was to be extended to tonight for us to make a presentation until August 20th, for you to submit to your report.

**Attorney Dickover:** I'm looking at my notes from June 17th board meeting, Mr. Jacobowitz extended the time for your report to the Village Board to August 6, 2019. I think we all were believing that that would be the next meeting of this board but it probably isn't.

**Chairman Plato:** It would be August 20 for the next meeting.

**Member Pearson:** Didn't we do it for the next Village Board meeting? We would make our determination in potentially executive session after.

**Attorney Dickover:** Then have it submitted for the next Village Board meeting.

**Jerry Jacobowitz:** When is the board meeting in August?

**Member Pearson:** August 19th.

**Jerry Jacobowitz:** You're not meeting again this month. The Village Board meets the 20th. The idea would be that you would get the report to them, so they could be on their agenda for the 20th. It's extended so the report will be timely submitted to the Village Board agenda for August 20th. We are willing to let it go until you've had the maximum time.

**Attorney Dickover:** We will meet again on August 19th. Which is the day before.

**Chairman Plato:** If we gave a recommendation for the meeting on the 20th?

**Manager Revella:** I couldn't tell you that without knowing what else is going to be on the agenda. The joint board meeting is that night with the Town of Montgomery.

**Jerry Jacobowitz:** You're only having one meeting August?

**Member Wilkins:** Correct.

**Jerry Jacobowitz:** Well, if you make your decision in the next 10 days or a week and you get it to the village, so that they can put it on their agenda on the 20th.

**Chairman Plato:** They can put it on the agenda and we say that we're going to have our recommendation on the 19th. I understand that at the last meeting, I wasn't here, that you were given maybe five questions and you were going to respond to them tonight.

**Jerry Jacobowitz:** With your permission, this is Jeff Leis. Jeff is an architect and a real estate broker and investor. I've asked him to take a look at this situation, the property and the zoning and market conditions, so that he could provide some of his views about the request. Then as far as the questions, there were more than five. There were a couple of comments that I was unable to really understand completely and John clarified them for me and I've had those three as well.

**Jeffrey Leis:** I'm from Newburgh, a member from the Leis Family Real Estate Company and I've sold commercial and residential real estate in Newburgh and eastern Orange County. I've walked the property and looked at the site off of Millspaugh as well as Edmunds Lane. Thought I would share just a few observations, as a working broker, from developing it as an industrial site, what it's currently zoned for

Village of Walden  
Planning Board Meeting  
July 15, 2019

and possibly what the benefits in terms of developing as a residential. In terms of industrial, we've had a pretty tough haul for the past 20 years of getting new companies to buy vacant pieces of property and building new buildings. Because the number of businesses that are building in this area have declined. Currently most of the warehouse building activity is being done in a very large scale. We know in the past 10 years, we've seen some very large 200,000 square foot buildings. 9-10, even 15 acre parcels are in some cases, really almost third class citizens in terms of development. Because they're aren't the number of businesses that can develop 30-40,000 square foot building. And that usually is the size of a building anywhere from about 8000 to 40,000, that most locally owned businesses would build. This site in addition to having that kind of overall Orange County effect, has a topographic displacement from the front to the back of the site. It's not a level site. One of the chief things that you need in warehouse sites is a level site. It becomes a really difficult piece of property to develop. You have residential on three sides to this piece of property. If the property were facing Edmunds Lane, the tail end of the building, the back end of the building would be along Millspaugh. I think that would be a really big mistake. What happens when the zonings are laid out, you don't have a lot of one zoning butting up against another. But as a town or village develops, you almost have to custom fit the last few pieces into place. I think this parcel is one of those kind of jigsaw pieces that are there. Though it inherited industrial office like industrial zoning, I think you might want to rethink about it, because what's happened around it has an effect that it didn't have 50 years ago. We're finding that the cost of construction, is currently pegged about \$65 a square foot. Financing also becomes very difficult for a building and say 10,000 square feet or 20,000 square feet. Simply too small. The other side of it is what we're seeing, is kind of a new urbanism and I think it's happening in Newburgh very rapidly. We're finding a valuable new influx of people coming into our town. Really kind of recalibrating, rebalancing the demographics of the area. I was sitting at a Patterns for Progress meeting where they were talking about the inequity of ready housing for service industry people that are within the county that traditionally make somewhere between \$35k and \$55k a year and they cannot find clean and modern housing. The population that we're fighting in Newburgh is renovating older structures and making it work, but we're getting a kind of a New York City crowd coming up. The point is that no healthy town, village can exist with a kind of monoculture of single family houses. Because there is other housing needs that have to be met to keep a whole robust village. There is an aging population that may have lived in a home and that would like to stay in the area but what we'd like the downscale. There are young service workers or even young professionals. Many of them single. As single households have become one of the largest buying groups in the United States. Currently, a lot of these housing options are unmet. So, if a housing project in which rentals will be somewhere between \$800 and \$1200 for one or two bedroom apartment, is something that a healthy village and a healthy demographic is going to want to encourage. The Patterns for Progress point was, is that the person serving you coffee at Starbucks, can't afford to live in the same town as the population they're serving. I have found personally that whenever we do have a new housing project, we take applications for new residents, very often they have a very close relationship or even affinity to the existing residents that are there. Again older, population downsizing. They're looking for someplace to stay within the village. A young child will come back to live in the same village that they grew up in. But they want something clean and modern. They don't want to live in an older walk up. And it's going to be affordable. I can tell you personally as my son has played flag football here in the village for three years, those young single family volunteers and service workers very often make the bulk of your volunteers for the village. You're fire volunteers as well as. The volunteers that have sponsored some of the some of the athletic programs here in the village. I think they're an important part, both economically as well as social.

**Chairman Plato:** What is the ratio in Orange County of multiple housing compared to single family?

**Jeffrey Leis:** I don't know about multiple housing but I can say from a rental standpoint that home ownership is something to the effect of 2 to 1.

**Jerry Jacobowitz:** In Walden, it's 1/3 rentals and 2/3 home ownership. Attached to this handout is the statistical numbers. Attached to it is the Orange County Department of Planning numbers. Which are done by the County Planning Department and they come down to Montgomery town, Walden Village. It gives you the number of single family detached. Single family attached. 2 unit, 3 and 4 unit. Up to 20 plus

Village of Walden  
Planning Board Meeting  
July 15, 2019

unit. You add those up, the 2nd page of the 3 papers, we've indicated the percentage of multiple dwellings and total dwellings in more than just 34%. In Orange County as a whole, it's 31%. The cities have a much higher number. Warwick Village is 35%. Highland Falls is 51%. Goshen is 46%. New Windsor is 32% and Port Jervis is 48%. So, Walden at 34% is on the low end of the number of apartments in relation to homes. There's 204 and the apartments that are being requested are 74. The ratio there is almost perfectly. There are some more single family detached homes that are being built and scattered around the village, but I think you're going to end up with a 1/3, 2/3's when everything gets built out. You're on the low end against other municipalities, but with respect to the number of apartments. I'd to take it the next step, which is the questions Mr. Queenan did. The question was, What is the impact going to be for taxes? What I have here is a comparison of the industrial development and the residential development of this property. There's a huge difference. If you look at pages 3 and 4 of the statistical paper I gave you, this is based on 2012. It's substantially going to be the same. I took the 5 industrial buildings properties we have in Walden. Took this data off the tax map of their acreage, market value, the assessed value and how much they pay in village taxes. Among all 5 of them the taxes are \$89k. That was based on a tax rate of \$14.71. The village tax rate now is \$18.66. In the 6 years, village tax rates going up about four dollars a thousand. These are the facts as they existed and they're substantially the same today. You end up with an average of per acre basis of \$106,940 for the 5 largest industrial commercial properties. This property which is 10 acres and on it would have a building that is probably around 60-70 thousand square feet. That building would generate a total assessed value of a million. The equalization rate 65% in the village now. Your tax rate is \$18.26. Your present zoning, which we have 10 acres with a building as per dimensional requirements under the zoning, would be \$106,940. Multiply that by 10. You have a value of a \$1,069,400. A new commercial property gets a 50% exemption from real property taxes the first year. It burns off 5% year over 10. The first year you're going to get an assessment of \$534,000 times the tax rate. New taxes are just around \$10,000 from that 10 acre industrial building up 60,000 square feet. Then did a projection of the proposed zoning with an RM2. We have 7 lots that would be single family homes that are going to be across the street. Those will generate taxes as indicated. If you have 74 apartments, I just picked the number of \$29,600 because whatever numbers here you're going to see comes out of the way that advantageous to have residential. Then we'll have 8 acres will be vacant at \$40,000 an acre. That will generate \$4,000 in taxes. The total taxes would be \$56,000 from those 74 apartments, the 7 homes and 8 vacant acres. The question that Mr. Queenan posed was what happens if you go to single family, R3 homes? There could be 20 homes on this property. Market value, I used the same 275. The total market value, \$5,500,000. 65% is \$3,575,000. The taxes would be \$63,000 from those 20 homes compared to \$10,000 for this commercial building on the 10 acres. The question was what would the tax effect be if zoned R3?

**Engineer Queenan:** That was not the question. The question was, you're providing an impact comparison not a vacant land. You were comparing what you were doing towards single family compared to commercial. My question to you was, you need to provide a comparison on the development proposed to vacant land. It wasn't to the R3. Why couldn't the property be zoned R3 since R3 already borders.

**Jerry Jacobowitz:** By asking whether you zone the whole property R3, you're saying OL is not that critical. It's not that important. If you want to know what it's going to be like all R3, you're saying maybe willing to consider making the whole piece residential and OL-I is not important. Once you make that assumption, it's fair to say why don't you want to have an array of housing that's going to provide the need for the needs of everybody that you want to come or stay in your community.

**Engineer Queenan:** You've already said that OL-I is unmarketable. That renders things. Why are you still leaving a portion of it?

**Jerry Jacobowitz:** Very simple. It's a political decision. It was turned down last time for 2 reasons. 1 is we want to have OL-I uses in our village. 2. People were against apartments. Coming in again, I heard what you all said. To come in and ask you to change the whole piece to residential, I didn't think I had a chance in hell. If OL-I is still important to the people who must make this ultimate decision and for you

Village of Walden  
Planning Board Meeting  
July 15, 2019

folks who are going to make a recommendation. If you say we still want some OL-I, ok, I'll leave 8.5 acres OL-I. And we'll keep trying to do something with it as we've been trying for the last 30 years.

**Chairman Plato:** What's the total size?

**Jerry Jacobowitz:** Starts out at 14. Take off 2.5 for the 7 lots. Those 7 single family R3 are already zoned for that type of use. It needs subdivision approval which your board gave 35 years ago. The owner never went forward with it to do anything. That leaves 11.5 and the requested zone change is 3, give or take. Take that off that leaves a balance of the vacant land. The 8.5 acres that's left, the access to that, 1 is off Millspaugh. As Mr. Leis pointed out, there's a grade difference there. The place you come out there would be a very limited area but it still works for an emergency exit. The primary would be off of Edmund's Lane. That access has to be worked out in a more detailed site plan. The one that we've shown you as a conceptual plan. But there needs to be an identification of access from there to the 8.5 acre parcel, so you're not relying on Millspaugh as a main entrance into the commercial property. We have plenty of frontage. We have to get Mr. Queenan's comments and deal with them. To summarize the point, if you're looking for tax revenue, a commercial building isn't going to give you the same ratables. The objection to this kind of argument in the past has been, we're going to get all these school aged children and that's going to cause the school taxes to go up. From Walden's standpoint, the question is, am I going to discourage new residential developments for Walden because of the effect on the school district? Your allegiance is to the Village of Walden and not to the school district. School District has people from the Town of Newburgh. People from other parts not in the Town of Montgomery. You're ending up with trying to control school age children in the Valley Central School District. You're like a proverbial pea in the ocean compared to the whole Valley Central School District. What do we care if there are more kids who want to go to Valley Central High School from Walden? If we're getting rateables we're getting new people. We're getting a revitalized community. We get people who will shop and the stores and get services. That's more important than the effect on the school. But if you really are worried about the school don't worry anymore. The enrollment is declining, because of economic and social factors. \*Referenced an article from the NY Times\* that's a reality that needs to be met with the housing component. Not everybody needs, wants or can afford a house. Particularly if you're earning \$16 to \$24 an hour. That's who the housing is designed for. They're not low income people. They're not minority people. They're people who have jobs and can't earn more than \$20-24 an hour. But there isn't that housing being built. \*Reads article\* But look down the road of Walden. We don't have a lot more land. It's infill. There's a piece of land on Walker Street that a local builder bought it going to build 2 houses there. It's that kind of building that's going on in the community because there aren't larger pieces of land. You can always annex. But it takes two to tango. Right now there's an annexation proposal for the commercial property on 52 of the Amthor property. The petitions have been filed. The hearing was called. It's an annexation that makes sense. Why should the development of this residential be more appropriate? Because you need more rateables per acre and you'll get more by an array of housing. Somebody comes in and rents in Walden, their kid goes to elementary schools, joins the Little League. They belong to a place of worship. Now they need to get out of an apartment and go in a house. Where's the most likely place they're going to go? The community they're living in. You're losing a feeder stock for home construction, home buying if you don't make the provision for people who are starters. On the other hand, the seniors who are selling, they want to stay in the community for the same reasons. The question, what would the build out be if we used all R3? Would be approximately 20. Using 12,000 square foot lots. The street would have to be 1,150 long, based on the frontage is that you need for lots in an R3. The next one the petition talked about workforce housing. But only 42 of the units will have one bedroom. Which is not appropriate for housing families. The applicant should discuss why one bedroom units benefit the village. The term family as described in your Village Law, 2 or more related people. They don't define related. The fact that somebody lives in a one bedroom doesn't mean they're not working. This question is based on the assumption that if you're living in a one bedroom you don't have a job. That's not true. The only ones that don't are retired. Why would one benefit the village? Because it provides starter housing and it provides end of life housing. And you need those in your community. We go into the statistics here. If you're earning \$20 an hour, that's \$800 a week, \$41,600 a year. The minimum wage is less than that. These folks are entitled to have a place to live also. The fact that they're alone doesn't mean that they're

Village of Walden  
Planning Board Meeting  
July 15, 2019

not working. Is the infrastructure adequate on Edmunds Lane? It's very low vehicle traffic stream. On the north it connects to another village street, Sherman Avenue, not a lot of traffic. On the south end, it's a county highway, Coldenham Road. That carries for the most part local traffic. We're going to have to do something to show you what the traffic impacts will be of a project as part of the site plan application that would be made to your board. So, we anticipate that there'll have to be a traffic study from a technical standpoint. We have very limited public transportation. We have taxis. There's reason for that. It's because leadership hasn't done anything about it. Short line was very interested in doing a bus terminal here. A place that they would have parking and pick up. Nobody took it forward. Whether they would be interested today, I don't know. Walden missed its chance. We were too focused on a railroad passenger service and nobody followed up with the bus company. We don't have any evidence of traffic delays, backups or accidents on Edmunds Lane. The uses except for the Buddhist temple, are very low traffic generators. They're the ones who generate probably the most traffic from anybody, because of the six times of year they have events. The Big Apple Circus property has changed hands twice now. The most recent owner is a furniture assembly. I don't believe they do manufacturing, it's an assembly operation. So, that's not a big generator of traffic. Olley Park is there. None of those are traffic generators on that street. Is the surrounding infrastructure adequate for utilities? We know that the water is good. The sewer we know needs to have the pump station upgraded. That's a condition of the approvals On Overlook. And if this were approved, that upgrading probably would have to be even more. There's gas line there. The site plan will have to deal with draining. Number 7, how will rezoning to multifamily impact the remaining commercial? Would it impact its marketability? Would it disincentivize commercial development? The answer to all of that is yes. That's all true for the same reason nobody's going to come there now. It's already a mixed neighborhood. It will do to diminish it. The land will sit there longer, not producing anything. Why is it being left OL-1? I answered that before. It's politics. I want to have something that's politically acceptable. The proposal is better than nothing. Very little room for recreation. That's true, because we're not we're not too sure about exactly the size of the parcel. One of the things that shows in the back of the building, a planting area and garden. It'll be a little wider than that what's on here. This kind of housing they say you should have a garden area that's available to the residents who are there. Where the sitting areas will be, we didn't get into that level of site detail.

**Chairman Plato:** Do you recommend how big the space should be?

**Attorney Dickover:** No, I don't think you need to get into that kind of detail.

**Chairman Plato:** Well, I think it makes a difference. There's really not much green space there.

**Attorney Dickover:** This isn't a site plan application. This is a recommendation or a report for the zoning. The size of seating areas, gardening that's all site plan consideration.

**Chairman Plato:** I'm just thinking if you recommend a zoning change, you get it then you come back and say I don't think that works.

**Jerry Jacobowitz:** I hear what you're saying. You're saying there should be more area of open space in recreation. If that's what you believe, you'll put that in your report. Then we said our dimensional description of this is not written in stone. They didn't call a hearing yet on the zoning laws. So, there's time between now and then to refine the site plan to try to make sure that it has enough area to do what you guys are saying.

**Chairman Plato:** In this process, when does it get defined exactly where those zoning lines are?

**Attorney Dickover:** That's now. I assume that Jerry won't file a map that shows the proposed area that's being rezoned. It's reflected on this drawing right?

Village of Walden  
Planning Board Meeting  
July 15, 2019

**Jerry Jacobowitz:** The petition describes this dark area. The petition is ours. If we amend it to say that it should come back here further, that's what's before the Village Board. If you say you recommend it, then you're the tail wagging the dog.

**Attorney Dickover:** But that's not what's before this board. Maybe tell the Village Board change the zoning petition to be a larger area than is being shown now. And if you do that, then we as the Planning Board might be in favor of it. That's not our role. Our role is to comment upon the petition as it stands. I'm not putting words in his mouth, maybe the response might be that this parcel as it's shown proposed for rezoning isn't large enough to accommodate the project that is being suggested by the applicant. That would be a fair comment. But as a practical matter I think the board right now is saying that for political reasons you come in with this petition and in response to that, I think this board might say that you're condemning the rest of this property to future residential use, which you're telling us the Village Board previously has said they don't want to do. So, at the end of this process, you're going to end up with what you asked for originally by coming in and not saying you're doing this, but you're going to piecemeal the application. You're going to get 7 acres today and the remaining seven acres later, because it's been condemned to nothing more than a residential use.

**Jerry Jacobowitz:** But you are the planning arm of the village. You can say you believe that this property should be zoned in this following manner. That's your report and recommendation.

**Attorney Dickover:** You're right. This board might do that, I don't know. I don't know how far they're willing to go.

**Jerry Jacobowitz:** I understand. But if that is the issue, it's not a problem to solve that because we have 8 more acres here.

**Attorney Dickover:** Does the board have more questions for Mr. Leis on that topic?

**Chairman Plato:** It seems to me like the light industrial usage, you've had that property a long time and no activity at all. So, why does anybody think in the future there's going to be any?

**Jeffrey Leis:** And the answer is it does not. It should all be residential.

**Chairman Plato:** So, why aren't we presented a plan as all residential?

**Attorney Dickover:** Because the Village Board rejected it previously.

**Jerry Jacobowitz:** They didn't reject it they refused to refer to you. They never got to the merits. Mr. Hoffman took the position that he didn't want any more apartments in Walden and there was no point in sending this to the Planning Board, because when it got back to the Village Board there wouldn't be the votes. They never referred it to you.

**Chairman Plato:** What if it was a mixture of apartments and single family? There's been nothing done on that in years.

**Jeffrey Leis:** It's the same for every small village and town. Walden is no different.

**Member Trafton:** Is it similar zoning wise?

**Jeffrey Leis:** Similar, yes. I had two listings that are exactly that way. I can't give away water, sewer and gas to the property on four acres for \$99k in the Town of Newburgh. Surrounded by residential. 3 years and I'm giving it away. We're going to put a house on it.

**Member Trafton:** Has that been the outcome of those instances?

Village of Walden  
Planning Board Meeting  
July 15, 2019

**Jeffrey Leis:** I can't find buyers for projects of that scale.

**Member Trafton:** Did they go to their local board to propose zoning changes?

**Jeffrey Leis:** Yes, they have. And in this particular case this fellow is going to propose a 2 lot residential subdivision for that site with water and sewer. It's a situation that's not unique.

**Jerry Jacobowitz:** We had Rich Art Manufacturing that did paints for schools. If you remember, the 15 houses on the north end of Edmunds Lane, those people all came out against building the factory there. Very low intensity use. A father and a son had a small factory in Rockland and needed to expand. They came across this piece through a broker. They spent a lot of money on the plan. The people up the street were against it. They didn't want loading docks where they were shown. They didn't like the lighting. The result was the Rich Art people just said that they must have a building of a certain size. It's not a matter of that we have flexibility in our production. To be able to accommodate what some of the things they wanted. So, they withdrew. Then Cintas needed water and sewer and Village said that they didn't have that quantity. LP Gas storage, not allowed in the zoning. Parking of vehicles, garbage trucks. It's just not appropriate. So, there are people along the way that have come and looked at it, either they didn't like it or we didn't like them. If you recommend rezone the whole piece residential, then I think the burden shifts to us to come in with a plan that is going to satisfy what the concerns are and what the needs are.

**Attorney Dickover:** You said it yourself, it's a bad plan, when you say spot zone 7 out of 14 acres leaving the rest of it as OL-I. 14 acres had no chance of being development for OL-I uses, how the heck do you expect 7 acres? So, ultimately the end result is you're going to slowly turn all this into residential use. If that's what's going to happen then the board probably should address that.

**Jerry Jacobowitz:** If you look at the number crunching, you'll see that residential growth is the best bang for your buck. When I did that survey on the five industrial buildings I didn't believe the results. I pulled off the public record all of the tax map data for those 5 properties.

**Jeffrey Leis:** I think probably the hottest portion of the residential market right now is the ability to walk from your home into some type of small village. And there's no better example than Beacon. The idea of living in a village, I would say that target demographic of about 35 to 45 first time homebuyers. That's what they want. They do not want to live on 2.5 acres in general. They want to live on a smaller lot and in a house that is somewhere between \$250k to \$325k. They would like to get a cup of coffee on a Sunday morning by walking into the village.

**Member Trafton:** Personally, it seems like people like a village, like Beacon, where there's the amenities that you can walk to. It sounds like anything that's done in the right way can be successful. It's just finding the right way.

**Jerry Jacobowitz:** Your board has been involved with seeing to it that it is the right thing. Jeff had prepared remarks which I'm going to give you. Last two pages of the question and answer is more in response to what John gave me as an explanation about why he was concerned about workforce housing and families. When he gave me the response I broke that into the 3 points. Some of it is repetitive. Special needs, let me explain what that is. For the last 10 - 15 years, the state has been trying to have people who have disabilities reside in a community not in an institution. That's where you get the group homes. There's a law that says that the local municipality can object to it but they have to have alternate sites. There's a lot of group homes that happen throughout Orange County. At some point, people in a group home are capable of independent living. The state doesn't want them in an institution. Every disabled person who finds an apartment in a special needs project, saves the state \$25k a year. So, they say if you want to build a mall for residents and you want the state to be a part of it, you must allocate a certain number of units for special needs people. The unit gets built a little differently, for example grab bars in different places and bathrooms. The light switches can't be higher than what you can get to if



Village of Walden  
Planning Board Meeting  
July 15, 2019

you're in a wheelchair. 15% of these units will be built to accommodate those kind of disabled needs. That's what they call the special needs. They don't have these folks come into the community on their own. A local not for profit will have a contract to provide assistance to special needs people. I think it's with the Office for Persons With Disabilities. 10 or 11 units must be built to accommodate those folks. And if you have that you get extra points in the competition for deciding whether the state is going to support the project or not.

**Jeffrey Leis:** My experience has been that most of these apartments get rented first by the people that are already in the community.

**Jerry Jacobowitz:** There's anecdotes for everything. One of the meetings I was here, 2 years ago about this project, when I left there was a lady who heard what was going on and she asked when is it when is the project going to be ready because her mother live in Port Jervis and she's on Wait St. My mother is too far in Port Jervis and she really wants to live alone, but we can't find a place for her. I told her there is a number of projects. I gave her the name and number with them and said call get the application. Submit it. You're probably going to be on a waiting list. Her mother got an apartment in Silver Lake on Scotchtown Rd in Walkill. My secretary was living in a mobile home. It became too much for her and sold the mobile home. The closest she could find a place was in New Windsor. A family whose husband was not well. They wanted their son to come back, but he didn't want to live with them and they needed him to help with the father's situation. The closest he got was in Newburgh. When we're told that many of these units are being taken up by people who already have a relationship in some way to this community. I think it's true. We're missing out on those. They're not bad people.

**Chairman Plato:** You have 7 single family lots there?

**Jerry Jacobowitz:** In your packet the brochure that I found, there's a map that shows it.

**Chairman Plato:** I thought it was 7 but now it's 5.

**Jerry Jacobowitz:** No. 7.

**Chairman Plato:** But this doesn't show it.

**Jerry Jacobowitz:** This is what Ross was supposed to do. He threw it in as no charge.

**Chairman Plato:** So, the 5 is actually 7.

**Jerry Jacobowitz:** The cul-de-sac gets flipped and when you do that you have more frontage. They all meet the zoning, exceed the zoning. Now the other side of the board. This is not the building for here. This is to show you the concept. The idea is that you've got the ginger bread, brick or masonry. We're not building it.

**Member Trafton:** Is it mixed size was?

**Jerry Jacobowitz:** Yes. The 1 bedroom is going to be smaller than a 2 bedroom. How is the floor plan will be laid out, I don't know the answer to that. I want to thank you all for being attentive and giving me a fair hearing.

**Chairman Plato:** Everybody be prepared for the 19th to review everything that we have been given.

**Attorney Dickover:** I suppose it might be a good idea for you to share comments, maybe through the Building Department, so that we know what the conversation might entail on the 19th and have some heads up as to a draft later might contain. I don't think there is any recipe for something like this. Everybody is entitled to your own opinion. But at some point the board is going to have to have some

Village of Walden  
Planning Board Meeting  
July 15, 2019

consensus on what to do with this report. There are 4 specific areas that the law requires you to address and then there is a 5th one which is a catchall. Just to remind you the 1st one is whether the use permitted by the proposed change would be appropriate in the area. Proposed changes to re-zoning approximately 3 acres of 14 to RM3. The rest of the property would remain approximately 7 acres in OL-1. The other 3 acres rounded out to 14, would be R3. That's the 1st factor that your report is supposed to address. 2nd is whether public facilities and services, including roads, water and sewer, exist or can be created to serve the needs of any additional residences or other use as likely constructed. As result of the proposed zone change. I think we know that in the area there's adequate water, there's inadequate sewer. The Edmunds Lane pump station needs an upgrade that is part of the proposal for the Kidd Farm Overlook subdivision project, but not completely.

**Chairman Plato:** But isn't that a site plan problem?

**Attorney Dickover:** It is a site plan problem. The law requires you to comment upon 4 factors, this is being one of them, whether public facilities and services, water, sewer, transportation, sidewalks and anything else you considered at the public facilities or services including roads, water and sewer exist or can be created to serve the needs of any additional residences or other uses likely to be constructed as a result of the zone change. Anything can be created. Whether it's practical or not I suppose right you might want to comment on. Currently it's in the works of Overlook if it gets approved. I don't think that there's sidewalk connectivity from this parcel to downtown. The 3rd element is whether the proposed zoning change is in accord with any existing or proposed plans in the vicinity. You know of the Millspaugh Court subdivision is for single family residential. I think that's on the westerly side of this property. The temple has a project before this board for a nature conservancy meditation area. I think that's on the easterly side of the property. Then you all have to reach into your own knowledge about what else is around this property. The 4th required topic for your report is the effect of the proposed zoning amendment upon the growth of the village as envisioned by the comprehensive plan. Then lastly there is a catch all in addition to those items to be specifically addressed the board should refer on any further or other factors it deems pertinent to the proposed zone change. I think you should get your thoughts out there so that they're on the table for discussion on the 19th and can be incorporated into a final report. To be presented the next day.

**Chairman Plato:** Maybe a recommendation is that we have another meeting before the 19th. Just to address this issue. I don't want to wait until the last possible minute.

**Member Wilkins:** I won't be here.

**Building Inspector Stickles:** That would be the only thing on.

Member Pearson made the motion to have a special meeting on August 5, 2019 at 7:30pm. Seconded by Member Trafton. All ayes. Motion carried.

**Building Inspector Stickles:** You all agreed to the meeting, can you all be here?

**Walden Glen**

**Bill Helmer:** Walden Glen. We were talking about another easement along 52 to the retention. The owners were happy. It's going to work and the discussion was twofold. We were going to bring back proof that we had an agreement to do this easement. And the second thing was how are we going to process this? Well, we're going to start over. Or have a public hearing, because the approval that we had subject to is, I think 12 years ago. Then we'd come back, but we never got the agreement. We now have agreements.

**Jim Freeman:** You know the background on this. We've been trying to get a conclusion to an agreement to cooperate with us from the condo association Winding Brook. We just can't get this thing done. Not

Village of Walden  
Planning Board Meeting  
July 15, 2019

because of anything frankly on our part. The only other way we can do it, we explained this to Mr. Trafton and the manager.

**Engineer Queenan:** We saw the sketch the last proposal. You were going to put together the designs.

**Bill Helmer:** We're going to redirect our drainage, which is going through some condos. And we're going to go around. That's the two lots of 52. That's the glass guy and this is the one where the old barn is and the house. So, we're going to come down through them with an agreement of easements and our drainage will now bypass the townhouses. It'll be as effective as we had before. We're still staying with the last discussion of the units being parallel along this road so we can buffer, get more landscaping to the town houses. The question is how do you want to process this? A new application or continued?

**Engineer Queenan:** Eventually all the water does get to the bottom. They could never secure anything. They had a bunch of improvements that went on here in the pond at Winding Brook. I guess they never came to this agreement. They never received permission from Winding Brook for an easement. So, they've searched for another path to get the drainage to that point. Which bypasses Winding Brook. Pre-development discharge already goes there. They have to prove that in the report that they're not sending anymore water there that originally wasn't going.

**Jim Freeman:** This area in here is historically wet and the owners want us to help them get their drainage because their basement full of water all the time. They're very happy to give us an easement to put the drainage in.

**Chairman Plato:** How is this going to help them?

**Jim Freeman:** It's going to dry it. He can't even mow the land down here, because it's so wet. And we're gonna have a pipe here that's gonna take the drainage like a perforated pipe. We have a letter from the restaurant supply owner granting us the easement.

**Chairman Plato:** This is like starting a new application, right?

**Attorney Dickover:** I think it is a new application. You're talking about picking up drainage off Mr. Amron's property and probably off of Silva's property. Since they are doing a drainage and improvement on that, it's going to have to be part of this site plan. Think it's a new application. Dean, has this property the subject of a prior site plan approval?

**Building Inspector Stickles:** Never got to the end. Been working on it for 15 years.

**Attorney Dickover:** I say it's a new site planning application.

**Engineer Queenan:** They also have a different configuration and the less units.

**Bill Helmer:** Yes and we're losing one because of the retention pond.

**Jim Freeman:** We're losing one trailer.

**Chairman Plato:** Go through the application process and we'll start reviewing.

**B.3 Approval of Payment of Invoices – Dickover – 323030, 322918, Lanc & Tully invoice 144222,144224**

Member Wilkins made a motion to approve payment of invoices. Seconded by Member Pearson. All ayes. Motion carried.

Village of Walden  
Planning Board Meeting  
July 15, 2019

Member Wilkins made a motion to adjourn regular meeting and open Architectural Review Board. Seconded by Member Pearson. All ayes. Motion carried.

**B.4 Architectural Review, 12 Main Street Walkkill Valley Federal Savings & Loan**

**John:** Director of Walkkill Valley Federal Savings and Loan, 2yrs ago WVFSL acquired Hometown Bank. Have attempted to upgrade each branch. Including the one in Walden.

**Crispin Conklin:** Brought images of the branch today. It is aluminum siding with green shutters. Proposing to re-skin the building, put on a new roof and siding with pretty hearty materials and will stand up over time. Thin brick material all the way around the building. Will reduce scale of the massing. Glass on the branch, new storefront blazing. There will be a strategically placed window system. Horizontal lines. Does have more of a modern take on it. Siding all the way to sheet. Will build back to new. Neechi Hawk is durable and hard. There'll be hidden fasteners. No asphalt shingles. Fascia gutters will be glacier blue. Some site plan upgrades. Reducing amount of surface. Adding sidewalk to entrance. Reducing spots on the one side. Increasing spots in front.

**Chairman Plato:** The only access in is in front?

**Crispin Conklin:** Yes. The other doors are employee only.

**Chairman Plato:** I don't see signage.

**Crispin Conklin:** It's on the side and going to put on Main St.

**Building Inspector Stickles:** Any signage put up will have to meet the code.

**Crispin Conklin:** Signage will be handled separately. So, in essence, we'll be bringing all branches up to snuff. Same design, elements.

**Member Trafton:** Will the existing wall be dropped down?

**Crispin Conklin:** Yes. The retaining wall does drop. Won't be as high as before.

**Attorney Dickover:** Will need site plan approval. You're removing the wall, changing parking. Architectural details can't start without approval. Changes can't be started.

**Member Pearson:** We can accept them to do the building work. I think it looks good.

Member Wilkins made a motion to approve without signage. Seconded by Member Trafton. All ayes. Motion carried.

**Chairman Plato:** I would like list of materials in the application.

**B.5 New York School of Music, 42B Orchard Street, Sign**

**Rosalie Porco:** We want to make the large antique sign look nice again. The internal structure has holes in it and birds get in in. The thin vinyl doesn't last and we will take out some rusted pieces and put up 2 hard vinyl panels. Vinyl letters. The surface will be hard so that birds can't nest in. The colors will look the same. Right now, it says Music Store but it will say New York School of Music. We only use the bottom for retail. Visually nothing is changing.

**Chairman Plato:** Will there be any lighting?

**Rosalie Porco:** No. We're keeping it as is. Will change the white on the glass on the front door with the new logo. It will be white and hours of operation.

Village of Walden  
Planning Board Meeting  
July 15, 2019

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

Member Wilkins made a motion to adjourn Architectural Review Board. Seconded by Member Trafton. All ayes. Motion carried.

Member Wilkins made a motion to close the meeting. Seconded by Member Pearson. All ayes. Motion carried.

C. **DISCUSSION ITEMS**: None

D. **INFORMATION ITEMS**: None

E. **CORRESPONDENCE**: None

3. **COMMUNICATIONS**: None

4. **EXECUTIVE SESSION**: None

5. **MEETING ADJOURNED at 9:40 pm**

RESPECTFULLY SUBMITTED

Marisa Kraus, Village Clerk

Planning Board Secretary