

Village of Walden
Planning Board Meeting
April 18, 2022

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Zac Pearson	Present
	John Thompson	Absent
	Jennifer Muehlen	Absent
		Absent
		Absent
Alternate Members:	Basil Stewart	Absent
	Melissa Reda	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Marisa Kraus	Present

Chairman Plato - Called the Planning Board meeting to order at 7:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

Member Wilkins made a motion to open the Architectural Review Board. Seconded by Member Pearson. All ayes.

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B. 1 ARB 242 East Main St, Sign

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

B.2 ARB 86 West Main St, Sign

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

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

B.3 Overlook at Kidd Farm, Approvals

Jerry Jacobowitz: A draft of the resolution that I believe came to you. The resolution is fine, is complete, and we're hopeful that the board is going to be comfortable about adopting a resolution as it's been provided to you. There's one item that I think it's a typographical that I need to mention, and it's in paragraph eight of the resolution.

Attorney Dickover: For clarification, paragraph eight of the conditions?

Jerry Jacobowitz: Yes. The items prior to commencement of any site work, the permits are needed from DOT and Orange County DPW. We don't have any grief with that. But in your conditional resolution, it said prior to the issuance of the first building permit. This is prior to commencement of any site work. It's a substantial difference.

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Chairman Plato: Rob, we have some questions about this last meeting, can you refresh us on that?

Attorney Dickover: There were a lot of questions going through this resolution. This is the third permutation of it at this point, with revisions from and after that last meeting this particular one. Before I get to the particular one, this proposal, which was making reference to, it has now been redrafted. The draft, as it appears now, Mr. Queenan and I, Mr. Stickles and I had gone through it at length, and we think it accurately reflects the status that the applicant is currently in. With respect to their approvals and with respect to their permits, this particular item number eight, talks about site work for the entrance to the highways that are governed by the New York State DOT and the Orange County Department of Public Works. The thought behind this, and it is a change, is that before any of that work be done like the permit should be secured, because I don't think you can start that work until the permits are *inaudible*. So that was changed from building permits to site.

Jerry Jacobowitz: As Bob is saying, we have no problem with that. Here's the problem if it stays that way, DOT will not issue the permit. They gave us an approval, but they will not issue the permit until you post the liability insurance and post the bond for working in the state highway and you pay their fee. The fee is no big deal, but its posting the bond and insurance, and that's usually done by the contractor who's going to do the work in the highway right of way. We probably will have the permit issued before the first building permit is issued, but we won't be able to do any work. And that I don't think was intended. Also, I think in the state permit, it says that you have to do it before you do work in the right of way.

Attorney Dickover: If we can change it back to the way it was originally, because they can't do that, work without the permit anyway. So, if we change it back to what was previously in the preliminary approvals or prior to issuance of the first permits and the applicants acceptable to that. That's fine.

Jerry Jacobowitz: That's fine. And as I say, the resolution is complete. It's very thorough job and we have no problem and hopefully accepting the will of the board when you adopt it, if you adopt.

Building Inspector Stickles: With what was discussed this morning with John, myself and Mr. Dickover that's what the final draft, I could not get it to scan the right way. This is the latest in and that's what Jerry is talking about.

Chairman Plato: Are there any other issues?

Attorney Dickover: I think they're all addressed in the resolution. There are many issues, but I think we've gone through it, cleaned it up and it's now nearly ready for discussion or approval by the board.

Chairman Plato: I went through this earlier and I haven't seen any issues. So, I'm assuming you're good with this and you're going with. So, is the board good with this?

Jerry Jacobowitz: Member Wilkins made a motion to adopt Overlook at Kidd Farm with respect to conditions listed in resolution. Seconded by Member Pearson. All ayes. Motion carried.

B.4 161 Millspaugh Court, 3 Lot Subdivision

Ross Winglovitz: This is a project, 3 lot subdivision on Millspaugh Court that is subject to a conditional final approval a couple of years ago, we have been pursuing water, sewer and DPW approval for the work on Coldenham Road. Part of the delay was that the Village was in a moratorium with regard to sewer. We worked out a solution in which the sewer would be a private sewer with the common use and maintenance agreement between three lot owners. Until such time as could be dedicated to the Village to be a public sewer. The only way we can proceed because we couldn't give an application be entertained by the DEC because the Village wasn't in a position to sign the application. The other approvals of water main extension was granted. The DPW approval was granted.

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Chairman Plato: How would that work in the future? Could the Village hook up to this and just continue this or just maintain this?

Ross Winglovitz: What we would do is offer for future dedication to the Village, the Village could inspect as it went in but it would be done as a private improvement right now with an offer for dedication as public as part of the common use maintenance agreement to the Village, at which time they can take it over when the capacity became available.

Chairman Plato: Is that permitted? This is similar to a septic system, except for homes. And you're not allowed to have a septic system.

Engineer Queenan: Essentially, they are putting in a collection system. There's no septic fumes. It would just be privately maintained by these three lots simply because at this time, as Ross stated, the Village is not in a position in order to sign the application to go to the state for the Village to take ownership of the line. So, at this point in time, they would install it as it was going to be dedicated to the Village and then until such time that the Village is prepared to take ownership of it, then the process could start.

Member Wilkins: Do you know when the Village can take it over?

Ross Winglovitz: I do not know that. I know that the Village has been doing work regarding the capacity in this system and I&I study.

Engineer Queenan: It could be some time.

Attorney Dickover: The cost of maintenance for this system, after it's built and these houses are hooked up to it?

Ross Winglovitz: Yes, that will be their responsibility. You would have a condition of common use maintenance agreement would be provided to your attorney's satisfaction.

Attorney Dickover: What's the prospect for an additional property owner in the future, wanting to hook into your improvement and reclaiming somehow, do they have the right to do that?

Ross Winglovitz: Everybody behind us, down Millspaugh Court, is downhill, it would be difficult for them to do. The other piece across the street, is Kissaroo, that's one of Jerry's property and that sewer is out towards Edmunds.

Attorney Dickover: Isn't that project before this board?

Member Pearson: It was. For Edmunds Lane.

Attorney Dickover: It's all gravity fed, no pumps associated with.

Ross Winglovitz: The main itself is all gravity fed, individual service. I think lot three is a pump station.

Engineer Queenan: The main I think is wholly contained in the Villages right away.

Attorney Dickover: I think this issue about building it and holding off on acceptance requires or it deserves a little bit of consideration. So I'll take a look at that thought and see what my opinion might be next month or before then in a memorandum to the board.

Ross Winglovitz: Since it's already been approved and hearings been held, we would ask along with a new application if the board to consider waiving formalities in the process, the only change is the ownership of that maintenance.

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Attorney Dickover: I think it's a new application, Ross. We're going to have to go through the procedures.

Ross Winglovitz: The setting of the hearing and so forth.

Attorney Dickover: It's a subdivision. The subdivision approval expired, so they needed to file a new application and follow the procedure for subdivision approval. I think those formalities do have to be followed. We have a prior Neg Dec on this project, I'm sure. With your new application, did you submit a new EAF?

Ross Winglovitz: No, but we can update. It's not going to change other than the date and some language about the sewer.

Attorney Dickover: So that that should be done and the board will need to review that. It's going to be an unlisted type action. Any other agencies?

Engineer Queenan: If we're beginning again, there would be the Health Department, DEC.

Attorney Dickover: We need to do a coordinated review. The board should resolve this. There other interested agencies so I think it's better to circulate notice of the board's intent to renew its status as lead agency and go ahead circulate that to the other involved agencies. Next month, hopefully we can formalize your status as a lead agency and probably do a review of EAF, so there's no objections. If we have enough time. You need 30 days in between the surge and the mail of that notice. Even if you don't, are your plans at this point, complete?

Ross Winglovitz: They are more advanced than the plans that received the conditional approvals.

Engineer Queenan: From the design aspect, nothing's changed.

Attorney Dickover: John, your opinion on that on the circulating notice of intention to renew their status as lead agency.

Engineer Queenan: I think since they've gone through once before and we really didn't get anything at all that's been approved, to put it through it again after this delay. I don't think it's necessary.

Attorney Dickover: The state will had to take a position with respect to the change in ownership sewer system.

Engineer Queenan: No because it's not subject to their permit.

Attorney Dickover: It's the applicants risk, if you want us to skip that step and may be subject to somebody complaint.

Member Wilkins made a motion to resolve status as lead agency. Retyping project as unlisted. Seconded by Member Pearson. All ayes. Motion carried.

Member Pearson made a motion to reaffirm the Negative Declaration. Seconded by Member Wilkins. All ayes. Motion carried.

Member Pearson made a motion to set public hearing for 161 Millspaugh Court, 3 Lot Subdivision for May 16, 2022 at 7:30pm or shortly thereafter. Seconded by Member Wilkins. All ayes. Motion carried.

B.5 98 Gladstone, Site Plan/Special Exception Use

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Attorney Dickover: I think this really is a question for clarification, this is part of that process where there are written applications differed with some of their verbal statements, and the resolution that I drafted adopted the last statement that had been made by the applicants, which was that they were going to adhere to the prior narrative that was submitted by not Little Sisters, but Evangelism Fellows, except in and then I tried to state those differences. This may be one of those differences. The question about occupancy of students and staff.

Chairman Plato: On your page 4 of this document.

Joseph Minuto: So the difficulty here is with the original narrative. The fact is what's been provided is what the intent is to begin this program. However, the total building and the site accommodates 50 to 70 as a total maximum as it exists.

Chairman Plato: Shouldn't that state maximum occupancy also?

Joseph Minuto: Bear with me. First page boarding capacity, puts you to 70, I think what we're talking about is two separate things. One is that the site itself will accommodate 50-70. The other is that the initial portion of this is that when you're looking at to start the initial program would be this. We just mirrored it off of what was prior.

Chairman Plato: When you get your 31st student, you're going to come back here?

Joseph Minuto: The intent is the intent is as follows, if we were to maximize 50 to 70 students, the site in the building already exists to accommodate that therefore, maybe this could be worded a little differently. I'm not quite sure how to draft that, other than to say that this is the initiation of this program. The maximum would be what it is should they need to expand the building or the site beyond that to accommodate more than the maximum load now. I think that's fair.

Chairman Plato: I don't see anything else.

Attorney Dickover: I've drafted a resolution for the board's consideration. Probably should just make a note if we're going to adopt the resolution adopted as amended by the statements that were just made. It might be easier to just walk through your narrative and change it tonight so we know exactly what it's going to say. So if you could just indulge us for a minute. I'm going to go to your narrative, what you call the proposed narrative column. I think that's where the changes are required. Number one, you said, 20 to 30 students ages 8-16. You're saying 20 to 30 students initially, I think, and then it may be 50 to 70?

Representative from Darul Arqam: Total capacity.

Attorney Dickover: I don't think you want to come back if you go over the 20 to 30, you would like to come back if you were at that 70. Is that correct?

Joseph Minuto: That is correct. That's what I think the board has previously agreed to.

Chairman Plato: It is.

Attorney Dickover: I think we can change this to say initially 20 to 30 students with a maximum of 70.

Joseph Minuto: That makes perfect sense. Thank you.

Attorney Dickover: The next item, boarding capacity 50 to 70, I don't think that requires a change. The next item is boys only at the school. That doesn't need to be changed. 100 percent of the students are domestic. I don't think that requires a change. The next one is supervision of students might. Let's take a moment. I don't think we can require a certain number of staff, but the applicant has indicated they would

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staff with a certain number and I think that should be here. Not to exceed 10. Schedules, I don't think we care about. No busing, residential academy for that reason, there will be no busing of students. I think that's the way we're leaving it. Religious studies, the board doesn't comment on. Lunches, we won't comment on. Number four on the next page, academic classes begin and end, I don't think we're commenting on that, nor on five, six, seven, eight, nine under terms in summer and education programs. Two, three and four. I think there are any comments on. The next item talks about parking. I don't think that needs any change either word. There will be 10 existing spaces, formerly restriped. Then the occupancy paragraph.

Engineer Queenan: I thought we were just going to follow pretty much what the first one was. Say Darul Arqam is proposing is initially proposing 30 students and 5 staff members totaling 35 on this application and just say with possible to a maximum of up to 70.

Attorney Dickover: That's a maximum of 70 students. But then they would need staff in addition to that.

Engineer Queenan: The staff, we could just say as described, or we can just say up to 10 staff which was described under supervision of students.

Member Wilkins made a motion to adopt resolution as discussed. Seconded by Member Pearson. All ayes. Motion carried.

B.6 Walden Glen, LLC, Site Plan

Tabled

B.7 Truffa Seed, Site Plan Amendment

Tom Olley: We are proposing to erect some additional silos for which we have been granted a variance for the idea of the silos and the elevator. The purpose of it is to allow them to sort of handle the seeds, minor ingredients they use in their birdseed products to actually get them buy bulk rather than in value form and they'll either come by rail car or more than likely by truck. Last month you referred to the County Planning Department because within 500 feet of the county highway and state highway in the most westerly corner and came back as a local determination. And we're here this evening to ask that you type this as a type 2 action because of its size. It's under 4000 nonresidential. We would also respectfully request that the board waives the public hearings on this because just two months ago, we had a public hearing for which neighbors did come out and commented positively to Truffa Seeds operations and basically wanted to know that it was going to continue the same way that it has in the past, which we've assured them that it is. There's no changes to the lighting. Will actually probably be a few less trucks over time. But other than that, the site would remain pretty much as it.

Member Wilkins made a motion Negative Declaration. Seconded by Member Pearson. All ayes. Motion carried.

Member Wilkins made a motion to waive the public hearing. Seconded by Member Pearson. All ayes. Motion carried.

Member Wilkins made a motion to approve the resolution as presented. Seconded by Member Pearson. All ayes. Motion carried.

B.8 28 East Ave, Lot Line Change

Dusty Beach: This is really just a simple lot line change in our backyard. Mr. Stickles just handed me the engineers notes so I'm going to look it over, but it looks pretty straightforward. We have initially turned in that on March 1st, classifications of April 5th. Mr. Dickover provided us this memo. And several, if not all, of the changes that were requested are now on this updated survey.

Member Wilkins: Lot 7.1 is land locked?

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Dusty Beach: Yes. So this proposed lot line change would take a portion of that would reduce the amount of land locked land and add a portion of it to our land, which has access to the streets. Our house has access to East Ave and the big rectangle to the left is a landlocked lot. We'd like to just change the line to effectively split it in half, enlarge our backyard and allow us to just have that that vacant land space. I hope that makes sense. One of the things the engineer has requested was to just know how much square footage was there. On the original survey we submitted back on March 1st, we didn't have that info. But we've since now added that in the total existing and proposed.

Chairman Plato: What is your intent for this lot *referring to the map*.

Dusty Beach: That will remain in the possession of Ms. Santos, because it's close to her house. It will just remain landlocked and vacant but it would be a little smaller. Central Hudson owns the other side.

Attorney Dickover: I've submitted to you a memorandum. There are some housekeeping items that the board can take care of this evening. The memorandum reminds you that the board doesn't have a specific lot line, change ordinance or code provision, so this would be treated as a subdivision. That's the application that's been submitted, although it's called lot line change. For purposes of your subdivision regulations. This evening, we should classify this subdivision application as a minor subdivision application.

Member Pearson made a motion to classify it as a minor subdivision application. Seconded by Member Wilkins. All ayes. Motion carried.

Member Wilkins made a motion to declare lead agency and to list as type 2 action. Seconded by Member Pearson. All ayes. Motion carried.

Attorney Dickover: I do hear the board's concern about the landlocked parcel. I think I may have shared that. I'm not hearing any proposal to do anything about it from the applicant.

Dusty Beach: Currently is it's a one very large, landlocked piece.

Roxanne Beach: It would not be in our possession, so there is nothing we could do. Marlene wants to keep that lot in her possession, that's the current owner. So, there's nothing we can do about the lot that remains that's landlocked. We would have been interested in that, but the current owner wants to keep ownership of at least part of the lot.

Dusty Beach: So, we had offered to purchase just the half that's behind our house. John Revella is representing both of us in the real estate transaction.

Attorney Dickover: I think for purposes of just moving the matter forward, because this whole issue about the landlocked parcel is interesting. They are reducing the nonconformity of that lot and some people might think that to be a good thing and others might take the position that it's not a good thing because a landlocked parcel that's bigger than another landlocked parcel, might be worth more than. But it seems to me that's a business decision for the property owner to make and maybe not one for this board, although it's troublesome.

Dusty Beach: If I may on that point, we're in a position to purchase that half behind our house in the future should one of the other neighbors more adjacent to them. The remaining portion, should they be interested, they can always discuss it with Ms. Santos.

Roxanne Beach: I think the big thing is that Ms. Santos is that her other property is not adjoining to the landlocked and there is no access to it. So there's not a whole lot to be done unless one of the neighboring residents wants the lot. Otherwise, there's not much to be done with it, right? So as being a neighboring resident, we could use a portion of the lot.

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Attorney Dickover: That does put that portion of the landlocked property under some maintenance and upkeep, perhaps. That may be advantageous to the Village to start to reduce the size of it. But again, I think for purposes of moving it forward in go ahead schedule the public hearing and get your notices out.

Member Pearson made a motion to set public hearing for May 18, 2022 at 7:30pm or shortly thereafter. Seconded by Member Wilkins. All ayes. Motion carried.

Attorney Dickover: I think I also asked the question about the easement that's drawn on the survey, perhaps your surveyor can comment on that. It's a presumed drainage easement. No documentation of that. John, do we know if that's part of a Village drainage? Who does it serve?

Engineer Queenan: I think it is. I think it's there's a catch basin on East Ave. A pipe comes from and goes parallel to the property. I think it outlines about halfway down the proposed line. That was one of my comments, as well. There's a note that just says presumed drainage easement.

Roxanne Beach: There's no current easement.

Dusty Beach: We have our property description and there's no mention of the easement. I mean, it's physically a catch basin. Public Works comes and cleans time to time.

Engineer Queenan: As part of this, we might want to secure an easement over the lands as part of this application to begin that.

Attorney Dickover: Yes, I think so.

Engineer Queenan: Unfortunately, we'll get some of it, we won't get all of it because there's another lot that's not involved.

Attorney Dickover: We may find it's those other parcels are encumbered by an easement, although they probably wouldn't show up in anything that's been done at this point. Title has been done on the landlocked parcel. It may show up in that title you're acquiring a piece of property from your neighbor. I'm sure Mr. Revella's is going to have a title search done. That easement that we're talking about may show up in the title, though. Did you look to look for it?

Dusty Beach: We did some searching. I think there's some evidence further down that there was an amusement granted by trying to retrace exactly where it was, is difficult. The title report for the parcel on East Avenue doesn't have any record of an easement. It's definitely a de facto easement right there in the back of the pipe runs pretty much right down the proposed line, which also was incidentally a previous line on the Wooster subdivision. But from prior to this, when there was a proposed, there's a paper road that goes through that Central Hudson property, so it apparently just wasn't filed with that. We can do some additional research to see if that anything there.

Attorney Dickover: So the presumed drainage easement that you show here is undescribed and you just sort of like inaudible*.

Dusty Beach: I did some research. I estimated the depth and figured out approximately what a typical drainage easement would be and showed it on the map.

Attorney Dickover: John, maybe we should ask the applicant to withdraw a description for the easement and we would ask the property owners who would have to come from both come from the current owner to the Village and grant, the drainage easement purposes of the Village entering to maintain and repair as necessary if needed. Mr. Revella could draw that up, I suppose, and submit it to the board.

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Roxanne Beach: Because Ms. Santos primary language is Spanish and John is fluent in Spanish. Just to make sure that she understands everything we're talking about, we want to have a little meeting with John to make sure we're both on the same page.

Attorney Dickover: You have a public hearing scheduled for May.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

MEETING ADJOURNED: Member Wilkins made a motion to adjourn. Seconded by Member Pearson. All ayes. Motion carried

RESPECTFULLY SUBMITTED
Marisa Kraus, Planning Board Secretary