

Village of Walden  
Planning Board Meeting  
July 18, 2022

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

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

**1. APPROVAL OF MINUTES:**

May 16, 2022 Minutes & June 20, 2022

Member Pearson made a motion to approve the May 16, 2022 Minutes and June 20, 2022 Minutes. Seconded by Member Muehlen. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

A.1

**B. FORMAL APPLICATIONS:**

**B. 1 35 Main, Site Plan**

**Joel Jeremias:** Building is a 5 family now. The first floor was a dance studio. During COVID, they closed. Now trying to find a tenant is very hard. Finally got a tenant, booked the whole first floor. The tenant divided into 2 separate stores. One store like a health shop, like soaps and healthy stuff. And then the small space she opened like a thriftshop.

**Member Thompson:** You want to split that downstairs into two separate businesses?

**Joel Jeremias:** The tenant did it by them himself. Then Dean, he fine me. It wasn't my fault. I wasn't aware about it.

**Chairman Plato:** Question is, is this permitted?

**Joel Jeremias:** Dean told me, beside the Planning Board, just for an Inspector, it needs an emergency exit for both stores.

**Chairman Plato:** That's for building code requirement.

**Joel Jeremias:** I'm not talking about Planning Board. He told me for my side it's okay. But you have to go to Planning Board.

**Attorney Dickover:** This is a use that apparently doesn't have benefit of an approved site plan. So when you change uses under the village code, require site plan approval from this board. That's what the

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application is for us for site plan approval. John, do you have some sort of a checklist maybe as to what might be required on a site plan application in the flat itself.

**Engineer Queenan:** Yes. Essentially it looked like what you submitted was a hand-drawn floor plan. The building just said left and right. It was like it was an 8.5x11 like hand sketch. It's up to the board. But it should be a basic site plan and a survey since we don't have anything on file. The only thing that you had said was this hand written, essentially. It's up to the board if he wants to build upon this. Usually we put the bulk table at least some basic components of a site plan just so that you can start to have files that we didn't have site plans on record. The record owner or the applicant information should be added to the plan. It looks like you did the location, map. Bulk table. Just a parking table demonstrating that you meet the code. Shared parking in a downtown area there, but just demonstrate that. I don't know if you an application for signage if you're proposing it. You need to complete that. Are you doing any exterior changes of the building?

**Joel Jeremias:** No, nothing.

**Member Thompson:** Any signs indicating the other business?

**Joel Jeremias:** There's no signs there. Everything goes through appointments.

**Member Pearson:** Signs already up.

**Chairman Plato:** I don't know if the signs for the tattoo are up.

**Member Thompson:** The one business to the left. They came. But I don't know if that was the tattoo.

**Engineer Queenan:** You're not the owner correct?

**Joel Jeremias:** No.

**Engineer Queenan:** Do you have the owner's endorsement?

**Joel Jeremias:** Yes.

**Engineer Queenan:** And so just for clarity on the record, you have five existing dwelling units on the second floor?

**Joel Jeremias:** Second and third floor.

**Engineer Queenan:** And you want to propose retail personal service on the first floor, basically splitting the building in two or it's been split or whatever the case is.

**Joel Jeremias:** Yes.

**Engineer Queenan:** This would be a type 2 action of SEQR. Because it's converting less than 4000 square feet. Big thing on the application was that there are a lot of blanks and there was no owners endorsement form. You have it so submit that to Dean. Get your permission to submit the application and just noting that you had five residential units. The site plan that we had was illegible, couldn't read it. If the board is comfortable with this map and we could use that, it's the first floor plan. I think it should be upgraded a little bit more. Like I said, bulk table. At least reference the parking. Reference the five units on the second and third floors.

**Chairman Plato:** Everybody agrees that we should have that done? Bulk table. Signage. All the standard stuff. Here's a copy. Follow those.

**Engineer Queenan:** Go through them all and just respond back. When everything is ready submit to Dean. This also has to go to the county because it's within 500 of the state road.

**B.2 Discussion and Recommendations on Local Laws 3 and 4**

**Chairman Plato:** One is for fencing. Any feelings about this?

**Member Thompson:** I was talking to John about it and not to put words in your mouth but we don't see the much larger lots, smaller lots are up to six feet now, already, I don't see a problem getting to six feet on the much larger lots.

**Chairman Plato:** My understanding right is, it's 4 feet on the side yards, 6 feet in the back?

**Engineer Queenan:** That's correct.

**Member Thompson:** On your smaller lots you're already at six feet.

**Engineer Queenan:** On the smaller lots of the R5, R6 zones you're already up to six feet on the fence. I thought it would be the reverse.

**Attorney Dickover:** Zoning Board feels that they've had too many applications for fence height variances. The sentiment of one member is that all of the residential zones should be the same fence height. Dean has given you a letter with his observations over the years of actually how many applications there have been. The Zoning Board, I won't say that they have a majority opinion on whether or not the law should be changed or not, but they asked the Village to address the question. So the Village drafted is this proposed local law and it's now out for review. Traditionally, I think in neighborhoods where the lot sizes are smaller, the tendency of codes is to try and keep the fence heights lower. Otherwise you get I'll say the Queens and Brooklyn kind of look.

**Engineer Queenan:** Right now where smaller lots have the higher fence. Whatever reason the code, the R2, R3, R4 are the only zones on the side that have four foot fences. All the other zones are six on both side and rear.

**Attorney Dickover:** Discussions again, this came from the Zoning Board from their feeling that they were trying to unify the Village and the residential zones, requirement zones shall all be the same and maybe that would reduce the number of applications that they're reviewing.

**Chairman Plato:** But apparently they haven't had that many applications. 4 in 6 years?

**Attorney Dickover:** That appears to be the record.

**Chairman Plato:** What other municipalities?

**Engineer Queenan:** I don't know off the top of my head. Most capped at six at the highest for residential.

**Chairman Plato:** I think in Mahwaw is four.

**Engineer Queenan:** It does vary. Some of them require a buffer, which you can't put around property line.

**Chairman Plato:** Is there anything in the law about the type of fencing?

**Engineer Queenan:** No.

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**Attorney Dickover:** A lot of the fencing laws tell you what kind of fence you can put up, which side the good face has to front upon yours or the neighbors. A lot of the applications that we see in front of the Zoning Boards are to keep the dogs from jumping the fence, to keep the wild animals from coming inside the fence. And the third one typically is for some sort of privacy concern. So, you get applications for greater heights than allowed by the code.

**Chairman Plato:** Now, with a swimming pool, what's the fence requirement for that?

**Member Pearson:** Four feet.

**Member Thompson:** I think a four foot fence is much more esthetically pleasing than a six foot.

**Chairman Plato:** I think it is, too.

**Member Thompson:** But then when you look over the other zone, they're all six.

**Chairman Plato:** I would rather see them at four feet.

**Attorney Dickover:** Maybe the coming back is it requires additional study.

**Member Thompson:** I don't think that's an excessive number of cases the Zoning Board has seen. Listen anyone can make an argument for a six foot fence and make the argument and go case by case.

**Chairman Plato:** I really think we should suggest that these smaller lots have four foot fences.

**Member Thompson:** That would be a different local law.

**Chairman Plato:** That would be our comment back. I don't know if anybody agrees with that or not.

**Engineer Queenan:** I think you may want to touch upon the esthetics because the six foot privacy fence, the vinyl, is like a wall. Or you can go six foot high chain link. The current fence code does not say one way or another.

**Chairman Plato:** What I would suggest is we go back and say we think the fence height should be consistent throughout the municipality. I would suggest it's four feet and that we have the law revised to include different kinds of fences you can have and not have. There's nothing in the code now for aesthetics.

**Member Thompson:** So, anybody who has a six foot would be grandfathered in and anything forward would be four foot for all the zones?

**Chairman Plato:** I think it should be consistent.

**Member Thompson:** I would go for foot and then make a separate application to for various to go six for whatever particular reason.

**Chairman Plato:** Dean, it's been 6 years it's been four people?

**Attorney Dickover:** And 2 of them were for corner lots and have a different requirements.

**Chairman Plato:** I think the whole fence should be looked at to specify the type of fences and other things.

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Member Thompson made a motion to have a letter be drafted to the Village Board with comments as discussed. Seconded by Member Pearson. All ayes. Motion carried.

**Attorney Dickover:** The comments back would be that the board feels that the entire fence code should be reviewed. The height should be consistent across the zones at four feet. That your thought is that smaller lot should have perhaps lower height requirements than bigger lots? Did you say that?

**Chairman Plato:** I said that all should be consistent?

**Attorney Dickover:** Let's take that part out, leave just consistent. And that the type of composition of the fences should be reviewed.

**Member Thompson:** But didn't we agree that the smaller lots should be four feet?

**Chairman Plato:** Yes, across all zones.

**Attorney Dickover:** And that current fences in excess of four feet or whatever the board come in or decide on would be grandfathered. I'll draft it. I'll send it to you, Stan, since Dean is away.

**Chairman Plato:** Send it to my new email address.  
greater than 4 feet would be grandfathered in.

**Chairman Plato:** How many areas are actually affected by this change?

**Engineer Queenan:** Looks like the majority of it is at most, Edmunds Ln, across Edmunds Ln, over to a portion of Millspaugh Ct heading towards Coldenham Road. Going in that direction that and then you're hitting the bag factory AMPAC. Then it goes across Coldenham Road and extends out towards 208 next to Grove Street. Where that one warehouse is as well. Then it goes across and it's actually showing some parcels on Old Orange Avenue on the other side is OL-I as well. That's the only section. It's not on the west side.

**Chairman Plato:** Why would they want to change? It makes it more attractive?

**Attorney Dickover:** Would allow developers to build a bigger project on a particular parcel. And the comp plan for one reason or another, I wasn't privy to that document when I was created, but it called for it. So, this would be implementing something that was called for in the comp plan.

**Chairman Plato:** I think it's a pretty good idea. Jerry, you were here before and I'd like to hear your comments on how it affected Edmunds Lane.

**Jerry Jacobowitz:** I'm here to suggest to you that you approve the local law 3. Recommending it to the Village Board. The law presently has 40% coverage in the I2 zone, which is heavy industry. In the non- nuisance industry zone, which is OL-I, you only allow 30%. So it's really kind of incongruous. The use has more intense, heavy industry can cover more of their property than an industry that is not as intense can cover its property. The second thing is that the comprehensive plan expressly provided a recommendation that the OL-I be changed from 30 to 40. That was in the plan. It was one of the recommendations. And on the page, I think it's 81. It says and this is 2019, some recommendations should be implemented immediately, including recommended for revisions to the village code. It's been three years plus since that recommendation was made. How does it affect? When an industry property zone property adjoins residential, you have extra yard requirements so that you get to use less of your property for a building because of that. If the property has some broke boundaries and you need to set back from that, it further encroaches on the buildable portion of the property. The Village comp plan threw out some comments and recommendations in favor of encouraging economic growth, and activity in the

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Village. Growth is going to come from non-residential neighborhoods. So you would want to have as much of that land available as is going to help accomplish the economic goals of the comprehensive plan.

**Chairman Plato:** So this law just changes the amount of coverage. Nothing to do with setbacks or anything else.

**Jerry Jacobowitz:** Correct. It's in the table of dimensions. It's one of the tabular columns that says 30 that get changed to 40. It's a relatively simple change, but it should have a beneficial effect on the economic future of the Village.

**Chairman Plato:** I think we should agree with the zoning change for the coverage.

Member Pearson made a motion to agree with the zoning change for the OL-I coverage to increase from 30-40%. Seconded by Member Thompson. All ayes. Motion carried.

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

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

RESPECTFULLY SUBMITTED  
Marisa Kraus, Planning Board Secretary  
8:01pm