

Village of Walden  
Planning Board Meeting  
September 19, 2022

Chairman:	Stan Plato	Present
Members:	Zac Pearson	Present
	John Thompson	Present
	Jennifer Muehlen	Present
		Present
		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

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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:**

July 18, 2022

Member Thompson made a motion to approve the July 18, 2022 minutes with changes. Seconded by Member Muehlen. All ayes. Motion carried.

Member Thompson made a motion to adjourn the Planning Board meeting and open the Architectural Board meeting. Seconded by Member Pearson. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

A.1

**B. FORMAL APPLICATIONS:**

**B.1 23 Grant St, ARB**

**B.2 110-116 West Main, ARB**

Member Muehlen made a motion to accept colors as presented. Seconded by Member Pearson. All ayes. Motion carried.

Member Pearson made a motion to close the Architectural Review Board and reopen the Planning Board meeting. Seconded by Member Thompson. All ayes. Motion carried.

**B.3 35 Main St, Site Plan**

Tabled

**B.4 Walden Glenn LLC, Site Plan**

**John Cappello:** As you may recall, we've been before the board now several years. This project was originally existed is historically a 72 year units back to the 1960s. It was approved several years ago, with drainage on the what would have been required easement from the HOA. The HOA has not preferred to go that way. After years of discussion, we came back with an alternative that would \*inaudible\* drainage being handled on the Walden Glen property. That had been reviewed. We were directed to go to the ZBA. One of the things the ZBA asked us to do was meet with the neighbors and discuss the drainage. We met the neighbors last spring and I see their engineering consultants are here from CT Male. We discussed the drainage issues. Based upon that meeting, there were revisions made to the plan which included revision and the proposed infiltration to accommodate more volume, adding a pretreatment hydrodynamic

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separator to pre-treat the quality, proposing an earth berm and a swale to divert storm water to the proposed infiltration basin away from the property. The berm is 6 inches and the swale is 6 inches, a total of 1 foot 2 inches that will direct the water away from the property. We added an access road to the proposed infiltration basin. An additional access road installed an emergency spillway to the infiltration base to take care of emergency spills, provided storm drain pipe siting calculations to adequately design the proposed drainage pipes, included roof drainage system to convey storm water to the catch basins. A stilling basin was designed to defer 100 feet runoff and an infiltration test certification report was prepared. Swift was revised in model and an engineering certificate was included. All those were made at the request of the engineering consultants and they were put in request and equally they made the project better and they also helped protect the nature way. So the applicant did install them. The reports were certified and submitted to the engineering consultants. We had comments that were addressed by your engineering consultants in a negative declaration under SEQR was adopted by this board. We went to the ZBA. ZBA granted the variances, so we're back here, I believe the next step is the special permit originally setting a public hearing. I understand there's a comment letter from CT Male. We've done an initial review of it. We're willing to meet with them to discuss their comments. But I would relate to the board that I worked with CT Male, I've been before boards when they prepare the drainage system, much like attorneys, engineers, when they look at other work product. I've never had a comment letter from an engineer on another engineer submission that said, hey, those guys did a great job. What we're hoping to do here in the month between now and requesting the board set the public hearing and meet with the engineering consultants and our engineering consultants, if there are measures that we can implement in addition that would do a little better job. We're happy to do that. We just believe that we're at the point now where more testing, more discussion, we get to the point where it's not making the project any better. It's just enriching.

**Engineer Queenan:** I took a look at it today. I believe that there are accurate points in there. Break it down to there's wants and there's needs. I spoke to Ryan this morning about this and said sit back and go through it and see what you can address and what you can't and hopefully by this time next month you can schedule a public hearing.

**Chairman Plato:** Do you see any reason not to schedule a public hearing?

**Attorney Dickover:** I don't see any reason not to. Ultimately, for this board's purposes, John's going to be the arbiter of any differences between the engineers.

**Jim MacGyver:** There are some things that we think are potential problems. We think the system might be slightly under design because of the watershed that was modeled. WE want a foot of free water. They have to raise it up. There's all sorts of issues with the lack of percolation tests in the area of the main detention base and don't think they went deep enough. We know from experience that shallow groundwater exists here, so there may not actually be enough clearance to accept the storm water flows that they model that. Not hard to figure these things out. We just think that it's in everyone's best interest to actually spend a little time, a little bit extra study. Model the proper size of the watershed. To calculate all of the water that might fall into the system and make sure that the system is properly designed. Right now, just based on our best guesstimate, the likelihood of an overflow is fairly significant. There are some issues with sheet bags on the sides of the swales and things like that. Maintenance could be an area of a problem, especially in the trench that leads into the main detention basins. Just a few things like that that just need to be sorted out. We didn't get to the plans just so you know, until just recently. We got them August 11th. It's not like we could do this right away. We provided a comment letter back. But half of the comments weren't addressed and some of those things needed to be. And there was no explanation why. Some of what was in this letter is a rehash of that initial letter that was sent to you. In general, that's the thing that we're concerned about. The area where they're talking about having 6 inches of water is an area that is already run off and erosion occurring on to the Winding Brook homeowner's property. That needs to be addressed.

**John Cappello:** I don't want to get into that. We have worked with CT Male, they came up with some good comments. The free board is 6 inches of berm plus 6 inches of swale. That's over a foot. So those are the types of issues we'll sit down and discuss. We'll work to address concerns and make sure that when you get into additional modeling and additional testing, we didn't hire CT Male to consult an engineer. Your engineer looked at it. This makes it better. But hopefully we'll sit down and we'll work something out.

**Jim MacGyver:** The detention basins are basically right on the edge of the property. There's nothing there now and it actually runs off onto Winding Brook. So, this will absolutely be better.

**Member Pearson:** But they were there before Winding Brook?

**Jim MacGyver:** Yes.

**Chairman Plato:** My thing is, if you reviewed it, if you think it's good. I tend to go with our engineer.

**Jim MacGyver:** We are accurate in our assessments, we spend some time on it. I don't think we're that far off. And again, I don't think it's that hard to fix. I do think in its current state that it needs a little bit of work. I'm happy to talk with them. I think right now we need some opinion and this is just kind of our thinking about it. We do calculations the way we would do it. We looked at volume counts, we looked at the drainage, how things are going. We have a little bit of a difference of opinion, which, as John said earlier, one engineer looking at another engineers work. You can take that with a grain of salt.

**Ryan Nasher:** Anytime we do design for storm water management, we follow the code from the DEC. It's not a retention pond, but its infiltration basin. The way its design the infrastructure, the water quality has to be provided by infiltration practice. I think it is going to be beneficial to sit down and really go over the numbers and come back for the public hearing.

Member Thompson made a motion to set public hearing for October 17, 2022 at 7:30pm or soon thereafter. Seconded by Member Pearson. All ayes. Motion carried.

#### **B.5 Edmunds Lane, Proposed Rezoning**

**Jerry Jacobowitz:** A petition was filed with the Village Board for zoning map change. As for the village's code, that that request is forwarded to your board. What's been submitted and what you all should have is a copy of the complete application that went to the Village Board. There were two letters that were sent to the Village Board. You can look at Exhibit C. Now that blue area is the area in question. It is a parcel measure, just 1.3 to 5 acres with 121.5 feet frontage. That's the exact same piece that was zoned OL-I for decades until sometime in 2015 when the comprehensive plan was reviewed again, changes were made. One of the things in the plan was a statement, page 18, paragraph C. The plan recommends a series of minor zoning amendments which are intended to ensure the zoning district boundaries coincide with property boundaries. And then they looked at the tax map and they saw that this property was really two tax parcels and that fell afoul of the precept that they wanted all one piece to be within one zone. So they moved the line. But they didn't accomplish that because it's all one parcel owned by the same owners and it's been deeded that way for decades. It's described as two parcels in the deed, and that's probably why it ended up as two tax pieces. But it's all one piece of property. So by moving the line, it didn't accomplish what they said they wanted to accomplish in the comprehensive plan. The effect of it is what is the problem. The change in that zone line was not good planning. \*referring to map\* Making this part of residential, does not enhance the residential. You cannot get more lots. It just won't work. You relegated this piece. That's one side. The other side of the coin, it interferes with the storm drainage, the main storm drainage facility that's right here. It cuts through it here. It loses the front by 121 feet. I want you to recommend that the zoning change. But here's the other problem. Under your zoning, when you join residential zone, your setback has to be 50. Now we lost 121 feet of frontage here and then we're going to have to set back 50 feet from the new line. We're losing 171 foot frontage of this property for use.

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**Chairman Plato:** What did the Village Board say?

**Jerry Jacobowitz:** They have a lot of faith in your board. A request for a zoning change must be referred to you. At their last meeting they took that vote and it was 6 to 1 that they refer this to you. They're satisfying the statutory requirement for procedure to amend the zoning maps. I'm asking you to just put it back the way it was before they make the change based on their assumption they were solving a property line issue, which they weren't.

\*Discussion regarding the map\*

**Attorney Dickover:** We need to address the 4 factors. They start on the second page. The first consideration is whether the use permitted by the proposed change, I gather from this application that the proposed change is a non-nuisance industry development area, whatever that might mean, I think I saw things to the effect of a warehouse in here. Whether that use is permitted by the proposed change or permitted by the change would be appropriate in the area of concern. And if the board feels that is that would be the determination back to the Village Board. Again, we've done this before. Zone change with the Chairman's signature. The second consideration 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 uses likely to be constructed as a result of the change. So if this change were made in the use to be constructed would be again on this drawing as well proposed non nuisance industry development/warehouse. So the question then becomes is what public facilities such as roads, water and sewer exist or can be created to serve the needs of that proposed use. If the board determines that they exist, that's what will go in your letter back to the Village Board. If they don't exist, that should be commented upon back to the Village Board. The third consideration is whether the proposed change is in accord with any existing or proposed plans in the vicinity. This board has previously considered a zone change request made by Kissaroo, maybe within the last two or three years, I'm not sure if this is the exact same parcel, but it may or may not be that parcel that before it was \*inaudible\* previously. History being before you seeking zone change for it. This board and report back to the Village Board and same property is now back before you. I think you would be open to take a look at that report and you may with respect to this property, determine that your findings and determinations are the same as they were then. And if they're different, you should provide some explanation of why they're different determination now. And the fourth consideration is whether the proposed changes in accord with any existing or proposed plans in the vicinity. I do recall that prior report mentioned Temple's project, which was before the board of time. There was a residential project also proposed at the time and perhaps in the pending. There was one other project I don't remember exactly what it was. And again, I would suggest you go back and take a look at that report and see if the determination is the same today as they were then. Again, if they're different. We should explain to the Village Board, why.

**Member Thompson:** Is the first time we've gotten a request to make this change? Based on 3 and 4 of those criteria's.

**Attorney Dickover:** Prior request was for different zone changes. I think it was for multi-apartment buildings. I don't think this board made a recommendation one way or another. I think you should look at the other report.

**Jerry Jacobowitz:** My recollection of what happened was the Village Board did not refer it to you contrary to the expressed language in the zoning law. At that time the Village's attitude was, it's OLI. Then they made it a smaller OLI. Which made no sense.

**Chairman Plato:** Dean can you look through and get all the past information to us?

**Building Inspector Stickles:** I'll see what I have.

**Chairman Plato:** We'll research the past information.

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:**

**Building Inspector Stickles:** I am retiring. This is my last Planning Board meeting.

**Member Muehlen:** I object.

**Building Inspector Stickles:** I would like to thank the board for all their help. I would like to thank Rob and John for all their guidance and keeping me out of trouble. But most of all, Stan, I'd like to thank you. You've been here as long as I have. You're the only remaining original member. Thank you.

**Chairman Plato:** Thank you. It's been a pleasure. Most of the time.

\*laughter\*

**Building Inspector Stickles:** We've done some midnight runs.

**Chairman Plato:** We've done some interesting things over the years. The public has been helpful too where things got missed and the public brought to our attention.

**Building Inspector Stickles:** I appreciate Marisa's minutes and the way she gets them out to everybody.

**Chairman Plato:** I don't know how long I've been on the board. I've been in the Village 35 years.

**Building Inspector Stickles:** You've been on the board 33 years. You were here as a member when Ray was the Chairman and I came at that time.

**Chairman Plato:** And we never had better minutes.

**Building Inspector Stickles:** I'm going to miss this. I really enjoyed it. I enjoyed meeting people. I enjoyed seeing the applications fourth and fifth time before you see the first time.

**Chairman Plato:** So, what are you doing in your retirement?

**Building Inspector Stickles:** I don't know yet. First thing I'm going to do is hunt. I'm not retiring until the end of October. Mike from my office will be at the next meeting.

**Chairman Plato:** Thank you, Dean.

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

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

RESPECTFULLY SUBMITTED  
Marisa Kraus, Planning Board Secretary  
8:20pm