

Village of Walden
Planning Board Meeting
May 20, 2019

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| Chairman: | Stan Plato | Present |
| Members: | Jay Wilkins | Present |
| | Lisa Dore | Absent |
| | Jason Trafton | Absent |
| | 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:

April 1, 2019 & April 17, 2019

Member Wilkins made a motion to approve April 1, 2019 and April 17, 2019 minutes. Seconded by Member Pearson. All ayes. Motion carried

2. BOARD BUSINESS

A. PUBLIC HEARINGS: None

B. FORMAL APPLICATIONS:

B.1 126 North Montgomery St, Conceptual Development Plan

Mr. Marshall: We were last on the agenda in February. The board was concerned with some aesthetics. The applicant has prepared renderings and we just received them late last week. The first photograph is basically from that southwesterly side. Before we get to the entrance. The second rendering is just north of the proposed entrance into the facility. The architect has put in the proposed landscaping. The proposed trees along the top bank to screen the proposed building from the road. The proposed entrance, there were some concerns where that was proposed. Was previously shown south of the opposing driveway that serves the multi-family complex. So, we've realigned that to be directly in line with that entrance. Then we did the grading and the proposed landscaping up and around the perimeter. Obviously, there's quite a bit of engineering work that still needs to be completed. Those lighting and landscaping plan, but we wanted to provide the renderings of the building.

Chairman Plato: How far is the building?

Mr. Marshall: The front yard 239 feet from the edge of the right way of North Montgomery St.

Member Pearson: So, the trees that are shown there stop? And this shows trees continued across the front into that house.

Mr. Marshall: Yes.

Member Pearson: What's happening with that parcel?

Mr. Marshall: That parcel will stay.

Member Pearson: That doesn't show up in this either.

Mr. Marshall: The dwelling does not show in the rendering.

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Member Pearson: What about the access for that dwelling?

Mr. Donnelly: I'm going to purchase that.

Mr. Marshall: Lou will own that and the entrance would remain and will keep it as is.

Chairman Plato: That should show on the rendering.

Mr. Donnelly: I wanted you to see the landscaping. I had them take it out of the picture, because in the picture, the house basically sits here on this flat. So, it would obscure the view more. You were concerned about the trees and also concerned about Mrs. Sparks, so I had them pull that out.

Member Pearson: What about the view shared by the people that live up along the other street?

Mr. Marshall: What we show is the road, pine trees along the southerly side of the property. As previously discussed the parcels along the adjoining street, it rises up and that reaches a high point basically all the property line. What we have is a proposed row of pine trees or evergreen trees along that property line. We're utilizing the existing topography to shield the building. The building sits down in reference to the, Cahill property, the high point is at 548 which is just passed their property line. The proposed building, the first floor sits at 532. So, it's about 16 feet below grade just behind the Cahill property.

Member Pearson: Are the houses on the street side 16 feet, so, you're going up 16 feet and go back down 16 feet? At the property line, you're looking down into a bowl. I understand you have the trees that are shielding. But what's the elevation of the people on the street to the south? I know that it's below it. But is there a second story? Can they look right out and look down into the hole?

Mr. Marshall: I have to look into that and get back to you.

Member Pearson: I would think somewhere along there, there's going to be a break point if that hill is going up.

Mr. Marshall: The evergreen trees will provide a visual break in the property. It's supposed to be normally spruces. They will grow to be considerable.

Member Pearson: What size are you bringing them in at?

Mr. Marshall: 6-8 is the typical.

Member Pearson: So, it won't look that for years.

Mr. Marshall: It won't be seedlings. It will be 6-8 foot evergreens.

Chairman Plato: Like to see something about how fast they grow.

Member Pearson: You're showing trees on the rendering that are at the building that is 30 feet.

Mr. Marshall: We wanted to provide the board with a visual beyond those trees. Adding the trees right up in front of you. It's a little bit of a balance and showing what would be proposed. Just for clarification, there are 69 total dwellings including caretaker.

Member Pearson: Have you studied fire truck access around the building? Some of these corners look sharp.

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Mr. Marshall: All these access drives are 26 feet wide. The only access that is not on this is in the back which is the one way. We can certainly provide an analysis.

Chairman Plato: For a senior housing, is there a requirement for more handicapped spots than regular?

Attorney Dickover: I don't think so.

Mr. Marshall: State Building code requires a minimum. The grades associated with the proposed parking located on the inside of the L, is very flat. Will clarify that in future submissions.

Chairman Plato: You're in contract from the Sparks?

Mr. Donnelly: Yes.

Chairman Plato: And it would stay the same?

Mr. Donnelly: This way it doesn't impact her and she would move into the new facility.

Chairman Plato: You wouldn't envision tearing it down.

Mr. Donnelly: No, it's a beautiful house.

Member Pearson: I still don't get where the access would be.

Mr. Donnelly: Right at the main entrance. I would think is the best way to get in.

Mr. Marshall: The access to that house is very wide. It was always intended to be a road. What we propose to do is narrow it down to a standard driveway entrance. We're working on revising the plans and addressing all of John's concerns. We'll have that in a short period of time.

Chairman Plato: Then what's the next step after that?

Attorney Dickover: Complete your SEQRA review. Public Hearing is optional. Site plan applications, decide whether or not you're going to have one. We're starting to get some revision to the plans that need to be made. I don't think you're ready for either one of those two things, yet.

Chairman Plato: It does require a zoning change.

Attorney Dickover: It does. What probably would happen here is probably when the board thinks it's ready for a public hearing and they go back to the Village Board for them to act on. Either make the zone change or not. You may have some other ideas about that. You can't approve it without a zone change. The next step would probably be to get the plans in a relatively complete form. Then get those in front of you and then review the EAF. Just make a note the up in your notes about the amenities you're showing 10 of them, but the recitation says 11. So, clarify that for us. I think John did mention the unit count, says there's 68.4 Units. Over in the bulk table, you're not showing a maximum height as proposed. It's just a dash line there. You are going to eliminate this particular lot line. Is that still the plan?

Mr. Marshall: That's correct.

Attorney Dickover: You will want to show that on this drawing.

Member Pearson: You need an easement to get access to that lot to the road.

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Engineer Queenan: This is going to remain a separate parcel.

Member Pearson: Did you guys ever research, was there ever an approval of any of that stuff from before?

Mr. Marshall: I met with Dean and got the old subdivision map. And then the Sparks parcel is lot 2. The plan was never filed. The Sparks property does reference an easement over a future roadway. But it doesn't provide any sort of description. We'll just clarify that and grant a formal easement right out to Route 52, North Montgomery St.

Attorney Dickover: In the past, when we have had things like this, you want the utility line shown for the Spark's property. Add that to your list.

Chairman Plato: You said you had the landscaping plan done?

Mr. Marshall: This is a preliminary. We have to add all of the landscaping up against the building.

Attorney Dickover: The last note, parking requirements refers to the town parking requirements. Just make sure you look at the Village Code and not the town.

Engineer Queenan: I have one question, the two buildings that are onsite, the other house and the garage, what's the use?

Mr. Donnelly: Going to be used for maintenance. The garage for tractor, lawn mower, equipment. The dwelling will be used just as it is. More of an office. It's a little house.

Engineer Queenan: The garage could be a problem. Because it's basically on the property line. Its 9 inches off the property. We could classify that if you want to use it in that manner, as an excessive use. Would have to meet the setback requirement. A driveway serving that dwelling is over the property line.

Mr. Donnelly: We can adjust it. I'd like to keep it. If it's going to be a sticking point and I have to tear it down, I would. But I'd prefer not to.

Member Pearson: How would the other building work as the use on that? You have the residential building with another house.

Engineer Queenan: He's saying he's going to use it as a maintenance facility. But I don't see how you get access from the main property to the dwelling for the lawnmowers.

Mr. Donnelly: They are connected.

Member Pearson: its 30 feet up the hill though.

Mr. Donnelly: Not if go along the side of the road.

Member Pearson: Yeah, if you come out along 52 and down the road and then up your entrance driveway.

Engineer Queenan: He's got a lot more to do on the design plan.

Mr. Marshall: We'll revise the plan and get them resubmitted to Dean and back on the agenda.

B.2 Edmunds Lane, Proposed Zoning Changes

Jerry Jacobowitz: We're talking about the zone changed on Edmunds Lane for a portion of the property. Just off of Coldenham Rd and extends all of Edmunds Lane. Used to be Lease Techs. It's a commercial building. And then there's the Buddhist facilities adjoining on the north side. The property goes from Elm Street on the west to Edmunds Lane on the East and has frontage all along it where there's water and sewer facilities that were constructed there. Four years ago a request was to allow out apartments of 114 units on the property, to require the zoning change. Petition was made to the Village Board. They did not refer to you. Notwithstanding what the statute clearly says that they shall. We didn't choose to make an issue. We're back now with a similar but not the same proposal. So, the first thing I should point out is why is this any different than the other one? The entire parcel is 12 acres. Under the old plan, all 12 acres were gonna be changed in the zoning. Under the new plan, only 4 acres are going to be changed. The rest of it will remain zoned OLI. 8 acres stay OLI. 4 acres become residential. The plan that you have in front of you shows the apartment project up toward the front on Edmunds Lane and everything between it and Elm Street and between it and the Buddhist, is not the subject of a zone change. The number of dwelling units was going to be 114. The new plan is 74. The other plan is going to have four buildings; this is going to be a single building L shaped. This plan will have seven single family residential dwellings. Homes detached all meet the zoning requirements. This plan shows five. But the plan will be for seven with a little realignment of some of the lines and they all meet the zoning requirements. This project is going to be 57% one bedroom units. The former plan was 50% one bedroom. This plan has 39% two bedrooms. Old plan was 46% two bedrooms. Each of them has a couple three bedroom units. The old plan was four, this plan is three. Now one of the things that if you read all the master plan stuff that's generated, one of the things they analyze is the percentage of rental to ownership in all the communities. And Walden is 1/3 - 2/3. This is not going to upset that ratio. It will be 2/3s single family detached in our community and 1/3 will be apartments. The comprehensive plan makes a provision for a consideration by the village, to rezone the property for residential use. That's in 2012 comprehensive plan. It's a notation on the on the map. It's the page from the comprehensive plan that gives the opportunity to petition the government to change the zoning for residential use.

Engineer Queenan: I don't recall seeing it.

Jerry Jacobowitz: For purposes of this evening, make the assumption there's such a page, if it's not, I will humbly eat the pie. This property was an old gravel bank owned by the Girardi family. A lot of it is left in the condition that it was when they stopped the mining there. The property has been on the market actively offered for a number of years. It is not a site that someone who has a commercial use wants to locate there. We've had a number of possibilities. Each one of them has not materialized. One wanted a large amount of water. Village wasn't in a position to provide it. Another one, the site plan approval process was so convoluted and so much aggravation from the people who down live on the street, withdrew their application. There's been a request to put a liquid propane distribution facility there. I don't think that's what we want there. A number of automotive types of businesses that are looking for sites there. It's just not what would be in the interests of the village to have located there. You have homes surrounding it on three sides. All the houses on Coldenham Rd back up to this property. The ones on Elm Street are across from the frontage. And then on the east side there are three homes along Edmunds Lane. We're sensitive to the neighborhood with what we are willing to allow to happen there. The Buddhists are up the street and you all know you know what kind of a use they put to the property. They have acquired the piece on the east side of Edmunds Lane. That was zoned multiple residence. They acquired it and their plan is to make it a contemplation of grounds of pass and benches for contemplation and prayer and those parts of their religious practices. That multiple has not been replaced on in the village zoning. But the Baptist used to the north is a use that is not compatible or put it the other way. Many of the uses you allow in the zoning for an OLI zone are not compatible with having a religious Buddhist temple on its northerly boundary. So, residential use here makes some sense. A multiple

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residents of this type, you need it in Walden. If you drive any place out of Walden you will go to any community you will see substantial building of rental apartments. They're all getting beautiful, modern, rental housing projects. In Walden, you don't have any place to do that under the current zoning. I don't think there's any RM1 in the village. If there was they could do a multiple. There are few places in the village that are RM2. Not likely that they will be developed for that type of purpose. We're missing out on having a place for our single, adult, seniors to have a modern place to live here in the community. We don't have a place for newly married folks who are starting out. The thing that I've heard through the grapevine about what's wrong with this is that, Walden doesn't want any more rental housing. That seems to be an undercurrent that there is out there. It makes no sense, because that's what the market is building and you need it here. The break out of the units here, the bugaboo is that we'll have all these school aged children coming here. You're not going to have too many school age children in one bedroom units. Statistically, it's almost you can't even count it because it's so few. The two bedrooms can generate .5 to .8. The reason is, because people aren't having as many children. Population is declining. The school enrollment is declining. So, the worry about getting school aged children is not real. What the Village at Walden is losing is tax revenue, because you're concerned that there'll be more kids in Valley Central. But you're not worrying about all the kids from Newburgh that are going to come to Valley Central, from whom you will get no taxes involved. So, not building something in Walden makes absolutely no sense as a public policy matter. The developer here is somebody that has a great track record. It's the Reagan family. They manage after they build. They own and operate the facilities. They do a great job in their business and that's who the developer and owner of this would be. What are the disadvantages? Well, we're going to end up with people coming from Brooklyn to live in these apartments. First of all, no financing is going to happen unless the lender determines there's a need here in Walden. This is going to be a housing and home finance agency project and they don't lend money if there's no need. This project is only going to happen if the powers that be determine, there's a need for this kind of housing in Walden. From what I'm told by Larry Reagan, he said it's not even a close case for Walden. Walden is underserved with modern rental facilities. The fear that we're going to get people coming from some other place. Well, a lot of folks here are already came from some other place. They're your neighbors. They're your friends. They go to church with you. You don't see them at the supermarket. Why do we think that the people who occupy these apartments will be any different or worse than anybody that you've already experienced? It's an emotional response to stereotyping. This is a plus for the Village of Walden to be competitive to bring in people. You need new people to be in the fire department. They have a sign up volunteers needed. You want volunteers for the boy scouts, the little league. If nobody new comes here, who's going to do it? We're all getting older. We're not going to go out and be doing the same things tomorrow that we did 5 years ago or 10 years ago. If you're looking to come to this area, Walden is a tough sell. You want specifics? I'd be happy to share them with you but I don't think publicly this is the way to discuss these things because that hurts everybody. We're not in a competitive position with the trends of our area. If you had a chance to look at the package you'll see that there's lots of analysis in there and arguments that I think are positive and are helpful to a decision to be made. I met with the lady at the Buddhist facility and talked about the rest of the land. They would love to have it. They can't for two reasons. One is they don't have the money to do a deal. But secondly even if they got it free, they don't have the money to do the site work that has to be done there to make it usable. They're here in the community. They've made themselves part of us and they have events that bring a large number of people and the large number of people have to park someplace or come by bus. This adjoins their property. That's a potential use of it. The downside is it goes off the tax roll. But under the zoning, it could be used for that purpose. They're not in a position to undertake to do it and we're not in a position to be of any assistance to them at this moment. So, is that possible use? If you're confronted with having the propane tank facility there versus having the Buddhists incorporate that into their complex. I think a lot of people would say let's have more Buddhists fewer LP tanks. We very much would like your board to make a report and recommendation. That's why it's before you. Any zoning change has to come to you. You get a report and recommendation. I've extended the time for your decision. That's in writing and Dean made that part of the record that you're not limited to the 30 days, but hopefully you would address it within some reasonable time. So that you could then provide an important recommendation and that hopefully it would be in support of allowing a zone change.

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Attorney Dickover: It was extended until tomorrow with the thought being that we would meet on May 6th. That meeting got canceled. So, that time frame, I don't know if it still works or not.

Jerry Jacobowitz: I will provide you a written extension further because it's not fair for you to have to be pressured to make a decision that needs some thought and conversation. So, I'll get that sent over to Dean tomorrow.

Chairman Plato: One question on your original, when you were developing the entire property and you're not now, why not? If you can't find a use for the rest of this.

Jerry Jacobowitz: I want to but, this takes your report and recommendation and takes four out of seven votes on the Village Board. I really don't have a handle on what the Village Board thinks or not. The four to one or five to one, to refer it to you and the one was an abstention. The previous time we came in, the board wouldn't vote to even send it to you. Let me put it this way, if you amended the zoning to allow this and it turned out to be as I'm representing it to be and there's still a need involved and then anybody can say well let's do the same thing again. It works so well. On the other hand if it doesn't work well, you can say well we have 8 more acres that isn't committed to this use.

Attorney Dickover: You were looking earlier for the Comprehensive Plan the reference, is Exhibit E the document you were looking for?

Jerry Jacobowitz: Yes.

Attorney Dickover: There's an a notation on it pointing to the parcels that says the Village Board may consider rezoning for residential development upon receipt of a sketch plan by a developer which is consistent with adjacent residential zones.

Engineer Queenan: The way you said it, I thought you had something in the Comprehensive Plan that talked about this parcel in particular that pointed this out.

Jerry Jacobowitz: It does. For this zone adjacent to it.

Engineer Queenan: When you gave the board more time with this list, you said old plan. What is the old plan?

Jerry Jacobowitz: The one plan is the one that uses up the whole tract of land. Here's the current plan.

Engineer Queenan: Is there a reason why we're comparing it to this one?

Jerry Jacobowitz: Yes, because I got so much problems with the original plan or whatever the problems were. So this is an attempt to satisfy those legitimate concerns.

Engineer Queenan: It's a little misleading, basically saying the old plan that was considered and potentially approved and no one making it better.

Jerry Jacobowitz: It's the plan that was submitted but it never was referred to this board. But that's in the heads of somebody. Somebody saw this and decided not to send it here. So, whoever that is, that's the old plan.

Chairman Plato: I get concerned about when I hear "rent control". Sets a misconceived idea.

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Jerry Jacobowitz: The Montgomery ones are controlled. Everything that Jonah Mandelbaum builds in Orange County is controlled.

Chairman Plato: I just don't like the idea of rent controlled anything. Just capitalist. I mean if the government's putting up the money and doing that, I understand that.

Jerry Jacobowitz: It's a matter of public policy. You don't want anything new built in Walden. That's basically what it comes to. And if you want modern housing that you can be proud of. I don't know that you can be of whatever you're describing, but my travels in the village are such that I don't see what you see.

B.3 Approval for payment of invoices: Dickover-322864, 322784, 322918, Lanc/Tully-144222, 144224

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

C. DISCUSSION ITEMS

Proposed Subdivision for Oak Street Properties

Jerry Jacobowitz This is property on Old Street, Pleasant Avenue and Hillside. The plan shows a number of lots. Lots 1 - 7 are gonna be created as new lots. That's vacant property now. The other properties that are 14-15.1, 15.2. And 5 are properties with existing buildings on them.

Member Pearson: You're looking to do 7 single family homes?

Chairman Plato: And right now, they're discrete lots?

Jerry Jacobowitz: 1-7 are going to be created in this subdivision.

Chairman Plato: So, 1, 2, 3 right now is one lot?

Jerry Jacobowitz: Yes.

Chairman Plato: And 4-7 is one lot.

Jerry Jacobowitz: Correct. They may be in different ownerships. All of the proposed lots meet the zoning requirements. This is an R5 zone in the Village. R5 single family, detached residence, 50 foot frontage. The depth here is more than 100 on all. A 50 by 100 meets the zoning requirements. These are all longer than 100 feet. So, the reason I'm showing you this now is because we're going to be coming in with an application and having you the opportunity to know about it before getting a chance to look at it. The gentleman who developed the Thruway. I've spoken to him. Because this adjoins his property. He's very happy that there's going to be new housing built so close to the facility there.

Member Pearson: What happens with the road?

Jerry Jacobowitz: It's on a file map as a street. The question is, how do we deal with that for purposes of the subdivision? Do we make it into a village street? Or satisfy it to become accepted as a village street, because it's on a file map. Or can it be access by a driveway, from both ends? John Joseph is willing to provide us with whatever access we need to make this happen. Exactly how we're going to do that? We didn't get into that detail yet. We haven't filed an application yet. I just got this map recently. There are a couple of things that need to be adjusted first. It's in keeping with the zoning. It'll give a shot in the arm to that area of that neighborhood. New houses on 7 lots should be a nice addition. And the other item that Dean and I spoke about, The Overlook. I wanted to give you an update and in essence it's that Mr. Queenan met with our engineers they went over a lot of stuff. I think they've ironed everything that

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needed to be addressed. And they're working on getting that reflected in their plans. There was a delay in the DOT processing because the Village sewer line on 208, nobody was sure where that was. Now the plan to DOT has to reflect the location of that. Then DOT will provide further comments on the application for the permit. That's been taken up a little bit of time. Also, Mr. Dickover had given me comments about the document that we need. There's a bunch of easements. There's a bunch of other documents that are required. He has them and reviewed them and gave us his comments. And I think we've worked out satisfying whatever his comments were on all of those documents. One thing I have to mention, the offering plan, which is subject to review by you and approval as well as the attorney general is not complete, because a large part of it deals with the actual building and some of the details about the actual physical building. Until we know who's building it, we don't know the answer to that. So, that offering plan cannot be 100 percent completed and that probably would be a condition of your interaction when you when you decide if everything else is ok, but there's no way that to answer some of those questions without knowing exactly what the building is going to be. So, what we do need a Mr. Chairman is an extension of the approval for Overlook which Dean brought to my attention this afternoon. I've suggested October 31st. Which would be seven months from the time of the last approval extension.

Member Pearson made a motion to extend approval to October 31, 2019. Seconded by Member Wilkins. All ayes. Motion carried.

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

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION:

5. MEETING ADJOURNED

RESPECTFULLY SUBMITTED

Marisa Kraus

Planning Board Secretary