

**Village of Walden  
Board of Trustees Regular Meeting  
August 4, 2020**

Deputy Mayor Moore called the regular meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:

Present:	Deputy Mayor	Faith Moore
	Trustees	Brian Sebring
		Larry Kraus
		John Ramos (via Zoom)
		Dan Svarczkopf
		Lynn E. Thompson

Absent:		Susan Taylor
---------	--	--------------

Also Present:		John Revella, Village Manager
		Marisa Kraus, Village Clerk
		Kelly A. Kelly, Village Treasurer
		Dave Donovan, Village Attorney

**Public Hearing – Local Law 3 of 2020 – Zoning Code Amendment**

**Becky Pearson:** 167 Walnut St, I know Mary Ellen isn't here, but if someone can read her letter into the minutes.

**Manager Revella:** If the Board so inclines, they can make it a part of the minutes.

**Deputy Mayor Moore:** We can add it as part of the minutes without having to read it.

**Becky Pearson:** This law being for the Village as a whole, not just for one project. I know that you all talked about this before and it is part of what the Village zoning change will be. It's not just for a single project. I really think you are in the right path of what we were discussing about some of the issues that should be part of this plan anyway. Not part of what you're going to be giving a developer who has a concession to extra density. You're also talking about annexation. This all ties into annexation because who knows what's going to happen with the properties around us. When you look at that, this law should be counted for also those properties that may come into this Village later on. It's for 20, 30 years down the road. Yes, every board can change the zoning. Mary Ellen did write a letter and I did read it. We have the same comments about some of the issues that are on there. Should already be designed for the developer to use that and utilize that in their plan anyway. What you're going to give as extras really needs to be discussed, because I don't think you have that full picture yet. Amenities should be like a tennis court or a pool. It shouldn't be an elevator. Elevators for seniors, I know it's not mandatory, but I think you're changing this law, you can change this law what you want it to read. I think if you're going to make 55 and older, then you should have an elevator or 2. I don't think that should be getting as a concession to get extra density. Handicap accessibility should be in this law. Maybe that's something that could be part of the concession for density is making sure that handicapped seniors are also allowed to live there. Sidewalks should be mandatory anyway. That is not something that should be a concession. \*inaudible\* developments to have 2 sidewalks, sometimes a Planning Board will let them only have one. I still think sidewalks should be mandatory. I think Brenda Adams also wrote a letter before

about elevators as well. Hopefully there'll be a great big discussion tonight without a decision. That's your job. That's what you're designed to do.

**Deputy Mayor Moore:** We can have Mary Ellen Matise's comments added into the minutes. Brenda Adams letter that was sent was not sent during a public hearing, but can we add them in?

**Manager Revella:** Yes.

**Attorney Donovan:** Anything that's been submitted during the process is part of the Village's record.

**Deputy Mayor Moore:** We will add both letters into the minutes.

Trustee Svarczkopf made a motion to close public hearing for Local Law 3 of 2020. Seconded by Trustee Kraus. All ayes. Motion carried.

**Attorney Donovan:** In terms of the notice for tonight's meeting, it indicated a period of 10 days following to accept written comment to be submitted

### **Village Manager's Report**

**Manager Revella:** Have been trying to reopen, get things back to normal at Village Hall. We do have sort of a kiosk at the entrance to the buildings with the sanitizer and paper towels. Notices at all entrances to make sure people are wearing a mask and safe distancing and if you have symptoms do not enter or make an appointment to come in, do business online. Will continue to do that until we're beyond this pandemic. Going through various invoices, FOILs with the Clerk and Treasurer. Been giving job assignments for DPW since the Superintendent was out the past 2 weeks. Some follow up items with Chief Holmes, his last hurrah. He is officially retired. Went over applications for Code Enforcement with various board members and the Building Inspector. Went over some 207c issues with Labor Counsel and the Clerk. Reviewed capital project contracts with the Village Engineer. We have one confirmed later tonight that's being added for sewer lines. It was discussed on July 7th, but can officially award it now. We received the third arm broom for the sweeper. We can actually cut the curb brush now. That's going out now depending on the weather. Had a good meeting with the some members from Fox Hill about doing some volunteer work around the Village. They like to try and do some service projects when they can. Also met with City Winery with the Rec Coordinator to talk about coordinating river travel, kayaking, along the Wallkill River. Will coordinate with our boat launch on Maple St. They'll have one at the City Winery. Attended the Associates Towns and Villages meeting at City Winery with Village Clerk and Village Treasurer. We heard some talk about finances and how the County is doing financially. Then they were talking about film industry in the county. Parks has been continuing to do updating in the parks. There's maintenance going on there. There have been a few property maintenance issues. Soccer registration is going on now for the fall. Reviewed the Village Engineer's drawings, rendering for capital projects. They did just update plans for the Community Center. Will share with the board as I get it back. Maple St Boat Launch plan should be finalized soon as well for the board to review. Building Inspector has been working on CO's, municipal reports, permits. Follow up on Planning and Zoning Board things. He had vacation one of the weeks as well. Reviewed some follow up matters with him. The Secretary of the Department went over some transitional issues with the software system as well. Trying to finalize some items for the Ulster Ave project with the Village Treasurer. Still trying to work out the bonds and how to pay back the grants to make sure that works. Went over several rehab loans. Went over some sales tax numbers that we got from the last quarter. They are a little poor. Year to date, is about 13% down, and from the last quarter was down about 25% percent. We did hire 2 new police dispatchers and 2 police officers, part time. Right now, we 2 officers out on 207c, one out on FMLA, one out for personal reasons. So, we're

kind of short. While Fred was out, the guys were still out patching, repairing catch basins, sewer maintenance. We had an emergency break at Gatehouse pump station. They dealt with property issues, including boarding up a building that was insecure. Sweeper went out a little bit. Library is still on curbside pick-up. They are working on some programming, preparing for the opening of the building eventually.

**Trustee Kraus:** When do you think they're going to open the courts?

**Manager Revella:** They're opening this month. Right now, it is by paper or adjourned until further notice. But they will have court here this month. A lot of courts are opening this month. Some are doing minimal people allowed in. Usually more of the severe cases, the other ones are not coming in, such as traffic.

### **Approval of July 21, 2020 Minutes**

**Deputy Mayor Moore:** I did notice one correction. Kelly Kelly was not present at that meeting. I just would like to publicly say that I noticed that on page 10, I want to apologize to Trustee Ramos for calling him Ramos.

Trustee Ramos made a motion to approve the July 21, 2020 Minutes with changes. Seconded by Trustee Thompson. All ayes. Motion carried.

### **Action Items**

#### **Local Law 3 of 2020 – Zoning Code Amendment**

**Attorney Donovan:** The Planning Board has issued a Negative Declaration for the project that's in front of them. The concept was started 3 years ago. They declared Lead Agency for the zone change as well as the site specific project. I'm told that there is a written resolution, I'm not sure if the Chairman has signed, the board has authorized him to do so. You need to adopt that before you take any action on the Local Law. Once you adopt that Negative Declaration, you would be in position to take action, should you choose to do so.\*inaudible\* there's no time frame. Act when you're ready to act.

**Deputy Mayor Moore:** In light of us not having 2 board members actively present tonight, I would like to just put this on to the next agenda. That would meet the 10 day period for additional comment, as well as get the Negative Declaration from the Planning Board and then have the rest of our board members here to have the full discussion on it. If it's the pleasure of the board.

**All:** Agreed.

#### **Intro to Local Law 4 of 2020 – Donation Boxes**

Trustee Ramos made a motion to set Public Hearing for Local Law 4 of 2020 - Donation Boxes for August 18, 2020 at 6:30pm or soon thereafter. Seconded by Trustee Sebring. All ayes. Motion carried.

#### **Discussion – Court Prosecutor**

**Manager Revella:** The judge actually reached out to see if the board was interested in allowing there to be resolution of traffic type tickets by mail. Will allow the prosecutor to review those for potential settlement.

**Attorney Donovan:** Some upstate municipalities it's a common practice before this all happened. Village of Goshen, the prosecutor is going to go by written. Make an offer to someone by mail. They can accept and go for trial. It helps keep people out of the building. Traffic court can be busy,

lengthy, so limiting the number of people that are together in one room at one time at the present circumstances.

**Trustee Thompson:** What is the expense factor?

**Manager Revella:** The prosecutor is already here and is paid by hour. The courts are already mailing out correspondence. It wouldn't be any more cost per mailing. It may save the Village money. The officer might not have to come that night. It may work itself out that way.

**Trustee Thompson:** Financially and public health wise, it sounds like a good idea.

**Trustee Ramos:** This is for all law enforcement agencies?

**Manager Revella:** That's correct.

Trustee Sebring made a motion to approve prosecutions by mail. Seconded by Trustee Thompson. All ayes. Motion carried.

#### **Park Use Request**

**Deputy Mayor Moore:** I just want to make it known so that is on the record that pretty much everybody here has a personal relationship with Mr. Montanaro. He is a Village employee. I don't think hinders in any factor of us approving the request for the park and the request to use alcohol.

**Trustee Svarczkopf:** Is there a concern about the number of people?

**Manager Revella:** The park is 100 acres and they can space out as much as they need to be. You just have to separate location.

Trustee Sebring made a motion to approve Park Use Request for August 22, 2020 and to allow the use of alcohol. Seconded by Trustee Kraus. All ayes. Motion carried.

#### **Payment of Audited Bills**

Trustee Thompson made a motion to pay audited bills. Seconded by Trustee Kraus. All ayes. Motion carried.

#### **Correspondence**

**Trustee Thompson:** Just the letter from Mary Ellen Matise.

**Trustee Kraus:** Just the Letter from Mary Ellen.

**Trustee Svarczkopf:** Me too.

**Deputy Mayor Moore:** I did receive some correspondence from a resident asking a possibility of having an extra yard sale added this year and an extra pick up this year. I also had correspondence with Jody Nicoli, who was going to do a presentation last month about her idea to do a memorial for people that have lost their lives due to the opioid epidemic. We had said we would get her on in August. She would like to come to her presentation at the August 18th meeting. If everybody's in favor of that, I will let her know that again.

**Manager Revella:** We do have bulk pick up scheduled for October 18th and the 17th is the yard sale.

### Miscellaneous Comments from the Board of Trustees

**Trustee Ramos:** Great job the guys did today with the storm.

**Trustee Sebring:** Good job that they did for the storm.

**Deputy Mayor Moore:** As follow up, wanted to make everyone aware that I did send out to the entire board the information on the new zoning, as well as some fair housing questions that came up at the last board meeting. Also, I did research some of the information that they wanted to regarding the term limits. So, whenever the board is so inclined and/or the Village Manager, the Mayor to put those items back on the agenda, I think that I sent everything that we needed to that we're able to have those conversations going forward.

### Public Comment

**Becky Pearson:** Before you move further within the annexation as well, I have been involved in discussions about annexation for years, number one and number two, since the Comprehensive Plan was voted on to discuss that also, I think this board needs to do it's due diligence before you annex any piece of property into this Village to get the zoning correct. It is part of your job to plan for this Village for the future. I don't think that's been done right now. I'm not trying to make it a negative for you. I met with the Manager the other night as well. I talked about planning and how important really it is for this Village for 20 years down the road. Your boarder is what you want to see there. You don't have that in place right now. And the annexation is going to be happening, unless you choose not to. From the last Comp Plan meeting, the manager, especially, and the board should be reviewing zoning issues. That's something that hasn't happened since you approved this plan. Zoning is a huge issue. Your due diligence to write laws in place for the proper growth of this Village. Been talking about new zoning for any annexations that may be happening in the future, looks like that one in the near future. You need to do what's right for this Village and its citizens. Sometimes you talk about annexations, but it really doesn't follow through. Is annexation right for the Village? Those discussions should happen before any annexations come. Do you want the Village to grow? How big do you want it to be? Where do you want your borders? There's a property pretty much on three sides of this Village that want to annex in. Do we have the services? Those discussions should happen before any annexation takes place. The last one that happened, it was more of a business annexation. I just watched the last Planning Board meeting, the gentleman who owns the property doesn't feel like he wants to do the water and sewer now. He feels like he's under old Town's laws instead of Village law. I spoke to John about it, he said it's in the law so he will have to do it. He has a year to do it. But our plan needs to be in place before any more annexation. We don't have that right now. \*inaudible\* If you decide to expand Village borders, what is your job? To design the path and the growth of this Village? Where do you want it to go? What do you want to see there? The Comprehensive Plan in the Town of Montgomery is being talked about. I know Faith's on that committee, so there is some type of the input and that input should be coming back to this board. Most of the time it's going to be multiple houses. They want more density in our Village. Do we want that? You really need to step back. \*inaudible\* smart growth and to protect the Village. Maybe you want to consolidate instead. Maybe we want services through the Town instead of the Village if you're going to get so big. You're just going to keep adding more and more services, which means I'm going to be paying, you're going to be paying for more trucks and DPW and more Police Officers to go out. Those discussions should be happening now and they're not. I'm not trying to berate the board at all. I just think you need to be smart about the direction that this Village needs to go has to happen now. You brought up a clustering and things like that. I talked about 2 acre lots and we talked about rezoning and what zoning you want the next piece of property to be. Make a new zone R2. Do you want them to be what size? What sized housing on those lots? Do you want to consolidate or not? Before an annexation should take place, I believe this board should step back and design a path with proper zoning. Don't do a disservice to our Village and just sit back and let it happen without instituting what we want for

Walden's future. You're going to pass things because people want to come in. That's not the path that we should be taking? Planning needs to happen before any annexation should be taking place. \*inaudible\* I'm just talking about how I feel about it. I've talked about it for years and maybe somebody will listen. Things need to be talked about, I hope you take the time to do that.

**Adjourned**

**Village of Walden Board of Trustees  
Regular Meeting  
August 4, 2020  
Motions & Resolutions**

**Public Hearing – Local Law 3 of 2020 – Zoning Code Amendment**

Trustee Svarczkopf made a motion to close public hearing for Local Law 3 of 2020. Seconded by Trustee Kraus. All ayes. Motion carried.

**Approval of July 21, 2020 Minutes**

Trustee Ramos made a motion to approve the July 21, 2020 Minutes with changes. Seconded by Trustee Thompson. All ayes. Motion carried.

**Intro to Local Law 4 of 2020 – Donation Boxes**

Trustee Ramos made a motion to set Public Hearing for Local Law 4 of 2020 - Donation Boxes for August 18, 2020 at 6:30pm or soon thereafter. Seconded by Trustee Sebring. All ayes. Motion carried.

**Discussion – Court Prosecutor**

Trustee Sebring made a motion to approve prosecutions by mail. Seconded by Trustee Thompson. All ayes. Motion carried.

**Park Use Request**

Trustee Sebring made a motion to approve Park Use Request for August 22, 2020 and to allow the use of alcohol. Seconded by Trustee Kraus. All ayes. Motion carried.

**Payment of Audited Bills**

Trustee Thompson made a motion to pay audited bills. Seconded by Trustee Kraus. All ayes. Motion carried.

TO: Village of Walden Board  
From: Mary Ellen Matisse  
Date: July 29, 2020  
Re: **Public Hearing** LL #3 of 2020

**LOCAL LAW #3 OF 2020**

**A LOCAL AMENDING CHAPTER 305 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED "ZONING" BY AMENDING THE DEFINITION OF "SENIOR CITIZEN DWELLING UNIT" SET FORTH IN CODE SECTION 305-3; AMENDING SECTION 305-52 ENTITLED "SPECIAL EXCEPTION USES" AT SECTION (C)(24)(j) BY ADDING CERTAIN ANCILLARY FACILITIES WHICH MAY RESULT IN AN INCREASE IN THE ALLOWABLE NUMBER OF UNITS PERMITTED AND AN AMENDMENT TO SECTION 305-52 (C)(24)(k) BY INCREASING THE BONUS DENSITY CREDIT AVAILABLE FOR THE INCLUSION OF ANCILLARY FACILITIES AS SET FORTH IN CODE SECTION 305-52 (C)(24)(j)**

Senior citizen housing developments may contain one or more of the following ancillary facilities, provided that they are determined by the Planning Board to be ancillary and not primary uses:  
[Added 9-14-1999 by L.L. No. 4-1999[5]]

- [1] Cafeteria.
- [2] Self-service laundry.
- [3] Game room/recreation room.
- [4] Exercise or multipurpose room/sauna/spa/whirlpool.
- [5] Workshop.
- [6] Library.
- [7] Office facility for operation of the facility.
- [8] First-aid clinic.
- [9] Twenty-four-hour security.
- [10] Caretaker's dwelling (not included in total unit count).
- [11] Elevators in all buildings;
- [12] Community room/social hall;
- [13] Pedestrian connection to downtown;
- [14] Landscape buffers from adjacent properties;
- [15] Garages for at least half of the units;
- [16] Onsite walking paths, trails and/or gardens.

The following are my comments on the above local law. I hope that you will read them and take them into account as you consider the adoption of the above referenced amendment.

- Are there definitions for the ancillary facilities listed in this law? What makes #12, Community Room/Social Hall different from #2 Game Room/Recreation Room. #3, #4, #5 and #6 should also be defined, or it is possible that one space could be considered as providing all these uses. Is the intent of the law that these be separate uses in separate spaces, or separate uses in one space? Clarification is required, as they seem to be redundant. And is #8, a first aid clinic even legal in today's litigious society? If this list of facilities is the criteria for giving density bonuses to senior housing, I suggest you rethink it.
- Why are elevators considered ancillary, especially when applied to Senior Residences? If the rationale for the need for senior housing is that as we age, we are less able to maintain houses and larger dwelling units on multiple levels, surely elevators are NECESSARY in multi-unit buildings. It should also be noted that the proposed amendment states ELEVATORS, meaning more than one in each building. This makes good sense based on prior experience that Village seniors endured when the SOLE ELEVATOR at 55 Main Street was being repaired several years ago. Elevators are PRIMARY USES TO A MULTI-LEVEL Senior Residence and so do not meet the 1999 law's determination of ancillary facilities. A density bonus should not be given for elevators.
- In reading through Section 305-52 I didn't see anything stating that if density bonuses are given for SENIOR HOUSING, the planned development MUST REMAIN senior housing. Shouldn't this be part of the amendment, especially as this section of our code is allowing multi-unit development in zoning areas that are SINGLE FAMILY; and the exception granted is because a planned development is SOLELY for SENIORS. If we are not protecting single family zoning by allowing ONLY senior developments, it is time to rethink the zoning code.
- Other communities include people of any age with disabilities eligible for senior housing. It would make sense to include this in our law because we do not have sufficient accommodations here in Walden that serve the disabled population.
- Having been part of the recent Comprehensive Plan Review Committee, I am concerned that this amendment is being brought forth now and was not discussed by the committee. If there is a need to increase density in senior housing, wouldn't the Committee have seen that as a priority and addressed it? After all, the review was done in 2019 and accepted by the Board just last year.
- Does increasing density in senior developments really make sense now in a post-Covid environment when people, especially seniors, are trying to protect themselves from unnecessary exposure to possible infection? As a senior myself, I don't think so. We should be looking for low density living solutions for our most vulnerable population. Packing people into multi-unit structures is an old idea; one that has not been especially successful in the past, and may prove to be even more harmful in a future that may not be free of pandemics for years to come.

May 27, 2020

To: Mayor Taylor, Deputy Mayor Moore, Trustees Kraus, Ramos, Sebring, Svarczkopf, and Thompson and Manager Revella

From: Brenda Adams, Former Village Trustee

Re: Senior Citizen Housing – Zoning Amendments

After viewing the Planning Board meeting Monday, May 18, I feel it is necessary to make a statement regarding the list of ancillary facilities proposed for addition to the code.

I was on the committee that reviewed Village Code Chapter 305-3 along with former Trustee Hoffman and current Trustee Ramos. We proposed an amendment to the definitions of Senior Citizen Dwelling Unit section 305-52 and Special Exception Uses Section (c)(24)(j) by adding ancillary facility options to the list for which increased density could be allowed. Speaking for myself only, I reviewed the Zoning code as provided to us and did not pursue information regarding NYS Building codes with reference to Senior Citizen Housing.

This issue may have already been addressed as Manager Revella is aware that State Code requires elevators in Senior Citizen buildings. I learned this after my Board term expired but did not act at that time as I was sure there would be further discussion when the Manager brought it to the Board's attention and the proposed amendment would be updated. However, during the Planning Board meeting, the applicant currently proposing a senior citizen complex read off all the things he has done to comply with Village requests. He listed elevator as an ancillary item in the sequence of items as listed in the current law and proposed amendment. It appears the applicant still believes an elevator will give him additional density credit. It is my understanding the proposed project is almost ready to return to the Village Board for further consideration.

I ask you to look at the proposed law again prior to the public hearing. It would be my position to either eliminate "elevators in all buildings" OR revise it to read "elevators in excess of NYS Building Code requirements". Perhaps this has already been addressed. If so, I just wasted my time writing and your time reading. If not, I think it is important to bring to your attention. It does not seem fair that a project could get benefits from doing something required by law. I would also feel bad if the board approved as we wrote and someone from the public challenged the Board's understanding of the NYS Building Code laws.

I am not against the project. Its just a loose end with regards to wording.

Thanks for considering.  
Brenda