

Village of Walden  
Zoning Board of Appeals Meeting  
March 1, 2018

Chairwoman:	Rebecca Pearson	Present
Members:	Christine Scieurca	Present
	Gregory Raymondo	Present
	Mary Ellen Matise	Present
	Dan Svarczkopf	Present
Alternate Members:	Jessica Metzger	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Tara Bliss	Present

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Chairwoman Pearson - Called the Zoning Board meeting to order at 7:30pm with the Pledge of Allegiance.

Chairwoman Pearson thanked Member Svarczkopf for his service to the Board just in case he wins the election for the Board of Trustees. We have appreciated your service and wish you the best of luck!

**1. APPROVAL OF MINUTES:**

**Member Raymondo made a motion to approve the February 1, 2018 minutes. Seconded by Member Scieurca. All ayes. Motion carried.**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1 54 Valley Avenue, Use Variance**

Chairwoman Pearson thanked the applicant for the paperwork they submitted. She asked the applicant to clarify the prices that they turned in. It looks like it will cost them \$63,900 to convert it to a 2 family including, moving the walls, boilers, electric, pipes, but it doesn't look like you are adding the prices for the windows to that. So we would need to add that amount together for the figures you have listed for the single family conversion, is that correct. So the \$40,000 is in addition to the \$63,900.

Thien Nguyen, owner Hoang & Nguyen Bros, LLC 54 Valley Avenue, explained that they already have spent \$63,900 not including the purchase price. They paid \$97,000 for the house, \$107,000 with the taxes and lawyer fees.

Chairwoman Pearson clarified that they are saying because they have done that work already as a two family.

Le Hoang, co-applicant/owner, explained yes and to make it a 1 family would be an extra \$42,000 more which is very hard. It is 2 units with 2 stairs.

Chairwoman Pearson asked why they did the work and spent the money without any approvals to begin with. You knew when you bought it that it was zoned as a single family home then put all this work into the house to make it a 2 family home. Maybe it has to be a single family. Did you do all this work?

Mr. Hoang replied they had a 2 family already but the people before them did 2 family so we did for 2 family.

Chairwoman Pearson thought that the Building Inspector told you with a letter that you had to come to the Board first but you did all this work already.

Member Svarczkopf said that they don't have kitchens listed at all in the first one but then it says it would cost \$20,000 to do one kitchen wouldn't it then be \$40,000 to do 2 kitchens?

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Mr. Nguyen replied right now it has 2 kitchens that are not installed.

Member Svarczkopf then replied that it would not be \$42,000 extra to make it a single family home it would really be \$22,000 as you would be taking one out.

Member Matise said that the pictures here shows a kitchen in the listing.

Mr. Nguyen said those are very old photos, we took that out. We took out the wall and carpet.

Member Svarczkopf feels that \$2,000 to remove a circuit breaker, if you are not using it you can just leave it. He understands the reroute of the boiler but you don't need to do that \$4,000 you can have two different zones. A single family home can have 2 boilers. So that is \$7,000 right there so he is at \$15,000 extra and he doesn't see the hardship.

Mr. Hoang said that is has 2 heat, 2 electric, 2 everything now. It is all connected together and is very hard for one building. Altogether pipes.

Member Scieurca reiterated that electric and boilers can operate independently of each other.

Chairwoman Pearson explained that if we make a decision tonight it may go in all different directions. The Village is proposing to create and possibly do, which means it still has to be voted on - they may not they may vote on it - new legislation for zoning. Part of that zoning is existing 2 family homes that have been existing as 2 family homes prior to 1958. If you don't ask for a decision tonight that law may be something that may benefit you in the long run. It may not, it may. It is a risk you are taking. Tonight's decision is also a change because she is not sure how the Board will see this tonight but they have not shown too much of a hardship, so it is a self-created hardship from what she is hearing from Member Svarczkopf and she is not sure how the rest of the Board feels, but if you are willing to table the application until the Board of Trustees makes a decision it may behoove you to do that. The Village Board is the legislative body of the Village is possibly approving a law that may benefit you and allow you to do what you want to do. Right now this self-crated hardship is sticking in your way which is one of the factors that our decision would have to be based on. It is up to you.

Mr. Nguyen said that if they make a decision that may allow it to be a 2 family. He wants to make the Village nice and make it a nice quiet nice Village not bad neighbors. He will do a good job.

Chairwoman Pearson stated we are not disagreeing with that we are trying to help you. You may have to wait a little bit.

Mr. Nguyen said if he has to wait to get them to guarantee he can do a 2 family he will wait.

Member Scieurca explained that the Village Board has to change the law but it is not a guarantee that it will happen. There is nothing you can bring to them to force them to move forward. You can attend the Village Board meeting every 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays.

Chairwoman Pearson said he will have to wait longer, they could set a public hearing at the next meeting and that will likely take you into April.

Member Raymondo said that all indications seem that they are going that way.

Chairwoman Pearson said that you can't assume that. We are trying to keep you from possibly being denied here.

Building Inspector Stickles added that if they meet the requirements of parking, code, and has to be built as a 2 family. If they can't meet one of those they might not be able to have it.

Chairwoman Pearson said that the new law requires 900 sq. ft. for each unit, have to have parking for 4 cars, so 4 parking spaces and has to be brought up to building code and you are working on and doing

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anyway. Those are the criteria for a 2 family and it actually is a good project and it seems to be well received by the Village Board so it may behoove you to table this here and wait for that decision or you can ask us to make a decision tonight.

Member Matisse asked what happens if we deny you.

Building Inspector Stickles said they can keep working to make it a 1 family house.

Mr. Nguyen asked if they are not allowed for 2 family how can they convert to a single family and keep 2 kitchens in there. Can't take wall out between the 2 units.

Chairwoman Pearson said that this Board is in favor of, well we are the ones that basically are asking the Village Board to make some changes for the better. It has become an issue. It's a waiting game at the moment. If denied goes to single family. If you extend it and the Board approves this new law and they meet the criteria and see Dean to find out what they have to do.

Mr. Hoang stated that they can wait. Engineer said we can't take 2 steps so it will be more like \$70,000.

Mr. Nguyen said it would be better to knock it down and build a new one.

Member Svarczkopf asked if they get denied and the law does changes the decision doesn't stand because there is a new law.

Attorney Dickover stated that if they get denied and the law allows their use they would be eligible to do what they want to do.

Member Svarczkopf said there is no real downside to a vote.

**Member Raymondo made a motion to table the 54 Valley Avenue, Use Variance. Seconded by Member Matisse. All ayes. Motion carried.**

**Member Svarczkopf made a motion to continue the public hearing for 54 Valley Avenue, Use Variance. Seconded by Member Scieurca. All ayes. Motion carried.**

**Member Raymondo made a motion to continue the application for 54 Valley Avenue, Use Variance. Seconded by Member Matisse. All ayes. Motion carried.**

**B. FORMAL APPLICATIONS:**

**B.1 54 Valley Avenue, Use Variance**

Public hearing kept open and application continued.

**C. DISCUSSION ITEMS:** None

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

**MEETING ADJOURNED:** 8:01pm

RESPECTFULLY SUBMITTED  
Tara Bliss, Zoning Board Secretary