

Village of Walden  
Planning Board Meeting  
March 21, 2018

Chairman:	Stan Plato	Present
Members:	Jay Wilkins	Present
	Lisa Dore	Absent
	Jason Trafton	Absent
	Zac Pearson	Present
Alternate:	Larry Kraus	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Tara Bliss	Present

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Chairman Plato - Called the meeting to order at 7:30pm.

**1. APPROVAL OF MINUTES:**

**Member Wilkins made a motion to approve the March 5, 2018 minutes. Seconded by Member Pearson. All ayes. Motion carried.**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:** None

**B. FORMAL APPLICATIONS:**

**B.1 29 Grant Street, Site Plan Amendment, One Apartment**

Sam Cichon, owner of 29 Grant Street, explained that he wanted to take the 2<sup>nd</sup> floor of the office building which was an apartment and make an apartment again. He will have to move the hot water heater that was located in the main building boiler room to the kitchen of the apartment.

Attorney Dickover refreshed the memory of the last application that was before you for paving and grading for brownfield remediation. The DEC and applicant have filed a conservation easement for the property to memorialize use of the premise which was a condition of the approval of that application which has all been completed. When that project was before you the user mix wasn't exactly known at that time.

Mr. Cichon said that they did mention that they would be working on that and did remediate to the restricted residential standards which allows full time inhabiting of the 2<sup>nd</sup> floor.

Attorney Dickover continued that there is 2<sup>nd</sup> floor use, not permitted on the 1<sup>st</sup> floor. When the Board adopted that resolution you also incorporated a condition that any subsequent users once they were identified had to come back for an amended site plan approval, which is what this is.

Chairman Plato welcomed Troop 31 of the Boy Scouts to the meeting and encouraged them to ask any questions they might have. He asked the Board if they were familiar with the site plan proposal.

Engineer Queenan explained there is not much from an engineering prospective on this. Only thing that he found was that in the approval resolution from the prior one was condition #8 which indicated he had to come up with a revised site plan for signage, lighting, landscaping, and parking if any use were to come on the site. Not sure if that's planned with this use or not.

Mr. Cichon explained that he used the parking diagram that Chazen had come up with so he filled in 2 of those spots.

Chairman Plato asked if they were going to be adding any lighting for them.

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Mr. Cichon replied they really don't need to at that point because there are street lights and parking lot has no obstructions and there is really good lighting there. He will use 2 spaces but probably won't use them because he can park inside the building. He will stripe it and put residential parking signage for those 2 spots. They are located right outside the door will be.

Engineer Queenan stated the rest of it would be through Dean with a building permit application as he has some items to take care of.

Building Inspector Stickles explained he's been through the apartment and there are some things he has to take care of to comply with the building code but for the most part he is pretty well set. He has provide 2 spots right outside the apartment door will be.

Attorney Dickover explained there is no reason to refer to the County for a 239 review. This was a Type 1 action when it was before you before because of the adjacent Rider Engine Company which is a historic building. The Board had adopted at that time a negative declaration with respect to the project. He thinks it retains its Type as a Type 1 action. A long form is required but based on what we have heard tonight it doesn't sound like there are any significant on site modifications being made other than striping the 2 parking spots which he doesn't think as far as environmental consequence goes amounts to anything. The Board could by resolution reaffirm that negative declaration previously adopted.

**Member Pearson made a motion to reaffirm the negative declaration for the 29 Grant Street Site Plan Amendment. Seconded by Member Wilkins. All ayes. Motion carried.**

**Member Pearson made a motion to waive a Public Hearing for the 29 Grant Street Site Plan Amendment, One Apartment. Seconded by Member Wilkins. All ayes. Motion carried.**

Attorney Dickover stated this could be conditionally approved with some sort of parking plan.

Building Inspector Stickles stated that he has 2 spots that have already been identified on the plan previously submitted. Going forward he would have to identify use and parking so that you know how many spaces you have on site and what he is going to be using. We could keep a map and when he comes back we can see those are already taken.

Engineer Queenan confirmed the spaces are already on the application and on the map provided. He had identified a number of uses and as they come in you will see that they match.

Building Inspector Stickles stated this building is in the early stages so it needs to be given 911 numbers so it will be given addresses for 911 purposes as the uses are determined.

**Member Wilkins made a motion to approve the 29 Grant Street Site Plan Amendment, One Apartment on the 2<sup>nd</sup> floor of building #1 (office building) subject to normal fees and an update to the site plan with 911 address information. Seconded by Alternate Member Kraus. All ayes. Motion carried.**

**B.2 88 West Main Street, Architectural Review, Sign**

Applicant not present.

**C. DISCUSSION ITEMS:**

**C.1 Local Law #1 of 2018 - Abandonment of Use**

Attorney Dickover explained that this proposed law came to the attention of the ZBA for an application perhaps on Capron Street that was previously used as a multi-family building that was originally built as a single family home by Mr. Capron who he understands is an important local historical figure and subsequently turned into multiple family. It then was abandoned, not used for anything. Then the premise was purchased at foreclosure/auction by a new owner. That new owner applied for a use variance to the ZBA to convert it back into multiple family and the current zoning there doesn't permit that.

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There has been a number of these applications that have appeared in front of the ZBA prior to that as well and some of the members are troubled by the fact that some of these important historical and maybe important architectural buildings that can't be used under the current zoning. Rather than deny the application for use variance, the suggestion was made that the Village revisit zoning for these types of homes. That task was undertaken by the Village Attorney based on the comments from the Village Board. All those things he said about structurally important, historically important, architecturally important are not in there at all. Basically this says that if a building was originally constructed as something other than single family, two family or multi-family, prior to the zoning being adopted, which was in 1958, that it would be deemed that the property would not be deemed abandoned, it would be deemed that they could use those homes in the manner in which they were constructed or intended. This would allow these large single family looking homes that have since become something other than that to be used and perhaps maintained to no longer fall apart in disrepair and be put back to good use.

Chairman Plato said that any multi or 2 family that existed prior to 1958 whether it has been changed or not, can go back to that use.

Attorney Dickover confirmed. Currently if it has been vacant for 1 year it is deemed abandoned and becomes a non-conforming structure and loses that use.

Building Inspector Stickles added there are criteria that they have to meet including parking regulations, 1,000 square footage for multi-family and 900 for 2 family, it will have to be brought up to building code requirements. There are a total of 15 homes that this would fit for. In the 70s-80s a lot were converted to apartments and then the recession hit and the owners couldn't afford them and walked away from them and they became abandoned and lost its use. They are impossible to convert back to single family monetarily. The owner would have to prove that it was in existence prior to 1958 if our records don't show that it had that status prior to 1958. This law has gone through many revisions and it really is what the Village Board and the ZBA are looking for.

Chairman Plato said it seems like we are in favor of this Local Law. It seems reasonable. Can we draft a positive comment back to the Board? He sees it as a positive, putting houses that would otherwise be abandoned back into a good condition to be used.

Attorney Dickover commented that the only problem he sees with this is that zoning is meant to get rid of non-conforming buildings and this does not allow that to work that way.

**Member Pearson made a motion to draft a letter to the Village Board that we are in favor of Local Law 1 of 2018 – Abandonment of Use. Seconded by Member Wilkins. All ayes. Motion carried.**

D. **INFORMATION ITEMS**: None

E. **CORRESPONDENCE**: None

3. **COMMUNICATIONS**: None

4. **EXECUTIVE SESSION**: None

5. **MEETING ADJOURNED** at 7:51 pm.

RESPECTFULLY SUBMITTED  
Tara Bliss, Village Clerk  
Planning Board Secretary