

Village of Walden
Zoning Board of Appeals Meeting
March 24, 2021

Chairwoman:	Rebecca Pearson	Present
Members:	Christine Scieurca	Present
	Gregory Raymondo	Present
	Mary Ellen Matise	Present
	Brenda Adams	Present
Alternate Members:	William Sestrom	Present
Building Inspector:	Dean Stickles	Absent
Village Attorney:	Robert Dickover	Present
Secretary:	Marisa Kraus	Present

Chairwoman Pearson - Called the Zoning Board meeting to order at 6:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 45 Second Street

Building Inspector Stickles: Mailings were done by the Village. It was put in the paper the 18th of March.

Chairwoman Pearson: Changed from Use Variance to Area Variance.

Building Inspector Stickles: Yes and the applicant came in and initialed the change. It's now an Area Variance. That's how it was noticed in the paper and that's how it was noticed in the mailing.

Margaret Enchauteui: We had a fence that was too low for the dogs. We decided to put a nicer fence up that was taller so that she could not jump it. We weren't aware that we needed a building permit or anything to replace the fence.

Felix Enchautequi: We replaced exactly what was there just a little bit higher.

Margaret Enchauteui: We didn't go outside where it was originally. We just went up. Actually, the visibility through the fence is much better now. On the old fence, the rungs were very close together. Now, they're only close together on the bottom foot and the top is much more open.

Felix Enchautequi: The only reason why is like that, we have 2 small Chihuahuas and we have 2 medium sized dogs.

Chairwoman Pearson: You don't have a back yard?

Felix Enchautequi: We have a 2 family home. Backyard is for the tenant downstairs.

Member Adams made a motion to open Public Hearing - Area Variance for 45 Second Street. Seconded by Member Scieurca. All ayes. Motion carried.

B. FORMAL APPLICATIONS:

B.1 45 Second Street

Member Adams: How did you find out?

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Margaret Enchauteui: They were working on it and they got a call from their office manager that someone had called the Village and reported that we were working and wanted to know if we had a permit.

Felix Enchautequi: When I went that day to get the permit, I filled out all the paperwork and brought it back to Dean's office, that's when she said we had to stop. But half the fence was already done.

Member Adams: So, you violated the stop work order?

Felix Enchautequi: Yes. The fence is up.

Member Adams: I know it's up. But a stop work order was issued.

Felix Enchautequi: The stop work order was not issued. When I had to drop the paperwork off and was waiting to hear back, the fence was already done and complete.

Chairwoman Pearson: Did you have a private fence company?

Margaret Enchauteui: We went through Lowe's.

Member Matise: I drove up George Street in my little car, because the little cars always hard to see around corners. I was able to see through your fence. I just had a concern and you said the bottom foot, the bars are closer together, which I didn't really notice. It's just that you don't do anything else that would obstruct the view like plant bushes or something along that perimeter. That would then be considered obstruction and a hard coming up a hill to a cross the street.

Felix Enchautequi: No, what you see in the landscaping besides the dogwood tree, that's it.

Chairwoman Pearson: How long have you been in the home?

Margaret Enchauteui: 17 years.

Chairwoman Pearson: Is there parking on the street in front of your house?

Margaret Enchauteui: Yes.

Member Sestrom: I drove by it. It fits the neighborhood.

Member Adams: I'm wondering if the person who called and filed the complaint, has been refused the same.

Felix Enchautequi: I know who called. We have had personal problems in the past. We don't socialize with him or anything else. I'm sure that's where it came from.

Member Adams: That we don't know. I'm just wondering if they have been refused because I know a lot of people in the Village have been refused for a 4 foot fence.

Felix Enchautequi: I know our neighbors around us came to us and said they had no problems with anything up there and they had dropped off letters stating there were no issues.

Chairwoman Pearson: I don't think it's the issue of the fence being there. It's the height of the fence for sight distance and it's on the corner. Corner lots are the ones that are not supposed to have 4 foot fences.

Member Adams: Dean, did you get the letters he's referring to?

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Building Inspector Stickles: I only had 1 dropped off to our office and I put it in the folder.

Chairwoman Pearson: *Read letter into the minutes* Rob, it's an area variance, can we put a condition on it?

Attorney Dickover: Generally, area variances and use variance run with the land. You, however, can condition your variances. I think to condition on their ownership is probably not an appropriate condition because then it's in particular to these people and not the situation at hand. The height of the variance being 4 feet when only 2 feet is permitted. The reason for that, of course, is a question of safety and a sight distance at the intersection. I think if you're going to consider granting the variance, you should do that only if you have something from the DPW, perhaps even the Police Department, stating that from their viewpoint that it's not a detriment to the neighborhood, nor is it a safety issue at the intersection. That would be my recommendation, if you're considering granting it, it's a safety issue. But yes, you could condition that there be no plantings or landscaping's along the fence that might have obstruct the view of vehicles, would certainly be appropriate if you choose to do that.

Chairwoman Pearson: You didn't consider an electric fence?

Felix Enchautequi: No, because we have the skunks that come in the yard. And deer. So, when we let the dogs out to do their business in the front yard, we had problems before with the skunks and deer and then the dogs go crazy. I don't want them to get sprayed.

Member Adams: I do believe that we probably should check with the Police Department and DPW. I know that there have been a lot of people in this Village that has wanted higher fences because of dogs or children and they have been denied. Some of them came to Zoning and were denied in the past. But a lot of them just stop when Dean told they can't do it, so I'm a little concerned about what that says for future parties that may be in the same position that this family is. I do have concerns about what it does for the rest of the Village. This particular property could be fine, but you could have another piece of property on a corner. Your fence does look really nice.

Chairwoman Pearson: But you're setting precedent for other families that have issues.

Member Adams: And you may have people who have been denied and get very upset. Pay money for the shorter fence and did whatever they did and then find out that someone else has received this authorization. That concerns me.

Member Sestrom: I think that each variance should be taken at its own merits. If we were to approve this one, it wouldn't have any influence or impact on prior denials. To me the fence looks fine. One of the criteria that our council put in his notes is self-inflicted problems is not a reason to get a variance. However, no reason to deny it either. I would have no objection.

Chairwoman Pearson: I believe I would want to hear from the Police Department and DPW.

Member Scieurca: I would concur with both Brenda and Bill, as far as DPW and the Police Department. I also drove around, but I had a higher car and was able to see around.

Member Matise: I purposely went in a little car, because the little car is a problem. It's a problem in my neighborhood and in a lot of these blind corners. Some people can't see me coming out of the intersection.

Member Scieurca: And like you pointed out, you can see through the fence. Do you have problems with snow banks building up?

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Margaret Enchauteui: No. We snow blow the sidewalks and we have to snow blow the yard for the dogs.

Chairwoman Pearson: Are we in agreeance to have Dean write a letter to the DPW and Police Department?

All: Yes.

C. DISCUSSION ITEMS:

Chairwoman Pearson: Dutchess County Planning Department emailed me today 2 different sessions for your 4 hours of training. 1 of them is for Zoning on Food Trucks and an Introductory to Planning and Zoning. It's a webinar. I'll send it to Marisa and you can forward it to everyone.

Member Scieurca: Can we talk about prior approvals for discussion?

Chairwoman Pearson: Sure.

Member Scieurca: We approved a garage on Wait Street. The term I believe was the driveway to the left of the house was supposed to be discontinued. Now there is an unsightly trailer sitting in it.

Building Inspector Stickles: All of that is being dealt with along with a little section of driveway that goes out to Alfred.

Member Scieurca: Thank you.

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

MEETING ADJOURNED: Member Scieurca made a motion to adjourn. Seconded by Member Adams. All ayes. Motion carried.

RESPECTFULLY SUBMITTED
Marisa Kraus, Zoning Board Secretary
6:51pm