

Village of Walden  
Zoning Board of Appeals Meeting  
July 28, 2021

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

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

Chairwoman Pearson introduced new Alternate Board Member, Scott Barilli.

**1. APPROVAL OF MINUTES:**

**Chairwoman Pearson:** Page 2, it says square houses and supposed to be square foot of the houses.

**Member Adams:** Page 3, says they have and it should be have not.

Member Adams made a motion to approve the June 23, 2021 minutes with the changes. Seconded by Member Scieurca. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1 411 Ivy Hill Rd**

Member Scieurca made a motion to open public hearing for 411 Ivy Hill Rd. Seconded by Member Matise. All ayes. Motion carried.

**Carmen Maher:** We wanted to see if we can get a carport. It's 18x20 feet, 9 feet high. We have these trees that are over our property but they're not our trees and the sap gets all over the cars. It doesn't matter where we park our car.

**Chairwoman Pearson:** Is it going to fit 1 or 2 cars?

**Carmen Maher:** It'll fit both of our cars on either side.

**Member Adams:** Is this one of those sheds that they sell down on Rte 52?

**Dennis Maher:** It's sort of similar to that.

**Member Adams:** It's not temporary, it's permanent?

**Dennis Maher:** It could be removed. It gets bolted onto the blacktop.

**Chairwoman Pearson:** Are you going to bolt it to the driveway?

**Dennis Maher:** Yes.

**Member Matise:** Did the pine trees grow full length?

Village of Walden  
Zoning Board of Appeals Meeting  
July 28, 2021

**Carmen Maher:** Yes, the whole length of the house.

**Member Scieurca:** Have you spoken to your neighbors?

**Carmen Maher:** The house was abandoned for a little while. It went up for auction. It was just bought. I've spoken to the other neighbor and it's just too expensive to cut down the trees. No one is objecting it.

**Member Matise:** Is this going to be an open side car port?

**Carmen Maher:** It's going to be open in the front.

**Member Matise:** You will only 2 feet from the sidewalk. And you're not intending to put anything on the outside of the car port?

**Carmen Maher:** No.

**Member Matise:** We have had issues with accessory buildings with people putting their junk all over it.

**Carmen Maher:** No, our property is really well-kept.

**Member Sestrom:** I drove by it today and I don't there are any problems.

**Chairwoman Pearson:** Dean, do we have the mailings? County?

**Building Inspector Stickles:** Yes. County responded, it was sent to Rob and it was put in the paper.

Member Adams made a motion to close public hearing for 411 Ivy Hill Rd. Seconded by Member Matise. All ayes. Motion carried.

**Attorney Dickover:** For the record, this will be a Type 2 action for SEQR purposes. No further environmental review is required.

**A.2 15 & 17 Overlook Terrace**

Member Matise made a motion to table the matter until the next regular Zoning Board meeting. Seconded by Member Scieurca. All ayes. Motion carried.

**A.3 150 East Main St**

Member Matise made a motion to table the matter until the next regular Zoning Board meeting. Seconded by Member Scieurca. All ayes. Motion carried.

**A.4 2 Ayr Court**

**Chairwoman Pearson:** Did you get the letter back from the County?

**Building Inspector Stickles:** Yes, we did.

Member Adams made a motion to reopen the public hearing for 2 Ayr Court. Seconded by Member Matise. All ayes. Motion carried.

Member Matise made a motion to close the public hearing for 2 Ayr Court. Seconded by Member Scieurca. All ayes. Motion carried.

**B. FORMAL APPLICATIONS:**

**B.1 411 Ivy Hill Rd, Area Variance**

The Board reviewed aloud the 5 factors associated with an Area Variance:

Village of Walden  
Zoning Board of Appeals Meeting  
July 28, 2021

a. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

Chairwoman Person spoke for all by answering no.

b. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?

Chairwoman Person spoke for all by answering no.

c. Is the requested area variance substantial?

Chairwoman Person spoke for all by answering no.

d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chairwoman Person spoke for all by answering no.

e. Was the alleged difficulty self-created?

Chairwoman Person spoke for all by answering no.

Member Adams made a motion to approve a 16x18, 9 feet high, 3 sided car port, 2 feet from the property line. Seconded by Member Sestrom. All ayes. Motion carried.

### **B.2 2 Ayr Court, Area Variance**

The Board reviewed aloud the 5 factors associated with an Area Variance:

a. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

Chairwoman Person spoke for all by answering no.

b. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?

Chairwoman Person spoke for all by answering no.

c. Is the requested area variance substantial?

Chairwoman Person spoke for all by answering no.

d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chairwoman Person spoke for all by answering no.

e. Was the alleged difficulty self-created?

Chairwoman Person spoke for all by answering no.

Member Scieurca made a motion to approve the 14x20 deck with screening and roof. 24 feet from the property line. Seconded by Member Sestrom. All ayes. Motion carried.

### **C. DISCUSSION ITEMS:**

**Chairwoman Pearson:** Next meeting is scheduled for the last Wednesday, August 25th. We talk about maybe moving it to the 11th of August. That was before I got the letter from 150 East Main St that they wanted to reschedule as well. Are we going to move the meeting to the 11th of August or just our regular meeting in September?

**Member Matise:** Maybe they won't come to that meeting either. Will they have the information by then?

**Chairwoman Pearson:** Do we want to have the meeting on August 11th? Or do you want to go into September our regular meeting?

**Member Matise:** If in fact the parties for 150 East Main St are going to be prepared for August 11th meeting, we can do that because the tenants are being held up for a really long period of time.

Village of Walden  
Zoning Board of Appeals Meeting  
July 28, 2021

**Chairwoman Pearson:** Then they should be prepared for today if they knew it was on the agenda.

**Building Inspector Stickles:** 15 & 17 Overlook sent a letter 2 weeks ago saying that they were not ready and asked to be moved. I only got the letter today for 150 East Main St.

**Chairwoman Pearson:** I'm fine with September.

**Member Adams:** What are they preparing for?

**Building Inspector Stickles:** Right now, the owner has a lawyer on retainer. The letter to ask for adjournment came from that lawyer. And I believe Rob has spoken to the attorney. Whatever they're preparing, they're just not ready to come back yet.

**Member Adams:** September is fine. My only question now is, do you have anyone that is pending?

**Building Inspector Stickles:** No. No new applications.

**Chairwoman Pearson:** Everyone is fine with September 22nd?

**All:** Yes.

Member Adams made a motion to not have an August meeting and reconvene on September 22, 2021 at 6:30pm. Seconded by Member Scieurca. All ayes. Motion carried.

**Chairwoman Pearson:** We started to talk about this at the end of the last meeting about when applicants come before us, instead of having a public hearing right away, that they come before us to tell us what they want to do, make sure paperwork's in order. Is that something that you want to discuss? We have to go to 4 hours of training each year. I was at the chair meeting, I asked a question to a lot of the Chairs, if they do their public hearing and your information at the same time. Most of the chair people that were there said no. Usually they come before the board, they state what they want to do and make sure all the paperwork is in order, if they need to get something they didn't have before the next meeting. Kind of like what the Planning Board does. They have a work session kind of thing and then they go in to a public hearing. So, we can do that if we want to. Dean sometimes thinks it's easier just to do it all in one session. But just like you said at the last meeting, people are not prepared for questions that we were asking and then they had to come back. There's still a delay and maybe at the public hearing they would have everything in a finalized order.

**Member Scieurca:** Does that happen often where the County does not make their decision before?

**Chairwoman Pearson:** Is it just depending on when it gets sent to them?

**Building Inspector Stickles:** The 3 applications that were sent to the County, they were sent prior to the meeting and they can go 30 days. So, it's not the County's fault. Everybody wants to get there right now and I can put you on the agenda, but I'm telling you, if you haven't heard from the County, you can't make any decisions.

**Member Scieurca:** I think that that would probably be the best bet. If we don't have it back from the County, then they shouldn't be on the agenda.

**Chairwoman Pearson:** And the proxy wasn't here, except for that day, so no one had a copy of the proxy. Nobody knew what was happening with that proxy.

Village of Walden  
Zoning Board of Appeals Meeting  
July 28, 2021

**Building Inspector Stickles:** Rob brought up at the last meeting. The owner is giving the applicant the right to go to the Zoning board. But as you saw with the 2 ladies, they don't have the hardship. The owner has the hardship. So, what good is the proxy?

**Member Matisse:** Well, if she gives them the financial information to give us. That's what the proxy is.

**Attorney Dickover:** No. The applicant has to have a hardship.

**Member Adams:** So, their application is no good in reality because they don't have a hardship. She should apply.

**Attorney Dickover:** And she's been here before.

**Member Sestrom:** What financial information do we want?

**Member Matisse:** She has to show that she can't rent the building under the current circumstances for what's allowed in that zone.

**Chairwoman Pearson:** It's allowed for single family. She has to show dollars and cents.

**Member Barilli:** The thing about the pre-meeting, now you want to have a whole other meaning?

**Chairwoman Pearson:** No, it would be our regular meeting, but instead of a public hearing at that time, they're going over their application to see if it's all there.

**Member Barilli:** Would you have to do it before the public hearing or after?

**Member Matisse:** The public hearing might not be until the next meeting.

**Chairwoman Pearson:** Right now, it's set up so that they're both on the same night. So, you hear what they're talking about and then you go into the public hearing and vote on it.

**Member Scieurca:** The only issue I have is that it's the applicant's responsibility to make sure that their application is complete. If they want something bad enough then they should be doing it and getting it done. I don't know if I like the idea of a pre-meeting.

**Member Matisse:** Well, it's not really a pre-meeting, it's just a meeting. Then the other part of it is that if they show up and it's not ready, they're wasting your time. And they expect a public hearing. So they're here under the impression that you're going to talk about my thing and I'll get an approval tonight.

**Member Scieurca:** Then what's the difference of having a meeting beforehand?

**Member Matisse:** It's not meeting beforehand. It's just that it's just a 2 step process instead of to being all in 1 night.

**Member Adams:** The problem is, there was 2 of them were here tonight, they didn't need to come back a second time. 1 did because of the County situation but the other 1 would have been a waste of time to talk to them twice.

**Chairwoman Pearson:** Maybe we have to think about it for whether it's for area variance or use variance. Because there's a major difference between those variances. Use variance, there is a lot more time and energy to get through.

Village of Walden  
Zoning Board of Appeals Meeting  
July 28, 2021

**Building Inspector Stickles:** How about you let the attorney and the Building Inspector determine if the application is complete before it goes anywhere?

**Member Matisse:** It should have been completed by the time we got them.

**Chairwoman Pearson:** They won't be completed if there's nothing from the County. Are you considering that not a complete package?

**Building Inspector Stickles:** I try to tell everybody that the Board cannot act unless you hear back from the County. That's why I ask you to wait the 30 days so that you can get comment back from the County. The County is always within 30 days, even during the pandemic. But there are some applicants that just cannot wait. They don't want to wait.

**Member Adams:** Rob, is it an allowable process for us to say that area variance is treated differently than use variance? Or is that discrimination?

**Attorney Dickover:** It's not discrimination, so that's not happening. But for purposes of making your Building Department not go crazy, I would suggest you have 1 procedure and only 1 procedure.

**Chairwoman Pearson:** This is just for discussion. I just threw it out there to give it some thoughts on what you think or feel.

**D. INFORMATION ITEMS:**

**Member Adams:** At the last Village Board meeting, they had on their agenda, 150 East Main, because they were talking about their zoning. 3 of us in the audience, Becky, Mary Ellen and myself would have created a quorum of this Board. Then they started to ask some questions. Becky responded to most of them as Chair. Mary Ellen did add. I did not say anything because I didn't want it to appear that there was 3 of us from this Board speaking at the Village Board meeting. Is that a conflict or is it not because it's their meeting and we just happened to all be there?

**Attorney Dickover:** Allow me to not answer the question.

**Chairwoman Pearson:** Training. You'll have to have 4 hours. Webinars are great because you can use though and you send him to Marisa. 4 hours a year to train. There's some from the County and shoot them to Marisa. Sometimes I get some from Dutchess County and send them to Marisa to send to you all.

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

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

RESPECTFULLY SUBMITTED  
Marisa Kraus, Zoning Board Secretary  
7:08pm