

Village of Walden
Zoning Board of Appeals Meeting
October 23, 2024

Chairwoman:	Brenda Adams	Present
Members:	Mary Ellen Matise	Present
	William Sestrom	Present
	Scott Barilli	Absent
	Lisa Mazzella	Present
Alternate Members:	Christine Scieurca	Absent
Building Inspector:	Robert Wallner	Present
Village Attorney:	Dave Donovan	Present
Secretary:	Anisetta Valdez	Present

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

1. APPROVAL OF MINUTES

September 25, 2024

Motion to approve the minutes with the following changes made by Chairperson Adams, seconded by Member Sestrom. All ayes.

On page 1 the surveyor is "Weeden", not "Wheaton".

The public hearing for **20-22 Center St.** was closed at the August meeting.

The portion of the minutes on pp. 5-6, under **B.3** belongs in front of the discussion as written starting on page 1, section **A**.

On pp. 5, the Motion by Member Matise to leave the public hearing open is correct.

2. BOARD'S BUSINESS

Chairperson Adams: Introducing the members, absent is Member Scott Barrilli and Alternate Christine Scieurca.

Member Sestrom: If you see me using my phone, it is connected to my hearing aids.

A. PUBLIC HEARING

A.1 20-22 Center Street, Area Variance.

Motion to reconvene the public hearing made by Member Sestrom. Seconded by Member Matise. All ayes. Motion carried.

Paul Baum: Attorney for Mr. Hagopian. We ask that there be a continuance to next month for a fair and full vote of five members. Request adjourn for next month.

Chairperson Adams: We will finish the public hearing tonight.

Paul Baum: We'd like to make additional comments before a five-member board. We'd like that opportunity.

Member Matise: Next month, [the meeting date] will be changed because of the holiday.

Pauline Ferguson: 16 Center Street. They still have not done any maintenance and I have made a formal complaint. There are still animals. Yes, we did. And they haven't fixed any of the water drainage issues that are going into the basement of my father's property. This has been going on for months and it

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needs to be addressed. They think that once this is voted on they will just go to the Village of Montgomery.

Chairperson Adams: Did you speak to the village? No, from here it goes to the planning board. It does not go to Montgomery.

Pauline Ferguson: The village should stick to their rules and they shouldn't change just because they think they can.

Chairperson Adams: They have to send their notices. We have no control over the mail and the USPS. We have copies of the mailings.

Pauline Ferguson: Well they didn't receive it. I spoke to home-owners and they didn't know about it until I told them. They haven't been notified. Apparently, the person who works part-time in the village should not be the one writing the notice.

Ray Lustig: 8 Ulster Ave. Members of the board. I received an invoice from the village which is a passed due from DDD Law for legal fees associated with 52 Walker Street. This is the Village's attorney. I'm asking the board to afford a credit for the amount.

Chairperson Adams: We have no control over that.

Attorney Donovan: This has nothing to do with the public hearing and needs to go to the village.

Member Matise: This is a public hearing for **20-22 Center Street**.

Chairperson Adams: You raised your hand.

Ray Lustig: I addressed this with the village manager and they said it was a zoning board issue. I realize that this is someone else's doing. I don't want to create any animosity but I am... I will take it up with the powers that be. And I apologize for being out of order.

Chairperson Adams: I wrote a letter to the fire company as I was asked to at the last meeting.

Reads email.

Chairperson Adams: A copy is in the building file and also with the Secretary and the Attorney.

Attorney Donovan: Request from the applicant for an adjournment. If you're going to withhold I wouldn't want you to close the public hearing without hearing from the applicant.

Chairperson Adams: I did give him the space, but he said he would prefer to speak in front of a five-member board.

Paul Baum: I would like to save my comments for the five-member board so if you're not going to grant the adjournment I would

Chairperson Adams: We cannot guarantee a five-member board.

Paul Baum: I've read the minutes from the last two meetings and I've read the tax maps and the plans and I would assert that this is with the character of the neighborhood such as this would not create and undesirable change. The area is not homogenous and no adverse effects would be created with a 5' difference. Precedence is created with changes but this is not a change, there are many lots with a 5' difference. They aren't seeking any variances except for an existing condition of a 5' deficiency. And that

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would not be noticeable – the only way you could tell is with a piece of paper. The same set of facts are present. *The idea that you're locked into granting the same variance is not withstanding.* There are many deficient properties, so there's no uniformity to argue. This condition exists and we aren't shifting anything to create a deficiency that doesn't exist. The board can deviate with evidence. There's nothing so unique that this would set a presence opening the floodgates for any more such changes. I would encourage us to go through the five factors and address this, then. It blends in and fits with the other homes. Thank you for your time.

Counselor, I would like to ask you, all other properties are in the R5 zone and have existed for 100 years. It's hard to say that this new subdivision would be like the other properties but it's not. It's new. There is one single-family house from the 90s and since the 90s we've worked very hard to control congestion and growth which is not smart which is why we have made rules for the width size. There are other r5 areas in the whole village. Did you consider that?

Paul Baum: This is the impact on the neighborhood, we aren't talking about the whole village.

Chairperson Adams: Yes, but we are.

Paul Baum: This 5' foot deficiency is not going to change what is there. This would not be considered changing the

Chairperson Adams: I take issue with you saying that it isn't noticeable, and I'll give you that but for this board that has been working on the complan we have worked on this and various other boards to address these old issues. We did this to protect people who had lots and we would love to make it 70' but that isn't feasible. We have tried very hard to curb this kind of variance.

Member Matise: Are you operating under the assumption that this is a through street?

Paul Baum: No, I'm not. I'm aware it doesn't go through. And I'm also aware that the people on the end take their access from North street.

Chairperson Adams: 8 North Street is the only house that has the address as a residential onto North street.

Member Mastise: Community character has everything to do with everyone who is there and they are just as important as anything new. I would be jumping up and down because I live in an R5 zone and it's tight. It's *really* tight.

Paul Baum: It's a smaller home.

Member Matise: I didn't catch your name.

Paul Baum: It's Paul Baum. That's speculation in my mind. There's no indication of a traffic impact. There are concerns, but there's no evidence.

Lisa Mazzella: I grew up in the city and I can tell you about living tight. Sometimes it was less than 5' between buildings. We do have a good fire department, they were miracle workers and that's with houses being set apart. I've seen how things are plugged into this village. You said there are many houses with the same deficiency, that's nine more opportunities for someone to come up and says, "How about it?" It is a concern about how people feel. 5' is a lot when you're talking property and there's a lot we have to consider, not just the desire to subdivide. There's reasons why people fought for things to be that way.

Paul Baum: The board needs to weigh the factors.

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Lisa Mazzella: But you do understand why it was 50'?

Paul Baum: Deciding what number to plug in there is arbitrary.

Lisa Mazzella: There are many things that go into [these decisions].

Paul Baum: Boards are arbitrary to an extent. If you had a completely virgin lot that could be newly developed.

Member Matise: He plotted the village of Walden in 25' sections and they took that and made it 50'. And most of the R5 zone is mostly 50'.

Paul Baum: Thank you, board.

Becky Pearson: 167 Walnut Street. I haven't seen the plans. Where is the parking for this building? I thought the village said you can't park in the front yard?

Attorney Donovan: Is that true Rob?

Becky Pearson sidebar with Rob Wallner.

Becky Pearson sidebar with Member Matise.

Pauline Ferguson: The reason for them to build a lot down there is more money. But they aren't maintaining the property that is already there. And this is causing issues for the village. When you bought the property you knew that and we the village and the people that live here shouldn't have to deal with this. They always parked in the backyard and now those people will get tickets. It was not approved by the proper person and the village needs to look at that. The last meeting we discussed them putting a turnaround but there's no room and the people that live here said that they see so much danger because of the inability to turnaround safely.

Chairperson Adams: What is the pleasure of the board?

Member Sestrom: I would argue that the applicant requested an adjournment to make sure that there are more people here and I think it's likely that the five will be here and I would be in favor of voting in thirty days.

Member Matise: I came prepared to deal with this tonight.

Chairperson Adams: Mr. Donovan do we need to go through all the factors again?

Attorney Donovan: I think fair is fair and we need to first deal with the request for 30d relief and then we can go through the factors then. It is not uncommon for an applicant to request a full board. It's in your discretion but I think it's fair to give the applicant their time.

Motion to go into attorney-client session made by Member Sestrom. Seconded by Member Mazzella. All ayes. Motion carried.

Motion to go back into regular session made by Member Sestrom. Seconded by Member Mazzella. All Ayes.

Motion to keep the public hearing open and adjourn to November 20, at 6:30pm with the provision that the board will vote regardless of the number of members present so long as there's a quorum made by Member Matise. Seconded by Member Sestrom. All ayes. Motion carried.

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B. FORMAL APPLICATIONS

B.1 20-22 Center Street, Area Variance.

D. INFORMATION ITEMS:

November date would have been November 27, but is now scheduled for November 20th. Motion to change made by Member Mazzella. Seconded by Member Sestrom. All ayes. Motion carried.

December date would have been December 25. Change to December 18. Motion to change made by Member Matise. Seconded by Member Mazzella. All ayes. Motion carried.

Adjourned until the next meeting on November 20th on the third floor at 6:30pm.

E. CORRESPONDENCE: None

1. COMMUNICATIONS: None

2. EXECUTIVE SESSION: None

MEETING ADJOURNED: Member Matise made a motion to adjourn. Seconded by Member Sestrom. All ayes. Motion is carried.

RESPECTFULLY SUBMITTED

Anisetta Valdez, Zoning Board Secretary