

Village of Walden
Zoning Board of Appeals Meeting
December 18, 2024

Chairperson:	Brenda Adams	Present
Members:	Mary Ellen Matise	Present
	William Sestrom	Present
	Scott Barilli	Present
	Lisa Mazzella	Present
Alternate Members:	Christine Scieurca	Present
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

November 20, 2024

Motion to approve the minutes made by Member Matise. Seconded by Member Mazzella. All ayes.
Motion carried.

2. BOARD'S BUSINESS

Chairperson Adams: Introduction of members. Alternate, Christine Scieurca is in the audience.

A. PUBLIC HEARING

A.1 40 Riverview Street

Brenda Adams: Are there any members who need to recuse themselves? No. Let me just read the notice. Mr. Case would you like to make your presentation.

Daniel Case: I see there's a picture there. If you're putting it on the foundation, that makes it a garage. This is what our contractor started building last summer. We got a stop work order and we've been here ever since. Apparently, that was not grandfathered in.

Chairperson Adams: Everything in this paperwork says storage shed.

Rob Wallner: Because it's on a foundation [it's a garage]. It doesn't have overhead doors so it's not capable of housing a vehicle. Not really.

Attorney Donovan: The distances apply as it is an accessory structure. I would suggest that as an umbrella term.

Sidebar about the packets

Chairperson Adams: I'm a little confused by what you wrote. You got a permit to demolish the old one.

Daniel Case: Our contractor started building before we had a permit. We understood he got the permit and only after the stop work order was received did we become aware.

Chairperson Adams: In your memo, you said you had a survey that the old structure was 3' from the boundary. Did the survey show it?

Daniel Case: The survey didn't actually indicate the actual distance. And now we've measured it ourselves.

Chairperson Adams: And you and the building department agree on these numbers?

Village of Walden
Zoning Board of Appeals Meeting
December 18, 2024

Daniel Case: Yes. We thought the contractor had applied and we didn't find out he hadn't till later, and now we need a variance.

Chairperson Adams: You have a cement/stone/wall foundation? The shed is all the walls?

Daniel Case: This was the start at the time.

Chairperson Adams: Do you intend to make the wall all the way around. They're on the left side

Daniel Case: That was there before, it was just shored up. It's from the old structure.

Chairperson Adams: That concrete is closer to the sidewalk

Member Matise: So you put this poured cement down outside the original footprint?

Daniel Case: It did end up being that way. I thought there was a retaining wall.

Chairperson Adams: Ok let's go back. You went back down to the ground. A clean slate and to this poured cement, completely brand new outside of the footprint of the old and you're building on top of that?

Member Matise: What's around that, in that picture, no. What you're seeing is the framing of what's going to be there.

When you look at that picture it looks like the wood is on top of that wall.

Rob Wallner: Yes it is. The original rubblestone wall was in this area. The original permit was a demolish permit. The original foundation for the dilapidated shed was in this area. It was completely removed. This wall, this new concrete wall was poured without a permit. So I have no idea what the footing is. We issued the stop work order and when the contractor came in with the prints we could not determine the boundaries Mre. Case got a survey and the marking pins were behind this tree so there's no other way other than to eyeball it. They determined it was too close and within the setback requirement. This structure is on the new concrete that's too close to the property line.

Chairperson Adams: Last question you weren't able to check the footings so you can't determine how far it goes?

Rob Wallner: It could be termed a retaining wall. I would have a difficult time approving that as a wall.

Member Mazzella: that's going to be one of the sides? Plus the wall behind?

Rob Wallner: All four walls are framed.

Member Mazzella: I do remember the old structure. This seems bigger. Did you put the retaining wall up? Did you get any specs as to what's in it, how they constructed it?

Daniel Case: As I said, the contractor said he would take care of it. Once the setback issue came up, this has been the only thing we talked about.

Member Mazzella: The only concern is how sturdy, because it's getting a roof. So that's why I'm wondering, when you paid for the materials, did they tell you what it was? I know it's larger and I can see why there would be a question.

Village of Walden
Zoning Board of Appeals Meeting
December 18, 2024

Member Barrilli: from what I can tell you're almost 3' from the back, but from the front that's 15". So it's not all. To echo what [Member Mazzella] was saying you have to be able to verify the strength of the structure. They had to get an engineer to sign off on it.

Member Matise: Is this the same footprint as what was there before?

Daniel Case: Yes. But it's also a little bigger.

Member Matise: Was I in line with Torvy's? This is Torvy's garage next to your sand another all lined up. I'm not sure if they were all built at the same time. So you added these walls, and you don't need to prove to us that the walls can be supported, but you do need to show the building inspector.

Chairperson Adams: The retaining wall is outside the original footprint.

Member Matise: I just want to keep this simple. [Building Inspector] what caused you to issue the stop work order? Did a neighbor complain or did you see it? I knew there was a demolish permit issued but not a build permit.

Member Sestrom: Next thing, there was a shed on the path and now the shed has gotten bigger. Did you get a permit? I think the answer is

We can postpone this for another month and you can go to the building department.

Motion to adjourn without a date made by Member Matise. Seconded by Member Sestrom. All ayes. Motion carried.

B. FORMAL APPLICATIONS

B.1 40 Riverview Street, Area Variance

B. 2 20-22 Center Street, Area Variance, Resolution Approval.

Chairperson Adams: Next is the resolution for **20-22 Center Street**.

Motion to authorize Chairperson Adams to sign the decision made by Member Sestrom. Seconded by Member Barilli. One nay and three ayes. Motion carried.

Pauline Ferguson: 16 Center Street Is the resolution still going to be to re-do the plans?

Chairperson Adams: Now it goes to the planning board with conditions. Would you like me to read it [Member Matise]? It's just to verify.

Member Matise: I thought we asked them to consider an easement?

Chairperson Adams: We can't. Our recommendation was to improve the 5' and to look at the parking that would no longer exist.

Attorney Donovan: I'm sure you all read the minutes.

Member Matise: I thought we made a condition about the easement? I think it bothers us all about having to vote against our better judgment, and against the village code.

Motion to write a letter made by Member Matise. Seconded by Member Sestrom. All ayes. Motion carried.

C. DISCUSSION ITEMS

Village of Walden
Zoning Board of Appeals Meeting
December 18, 2024

Member Matise: This was Spring of 2021. We got an application for **45 2nd St.** That's supposed to be carport. *Reads application.* This is what happens! Was he here at this time? Who went out when this guy was building this and totally disregarded our decision?

Chairperson Adams: He was here at that time. We don't have an application in front of us at this time.

Member Matise: This is a discussion item.

Chairperson Adams: So what are we discussing?

Member Matise: I want to know what happens when we make a decision, and it's disregarded.

Chairperson Adams: I'm ending the conversation.

3. DISCUSSION ITEMS:

4. INFORMATION ITEMS:

5. CORRESPONDENCE:

D. EXECUTIVE SESSION:

E. ADJOURNMENT:

Motion to adjourn made by Member Barilli. Seconded by Member Mazzella. All ayes. Motion carried.

RESPECTFULLY SUBMITTED
Anisetta Valdez, Zoning Board Secretary