

Village of Walden
Zoning Board of Appeals Meeting
September 24, 2025

Chairperson:	Brenda Adams	Present
Members:	Christine Scieurca	Present
	William Sestrom	Present
	Scott Barilli	Absent
	Lisa Mazzella	Present
Alternate Members:	Amalie Thomas	Present
	Jerred Sanusi	Present
Building Inspector:	Robert Wallner	Present
Village Attorney:	Sarah N. Wilson	Absent
Secretary:	Anisetta Valdez	Present

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

I. APPROVAL OF MINUTES

August 18, 2025

Chairperson Adams: *Introduction of the board members* Our attorney just sent in an email that she will not be attending. We'll start with the approval of the minutes. There is one correction and it should be, "...the village sold the roads".

Motion to approve made by Member Sestrom. Seconded by Member Scieurca. All ayes. Motion carried.

II. BOARD'S BUSINESS

A. PUBLIC HEARINGS

A1. Pleasant Avenue/Hillside Avenue – c/o LP Builders Associates II, LLC

3 lot subdivision – Area Variance for Road Frontage Requirement

Motion to reopen the public hearing made by Member Scieurca. Seconded by Member Sestrom. All ayes. Motion carried.

Chairperson Adams: We received new information. I will read the letter from the Planning Board.

Reads letter from Planning Board from September 23rd.

Chairperson Adams: You have three lots. So there [would be] three owners. And your proposal is to take those five lots and make it three with one driveway that one of the lots would own. That's different from what was said last month.

Lulash Pepaj: That's correct, one person would own it. So it's three lots and that one, the larger one would own the drive.

Chairperson Adams: And that would be on the deed.

Lulash Pepaj: An agreement between the lots would be that [lot 1] would own [the drive] and lots 2 and 3 would be granted access.

Member Sestrom: What is your company's address?

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Lulash Pepaj: 33 Mountain View Terrace is the address of my company.

Member Sestrom: *Inaudible*

Lulash Pepaj: This Hillside drive went all the way through and then Jerry, who owns the Thruway, took all of that. So I would only need a variance for lots 2 and 3 and there is an easement for NYSEG that we can work off of.

Member Sestrom: Would you be able to build without moving the [utility] poles?

Lulash Pepaj: No, we don't need to move them. If you look here, there's one here and one there. *Shows on map.* NYSEG said the poles are active but I would probably do underground as it's safer and more efficient for a private road.

Member Sanusi: I had a couple of comments—When I was looking at the fire codes and they would need access, this is a cul-de-sac.

Lulash Pepaj: It doesn't need to be a dead end; I put it in as a cul-de-sac so that [motorists, residents, and utilities] could get in.

Member Sanusi: You would need a diameter of 80ft. We can't do anything about it here, but I wanted to let you know for the Planning Board. And we have had fires in the village recently so we want the house on lot 1 to be able to get service. The turn is only 40ft right there so it should be increased.

Lulash Pepaj: There are many in the village that don't fit that. But we will work with all departments to make it appropriate for all.

Chairperson Adams: Would anyone from the public like to speak?

Mary Ellen Matisse: How about we go back to Wileman Ave?

Chairperson Adams: We can't go back to that.

Mary Ellen Matisse: 54 Gladstone Ave. I can say what I want. This is a public hearing. We don't have private drives in the village. Maybe earlier, but not now. And so, if a non-conforming lot, according to our code, cannot become further non-conforming, no matter what he calls this lot, where is the access?

Member Scieurca: It's on Pleasant Ave.

Robert Wallner: It's there.

Mary Ellen Matisse: So there are still two non-conforming lots and it's subject to our merging clause. And they need to be merged to lot 1 or to the ones on Oak. Without an HOA, he's going to have agreements, and now we are dealing with situations of easements that can get dropped out of deed.

Member Scieurca: They can't be dropped.

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Mary Ellen Matise: There are issues in the village because language gets dropped.

Chairperson Adams: Anyone else? With no further comments from the board or public

Member Mazzella: With the easement that could be subject to a deed restriction so they would have to have the easement to have access?

Chairperson Adams: The law says they must have street frontage.

Member Mazzella: Is it village and state code?

Chairperson Adams: Yes.

Member Mazzella: I've seen this before but I want to know how it would be done with maintenance. So I've seen this before.

Chairperson Adams: I think it will be a legal nightmare but that's not our purview. It will have to be in the deed of sale.

Mary Ellen Matise: Is this the current property line for lot 5? So this is pre-existing non-conforming.

Member Sciurca: Yes.

Motion to close public hearing made by Member Sestrom. Seconded by Member Sciurca. All ayes.
Motion carried.

Chairperson Adams: In this case, SEQR has been submitted. GML is not required for this application.

Motion for an unlisted action under SEQR made by member Sciurca. Seconded by member Sestrom. All ayes. Motion carried.

Chairperson Adams: They only need two variances for proposed lot 2 and 3 as the drive will be owned by lot 1 and they will be paying taxes on it.

#1 No objections

#2 No objections

#3 It's substantial – all ayes

#4 No adverse effect – all nay

#5 Undesirable change to neighborhood character - all agreed the variance will make additional houses possible and would not change the character of the neighborhood. Feasible alternatives - all members agreed the only option to make use of the five current properties, mostly landlocked, is the proposed subdivision. Substantiality of Request - all agreed this is a substantial request as proposed lot 2 and 3 have no road frontage. 100% variance for each lot. The variance for lot 1 is not needed. Adverse impact on the physical/environmental conditions - all members agreed it appears there are no negative impacts, and that the Planning Board will be working through construction details. Self-created difficulty - all ayes. Applicant could make one big parcel

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The planning board is encouraging this project and they will be responsible for the parking etc. So we are only giving two variances so no one factor can deny it, but this is an unusual piece of property that is not being used to its potential. Are we ready to vote?

All ayes.

Motion to direct counsel for the board to prepare a written decision which is consistent with the findings of the board and granting the requested area variance for the proposed lots, 2 and 3 for ingress and egress over lot, one with written road maintenance agreements and everything to be on your filed map per notice of the planning board to also review the fire code and to take into consideration that the fire trucks will have access to and from the lots made by Member Sciurca. Seconded by Member Sestrom. All ayes. Motion carried.

Chairperson Adams: I will send a note to our attorney to draft that resolution and it will be voted on next month. We meet after they do, so this may not make it on their agenda until after October. [Board Secretary], please send me the exact phrase so it can be sent to [the attorney] exactly as [Member Sciurca] said it.

A2. 117 Orchard St. – c/o Saar Family, LLC

Area Variance – Increase in “nonconformity” – adding stories above grade; increase in bedroom count; off-street parking requirement.

Chairperson Adams: The applicant sent a letter as he is not here tonight because he is at a religious celebration. I need to motion to open the hearing.

Motion to open the public hearing made by Member Sanusi. Seconded by Member Sestrom. All ayes. Motion carried.

Chairperson Adams read a summary of the notice.

Chairperson Adams reads Mr. Oren Saar’s letter.

Chairperson Adams: Comments from the board.

Member Sciurca: I was thinking the same thing before the letter that the rooms do not dictate how many cars end up there.

Member Mazzella: I think there is a certain conformity that we have to consider and changing this can alter what the rest of the area does.

Member Sanusi: We have to remember that it’s three stories on the back side, and so that’s a little bit of a misnomer, and the basement is the same size as the main floor. I do think parking is something to be considered as school buses go around that corner, and it could be tight. And one thing is that you can’t see it, but behind that dirt hill, there’s another home, so it could be a fire concern. He does have options to stay conforming on the non-conforming lot.

Chairperson Adams: I think this building is for a bigger lot. And the footprint is not our only problem, we are being asked to disregard the setbacks.

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Mary Ellen Matise: There's a couple of things—this is the back, and the design he's picking makes a larger home that could slide down and he wants to take advantage of the view, but the roof is large. So I would like to know why there can't be a carport there?

Member Scieurca: There's an elevation issue.

Mary Ellen Matise: The addition on the side, there could be a little garage.

Member Scieurca: Those are the two bedrooms. That top floor with all the windows is just the main bedroom.

Mary Ellen Matise: The fact is he can pick a better design and still get the view.

Chairperson Adams: Bottom line: he wants to make a bigger home, but we, by law, cannot make a lot further non-conforming.

Mary Ellen Matise: Could we set height restrictions? Or soil stability?

Chairperson Adams: That's not for us to say.

Wenda Heaney: 14 Ridge Avenue You said it's not up to the zoning board to figure out the integrity of the soil? Who's job is that?

Robert Wallner: We would get an engineer's report filed with the Building Department.

Chairperson Adams: We are judicial and we only rule on what is brought before us.

Wenda Heaney: I just wanted to clarify who would take that into consideration how stable the ground may be.

Chairperson Adams: Any additional comments?

Member Sestrom: The question to make it non-conforming [inaudible].

Motion to close the public hearing made by Member Sestrom. Seconded by Member Scieurca. All ayes. Motion carried.

Chairperson Adams: The GML came back for local determination.

Motion to list this as an unlisted action pursuant to SEQR made by Member Mazzella. Seconded by Member Sestrom. All ayes. Motion carried.

Chairperson Adams: Let's go through the factors first. The complan will be approved soon.

#1 – All vote that this is a further non-conforming request.

#2 – There are other options.

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#3 – It is substantial.

#4 – The proposed build would take away from the character of the neighborhood.

#5 – It is a self-created hardship.

Undesirable change to neighborhood character - all agreed the proposed house would change the overall aesthetics of the neighborhood, contribute to more parking issues and would make a nonconforming property more nonconforming. A larger house doesn't guarantee better ownership or tenants. Also, with the Comprehensive Plan review almost done, no reduction in zoning requirements and use tables are under consideration. The goal is to lessen nonconformity, not increase.

Feasible Alternatives - all members agreed the applicant has the option to rebuild a single story, two-bedroom home. The applicant cannot achieve his desired outcome without a variance. However, there is no loss of value to rebuild as was. A reminder that ZBA's obligation is to make sure a property does not lose value due to zoning codes. ZBA is not there to maximize the value of or increase profits for a property owner.

Substantiality of Request - all agreed this is a substantial request. Parking alone is 100%. To calculate true substantiality side yard and front setbacks shortfalls would need to be taken into consideration. Also noted, to allow such a huge variance would reduce the value/integrity of zoning codes and question why we have zoning at all.

Adverse impact on the physical/environmental conditions - ground stability of a larger house on a small lot (rear hillside to the river). Orchard St. has heavy school bus traffic. Lack of off street parking is an issue. Increased density with two stories nearer neighboring properties.

Self-created difficulty - yes

Chairperson Adams: With that in mind, we do not have to do this section.

Motion to direct that counsel for the board would be directed to prepare a written decision which is consistent with the findings of the board denying the requested area variance for the 3-bedroom proposed home on **117 Orchard Street** made by Member Scieurca. Seconded by Member Sestrom. All ayes. Motion carried.

Chairperson Adams: The variance is denied. And that will be approved at the next meeting.

B. FORMAL APPLICATIONS

C. ARCHITECTURAL REVIEW BOARD

III. COMMUNICATIONS

IV. EXECUTIVE SESSION

V. ADJOURNMENT

Motion to adjourn made by Member Scieurca. Seconded by Member Sestrom. All ayes. Motion carried.

RESPECTFULLY SUBMITTED

Anisetta Valdez, Zoning Board Secretary