

**Board of Trustees of the Village of Walden  
Joint Meeting with the Planning Board and Zoning Board of Appeals  
May 7, 2013**

Mayor Maher called the regular meeting of the Village of Walden Board of Trustees to order at 6:30 pm.

On roll call the following were:

Present:

Mayor	Brian Maher
Deputy Mayor	Sue Rumbold
Trustees	Bernard Bowen
	Willie Carley
	Sean Hoffman
	Edmond Leonard
	Gerald Mishk

Planning Board	Stan Plato, Chair
	Jay Wilkins
	Lisa Dore
	Brian Sebring

Zoning Board	Brenda Adams, Chair
	Carolyn Wesenberg
	Rebecca Pearson

Absent:

John Duffy  
Jason Trafton  
Jonathan Cella

Also Present:

John Revella, Village Manager  
Tara Bliss, Village Clerk  
David Donovan, Village Attorney

**Discussion Items**

**Recommendation for Next Joint (Tri-Board) Meeting**

Mayor Maher said to have meetings twice per year, one in Spring and one in Fall. Next meeting will be November 19<sup>th</sup>. All agreed.

**Planning & Zoning Boards – Annual Training Certification, Records & Course Offerings**

Manager Revella reminded everyone there are a required number of hours that each member needs to go to continued education trainings. Each member must bring back certificates and turn into the Village Clerk. The Village clerk will keep track of all certificates and hours.

**Planning & Zoning Boards – Appointments**

Manager Revella announced that Oscar Alleyne was appointed to the Zoning Board.

## **Planning & Zoning Boards Minutes**

Mayor Maher asked if the Planning and Zoning Board minutes were up to date on website.

Clerk Bliss replied they are not current but are being worked on by Dean.

## **Applicant Guidelines & Potential Policy Adjustments**

### **Posting Property**

Trustee Hoffman explained that Stan Plato had suggested posting of a property be put into law, but that Dean Stickles advised it was previously in the code and it had stalled. He asked Stan what he needed from the Board to move forward.

Stan replied he was unsure.

Trustee Hoffman replied Zoning Board would make suggestions and send for discussion to be put on the agenda if needed. (Everyone agreed with that.)

### **Accessory Apartments**

Trustee Hoffman explained this topic is similar to the last one in the fact that the Zoning Board made suggestions to update the Zoning code. He asked Brenda Adams if she could share their proposal with everyone.

Brenda Adams explained that it is meant for people who are trying to hold onto their homes and don't want to go to a 2 family residence. They were looking at a way to help senior people keep their homes with limited income by establishing small accessory apartments to help with taxes and utilities.

Mayor Maher asked how it would be approved.

Brenda replied the proposal was to have the Planning Board look at it from their viewpoint.

Deputy Mayor Rumbold asked if each apartment would have a kitchen, a bathroom, a living room, as she wanted to make sure they were not talking about boarding houses or people renting rooms.

Brenda stated that the rooms have specific sizes between 500-750 sq feet, leaving at least 900 sq ft as the main part of the house.

Trustee Bowen asked would it have a separate entrance.

Brenda replied, yes, but it will not take away from the single family look of the residence. It would look just like another entrance to the house. It will not be changing the character of the house.

Mayor Maher stated that having 3 different entrances could make a better argument as opposed to having a single entrance.

Brenda responded that it would be 1 bedroom, with a minimum of a kitchen, living room, and bathroom.

Trustee Hoffman explained ideally thinking of a care giver and elderly parent scenario it would be good, but there is potential for someone who owns a single family home for additional income but not for someone looking to construct an addition within the existing four walls.

Stan asked if the person living there would own or rent.

Brenda replied that they would own and live in it. She explained if one senior citizen passed away the permit would go away. Each year they would have to come back for a simple process to say they are in the house and also to give the public a chance to speak in the event it has caused problems so someone could speak out. For example people were partying and doing all sorts of things affecting the neighborhood.

Mayor Maher asked her what the process is to get this going.

Brenda answered that it would go to the Village Board who would need to send it to the Planning Board for further review and something would come out at some point.

Becky Pearson stated only the Board could change it, it's their law. They looked at a lot of different laws in other communities.

Trustee Leonard asked Brenda if her Board ever considered lofts over garages to convert into an accessory unit.

Becky replied they looked at one accessory unit per property; in the same building or detached.

Trustee Leonard said that's what the Town has done and is successful with over 20 units created.

Mayor Maher said to put it on the agenda for the next Board meeting.

Deputy Mayor Rumbold wanted to know how many people would be living in a dwelling. If an elderly person takes the accessory with 1 bedroom, let's say there are 3 total bedrooms would they suggest having up to 6 people on the other side?

Brenda replied yes because you'll have the elderly person lives in home and the whole family in the other portion if they choose to.

Trustee Bowen asked if it was a recertification every year.

Brenda stated a recertification every year in case a family member passes away, the family can't rent out. We're trying to avoid more rentals.

Jay Wilkins reminded them that the property will be reclassified with the tax rolls from a one family to a two family residence. Also, in Monroe there is a lemon law which says that anyone that rents a part of their house out existing or not, has to register every year \$50 for each visit and \$25 per apartment renewal with the Village. Which is good for the Village as it brings in money and it's also good because the code enforcement will know who's in the house and current.

Brenda explained the law states there has to be a yearly inspection. And if they're not allowed in we will revoke their permit and they will no longer be able to rent it out. Also there's a fee for the Village to be set for them to pay for approvals.

Deputy Mayor Rumbold asked if she was assuming in the same scenario would the other side renting be family members or could they have friends.

Brenda answered that they could rent to anyone.

Deputy Mayor Rumbold then asked if her vision was to have multiple families.

Brenda replied that the vision was to help the homeowner without turning the home into a 2 family home.

Deputy Mayor Rumbold asked her how she can legally say it's not a Boarding house at that time.

Manager Revella said that registration is the only way to enforce it.

Deputy Mayor Rumbold asked if the current code states members of the same family can live there.

Trustee Hoffman said that it doesn't say that specifically.

Brenda stated that that would be the purpose of renewing every year.

Deputy Mayor Rumbold mentioned that once you rent to someone you're not going to know who you have in there. It's happening already in the Village. People are having Boarding houses and renting bedrooms in order to try and save their homes. She said she knows that the intention is noble but enforcement of the law doesn't seem simple.

Mayor Maher said that since it's happening already this is a mechanism to enforce it.

Deputy Mayor Rumbold asked if it go on for a year and then enforce it.

Mayor Maher responded that it also allows it to say it's illegal.

Trustee Bowen asked how we check on that now.

Manager Revella answered that we don't.

Trustee Carley questioned how we enforce it.

Dean said that he can't inspect single family houses unless they have open permits with the Village.

Mayor Maher asked Jay if they have same issues in Monroe.

Jay replied that with the same issues, the rental law gives them the authority. Also they agree to let us inspect the house. And before it gets rented out again, they will re-inspect the house. Then will get the name of the tenant and number of residents.

Mayor Maher explained that although it's happening right now and unable to go into somewhere that perhaps this law in the future it will lead to less of those situations.

Deputy Mayor Rumbold expressed her concern that it will turn into a free for all.

Village Attorney Donovan said that there's a process this will go through if the Board is interested. Will need to go to Planning Board for the modifications and if the Zoning Board thinks it's within 500 ft of state highway, it will also go to County Planning Department. Then there will be a public hearing. It's going to be vetted through Planning Board and public. Maybe more concerns will come out during the public hearing process. At the end you can adopt it. There isn't any law that we have that is perfect and if people don't respect the law it will become an enforcement issue. Concerns will be vetted through the process. Town of Newburgh did this 2 to 3 years ago for the same reason and it has worked fairly well not perfectly but fairly well.

Mayor Maher suggested starting the process.

Trustee Leonard would talk to building inspector in the Town of Montgomery to see how that is working for them as their law and this law are both similar structurally.

Mayor Maher said to put it on the agenda for the next meeting.

### **Zoning/Comprehensive Plan Update**

Mayor Maher said the Zoning/Comprehensive Plan update will be discussed at the Village Board meeting tonight. They will be taking that up and seeing those changes that we would be making.

Manager Revella stated that he met with Attorney Donovan about the process and how to do that and most of it can be vetted out pretty easily. Going to take a shot and coordinate with Alan Sorensen and coordinate with Village Board meeting.

### **Roundtable Discussion**

Trustee Carley enquired about a way to educate himself on all the Zoning laws that he can look into.

Carolyn mentioned that the training she sat through didn't help with Zoning but would love to sit through her training.

Manager Revella stated they can utilize our current firm to have a training session.

Stan recommended having a joint session with all the Boards.

Attorney Donovan said Hamptonburgh gets credits by holding trainings before their meetings where he gives a general overview or a specific topic that the members were looking for and he would be happy to provide that here as well.

Mayor Maher stated that Manager Revella would work on it.

Becky thanked the Board for having the meeting.

Trustee Hoffman was encouraged by ZBA taking the lead on accessory units. He mentioned on his first term he was shot down big time. The affordable housing in the Town is successful.

Stan stated the Kidd Farm's original escrow agreement was to keep \$15,000 to pay our consultants if it got below \$10,000, it would be replenished up to \$15,000. It's currently gone below \$10,000 and they want to reduce it. He wants to put it out there that if they can't keep it up there then they probably shouldn't do the project.

Manager Revella stated that he doesn't think we should change the previously agreed upon contract.

Becky said that they originally wanted a lot more than that and they brought it down.

Deputy Mayor Rumbold questioned if that was the agreement, then why was it allowed to happen.

Manager Revella replied that they stopped and applicant has been sent notice that they need to replenish.

Trustee Hoffman asked if he gave a reason why he wanted a reduction in escrow.

Stan answered because he feels most of its done but he doesn't agree.

Manager Revella said that it's possible and asked if he was aware that when it's done he gets the money back.

### **Public Comment**

None.

### **Adjournment**

Carolyn Wessenberg moved to adjourn. Seconded by Trustee Carley. All ayes. Meeting adjourned.