

Village of Walden
Zoning Board of Appeals
January 15, 2009

Present:	Chairman	James Corbett
	Members	Brenda Adams
		David Ohlmer
		Jason Trafton

Also Present:	Dean Stickles, Building Inspector
	Kevin Dowd, Village Attorney

Regrets:	Marisol Martinez-Duran
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Chairman James Corbett called the meeting of the Village of Walden Zoning Board of Appeals to order at 7:30pm.

1. Approval of Minutes – December 4, 2008

Brenda Adams made a motion to approve the minutes.

Seconded by David Ohlmer.

All ayes.

Motion carried.

November 6, 2008

Brenda Adams made a motion to approve the minutes.

Seconded by James Corbett.

All ayes.

Motion carried.

2. Boards Business

A. PUBLIC HEARING

A.1 15 Donner Drive

James Corbett read the Notice of the Hearing.

48 Mailings were sent out 23 were returned and 1 was undeliverable.

Brenda Adams made a motion to open the public hearing.

Seconded by David Ohlmer.

All ayes.

Motion carried.

Claudette Katz said that her house was changed into a mother-daughter 26 years ago.

Kevin Dowd asked how the house was changed.

Claudette Katz said that the access from upstairs to the downstairs was cut off. The downstairs was given a separate entrance through the garage which was changed to a living room.

Kevin Dowd asked who lived in the house after it was converted.

Claudette Katz stated that her mother lived there and that she still does.

Brenda Adams asked if the property is currently for sale.

Claudette Katz said yes.

Kevin asked who the realtor is.

Claudette Katz said that the realtor was Annette Bauer of century 21.

Kevin Dowd asked Dean Stickles what the records for the house show.

Dean Stickles said that the records show that the house is a single family.

James Corbett clarified that the property has always been taxed as a single family.

Brenda Adams asked Kevin Dowd what the difference is between a two-family house and a mother-daughter.

Kevin Dowd said a mother daughter is not a complete separation. There are usually family members living in separate parts of the house but they use the same entrance. A mother-daughter does not have a separate apartment that can be rented. In this case since there is no interior access between the two floors it is set up as a two-family. This house is not zoned for a two-family and it is therefore illegal.

Jason Trafton asked how many square feet the house is.

Claudette Katz said that she does not know.

Kevin Dowd asked how long she owned the house for.

Claudette Katz said that the house originally belonged to her parents, they purchased it in 1967, it was given to her after her father passed.

Kevin Dowd asked how the house was being marketed.

Claudette Katz said that there is a "for sale" sign in the front of the house, beyond that she did not know.

Kevin Dowd asked when the house was first listed.

Claudette Katz said two months ago. She said that since it was listed she has not had any prospective buyers look at it.

Brenda Adams said that she would like to know what the square footage of the apartment is.

Kevin Dowd asked if any money was exchanged when she was given the house.

Claudette Katz said no.

Brenda Adams said that her only investment is the improvements to the house. So her profit would be considerable.

Jason Trafton asked if she was told by her real estate agent that it would be more beneficial to market the house as a mother-daughter.

Claudette Katz said that she was told that it would be better to sell the house as a two-family.

James Corbett read the letter from the county. The letter stated that the person requesting a use variance must prove that in the absence of a variance they would experience financial hardship.

Brenda Adams said that there does not seem to be a financial hardship.

David Ohlmer Made a motion to close the public hearing.

Seconded by Brenda Adams.

All ayes.

Motion carried.

James Corbett made a motion to declare this an unlisted action with a negative declaration under SEQRA.

Seconded by Brenda Adams.

All ayes.

Motion carried.

Brenda Adams made a motion to deny the request.

Seconded by David Ohlmer.

All ayes.

Motion carried.

B. FORMAL APPLICATIONS

A.1 54 Pleasant Avenue

Kevin Dowd said that it would be inappropriate to put a condition on the house that forces the owner to live in the house.

Brenda Adams said that she feels that it is a unique issue because she thinks that the conversion was accepted by the board at the time that it was done. She said that she thought that it was unfortunate because the family paid taxes on a two-family house and paid a garbage bill for a two-family house. She

stated that the family that was interested in the house may have eventually turned it back into a single family house as their family grew.

Jason Trafton said that they probably needed to supplement their income and that they may not have qualified for a mortgage if they did not have that extra income from a two-family house.

David Ohlmer said that the couple who lives on Pleasant Avenue should not be forgotten because he feels that their complaints are valid.

Brenda Adams made a motion to approve the variance for 54 Pleasant Avenue.

Seconded by James Corbett.

Brenda Adams said no.

Motioned carried.

James Corbett made a motion to deny the variance.

Seconded by Jason Trafton.

Brenda Adams voted no.

Motion is carried.

C. DISCUSSION ITEMS

March 5th meeting to be held in the usual location on the second floor.

James Corbett motioned to close the meeting.

Seconded by Jason Trafton.

All ayes.

Motion carried.

Meeting adjourned 8:24pm.