

Village of Walden
Zoning Board Meeting
September 04, 2014

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| Chair: | Brenda Adams | Present | |
| Members: | Rebecca Pearson | | Absent |
| | Carolyn Wesenberg | Present | |
| | Faith Moore | Present | |
| | Oscar Alleyne | Present | |
| | Gregory Raymondo | Present | |
| Building Inspector: | Dean Stickles | Present | |
| Village Attorney: | Robert Dickover | Present | |
| Secretary: | Nancy LaMancuso | Present | |

Chairperson Adams - Called the Zoning Board meeting to order at 7:30pm with the Pledge of Allegiance.

Chairwoman Adams – Member Pearson is out of town on business, Member Moore will be replacing her.

1. APPROVAL OF MINUTES:

Chairwoman Adams – Approval of minutes for 02/06/14 any corrections/changes? Minor changes noted.

**Member Raymondo made Motion to accept Zoning Board Minutes of 02/06/14
Seconded by Member Wesenberg with all members voting yes.**

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 74 Wait Street:

Chairwoman Adams – There are two (2) variances, a Use Variance and an Area Variance. (Notice read aloud) Property identified on the tax map as Section 305 Block 5 Lot 14.1 located in an R-4 single family zoning district.

Member Wesenberg reviewed mailings: Mailed 50, Signed Receipts 44, Returned letters 6.

Gerald Mishk, applicant 68 Wait Street – We are proposing to put an Echo Cottage on the lot, actually the 74 Wait Street is a double lot. To place this cottage on the property on a temporary basis to house my father-in-law whose 80 years old, who has had some major surgery a few months back and cannot cope with stairs etc. at his own home. This project I found by attending a town and village meeting, a presentation was made on this. Basically it is a moveable home that is built on the site but is set to be pulled out when my father-in-law no longer needs it, the property will be restored to the way it currently is. The building will utilize the water, sewer and electric (my electric) so there is no separate utility that will be placed in it. It's a two (2) room, 450 sf accessory apartment everything on the same level, except it is a separate structure.

Chairwoman Adams – Your two (2) lots are one deed one property and one tax map, correct?

Gerald Mishk – It is and doing some investigation on that, when I bought that property I really just wanted to buy the lot I didn't want the house with it. Building Inspector Stickles informed me that back in the 1980's any vacant lots that were owned by the property owners next door for tax purposes became joint. I actually thought about it to subdivide the property and actually build a structure but felt this would be quicker and easiest way.

Chairwoman Adams – Subdividing comes into another total area. You do realize that the hardship that you're facing, which I do understand what you are trying to resolve, the hardship is the zoning is causing to the value of the property and to the use of your property. A second building on that property you need to tell the Board how this is affecting you in a way that this use variance is needed.

Gerald Mishk – First my father-in-law lives in Fishkill, N.Y., my wife and her brother live here so when he had his fall he was ten (10) hours on the kitchen floor before we could get over there and find out what was going on. That is the first thing it would remedy because my wife who is also an RN would live right next door and would be able to assist him. Secondly the cost of trying to put him into a nursing home is a lot more substantial that building this structure and the cost of running the structure. If you look into the cost of a nursing home is costly approximately sixty to seventy (60 -70) thousand dollars a year. This concept was designed as an alternative to a nursing home and that is what we are trying to do, to alleviate the cost number one, number two the stress on my father-on-law and anyone else involved in the family and having him in a nursing home because his demeanor will go right down hill. It was bad enough that he had to be in a nursing home rehabilitation center for the two (2) weeks he was there, somebody was there around the clock, and one son came in from Arizona and stayed with him the whole time because he was fighting the issue of being in the facility.

Chairwoman Adams – On your application you asked for a temporary variance and I ask Attorney Dickover incase I say this incorrectly but there is no such thing as a temporary variance, if we were to issue this a building could stay on that property for as long as you choose to do it. If you sold your property is could stay on there for the next person so it is long term commitment by the Village. If the use variance is permitted it is a long term commitment of always allowing the second living quarters on one property.

Gerald Mishk – When I said temporary I was utilizing the way the structure is built, even though you can't see there would be a frame to put wheels on later to wheel it out. There would no footings what so ever in the ground as I understand it and the contractor can correct me if I'm wrong they dig down eighteen (18) inches and sits on piers and is anchored to the ground but is would not be permanently there it can be easily moved.

Chairwoman Adams – It can be easily moved but legally if we grant the variance it can also stay forever. If you were to leave there for as long as you own the home and then it goes on to the next person. I believe it is a one (1) year, if you were to remove it in one (1) year after that then the variance goes away. Is that correct Building Inspector Stickles?

Building Inspector Stickles – If you don't do the variance within one (1) year you loose it.

Chairwoman Adams – If he were given the variance for this building and then he does remove it as he's suggesting he might, if it's gone for one (1) year will the variance go away or will it stay permanent forever as well?

Building Inspector Stickles – I would refer that question to Attorney Dickover.

Attorney Dickover – I'm not sure; if he removes the structure does the variance go away?

Chairwoman Adams – Yes.

Attorney Dickover – No, the variance goes with the land. Once it is granted it will always be there.

Chairwoman Adams – So you see this is not a temporary request, it is a permanent request.

Member Wesenberg – Can a stipulation be put on if we granted the variance on say this type of cottage or size, do we have the ability to stipulate what kind of cottage we are allowing?

Attorney Dickover – Certainly part of this application if you were inclined to grant a use variance you would have to be for this unit and this kind of structure. Be in mind that if you make that sort of a determination you're creating precedence for the Village that would probably be binding upon respect to any other lots like this.

Member Moore – Can we also put a stipulation on the purpose vs. the difference of using is for supplemental income or using it for other than this type of elder purpose?

Attorney Dickover – The criteria for Use Variances set forth in the statute, the purpose of it is part of the consideration.

Member Wesenberg – We could put a stipulation on the age, like for an Echo Cottage for senior purposes?

Attorney Dickover – I don't think that would be approved. Let me remind you perhaps so you can narrow in on this what the criteria are for a Use Variance. You may recall that there are four (4) areas of concern as to a Use Variance we have to consider four (4) standards, which the applicant demonstrate or prove the entitlements.

1. Can the applicant utilize a reasonable return on competent financial evidence that they can not use the property for any of the permitted uses in the zoning district?
2. Is the hardship unique, does it apply to just this piece of this piece of property or is it uniform and consistent throughout the neighborhood where the property is located.
3. Whether or not the Use Variance would alter the character of the neighborhood.
4. Whether or not a hardship itself was created.

Notice that purpose is really not part of that inquire. The hardship question is was a need for this self created or not, certainly the illness and medical circumstances of applicant's father-in-law is not self created but it is part of the reason why the applicant has to prove by a conflict of evidence.

Chairwoman Adams – And that is where I was going when I was speaking to you about that it has to be about the property, the value of the property is faced by a hardship due to the zoning.

Gerald Mishk – I don't understand that question.

Chairwoman Adams – Can you get a reasonable return on your property under the current conditions of your property as far as does the zoning adversely affect the value of your property, that is usually why you would change a use, if the zoning has diminished the value of your property.

Gerald Mishk – When I initially thought about subdividing the property and building its own structure based on the latest zoning it would be difficult even though everybody in that neighborhood is fifty by a hundred (50X100). Where as the house that I have there now on the lot that's a hundred by a hundred (100X100) lot, so if I were to subdivide it to a fifty by a hundred (50X100) the structure would probably be smaller than that, that would be allowed to be put on the property under the new zoning laws and the new rules and new septic.

Chairwoman Adams – Have you considered any other options?

Gerald Mishk – We have looked into several, this was the most advantageous because of the proximity. We looked at other houses to buy in the area of Walden most of the houses here have stairs and that's what we are trying to eliminate. When this is built it will probably have one step or a slight ramp to get into the house. There will be no barriers for him to step over, even the shower itself is a small lip in case a person is wheelchair bound. We have looked at other homes but the only ones that somewhat fit into our

needs would have to be renovated and we would be paying a great deal of more money for them. The cost of this is approximately sixty (\$60,000) thousand dollars, most of the houses we have looked at the would fit this same kind of criteria two (2) bedrooms houses are about one sixty (\$160,000) and then the renovation would have to take place including ramps, step removals, showers etc. which is another big expense just for renovating the bathroom your talking approximately \$10 thousand just for that alone. So here presents a very convenient situation because he would right next to my wife where she can take care of her father, my brother-in-law lives nearby and can help out and the cost is within the means.

Chairwoman Adams – What we're trying to get from you here is not your personal financial situation, it's the value of the property, the use of the property as a one family which it is zoned for, the value of that piece of property is still as a one family zoned you haven't lost any money on the property it still has the same value or more since you purchased it.

Gerald Mishk – I wouldn't say it would be more than when I purchased it. The money I've invested in it to do the improvements to put it to what the Town assesses it at now at today's market. In today's market the property is below the money I have invested in it.

Chairwoman Adams – I went to see your property, I do the see the second lot but as far as the Village is concerned it is one parcel.

Gerald Mishk – The improvements I have done on the house, it use to be a one (1) story dilapidated house. You can see what it looks like now, a second story it was completely gutted and renovated the house.

Chairwoman Adams – When you purchased the house it was a one (1) family house on one (1) lot. You were good with that but the situation has changed for your personal needs and that is why you're trying to add the second living quarters to that property.

Gerald Mishk – We would gladly take my father-in-law in to our house but our house has stairs and we don't have a shower on the first floor, we don't have a way to get him up to the stairs to the bedrooms. I even looked at the house that was for sale on the other side of us to see if we could put a bathroom and shower in their but we couldn't there isn't any room.

Chairwoman Adams – The thing is you have such a nice piece of property is an addition to your home, possible solution where it would be another room. I think you have enough room that you could put an addition on.

Gerald Mishk – Unfortunately the way that property is set up, the driveway cuts back those two (2) lots. The lots that were joined together the driveway cuts them so in order to put an addition on first I would have to move the driveway down the street. Secondly it would bring the house level so high because of the way the land is contoured down going down the hill that we're back to at least seven or eight (7 or 8) steps to get in to the home. The ramp to cover that kind of height would be back and forth twice the length of the house by the standards of the ramp. Is it possible to do it? Yes. Is it feasible for this situation? No.

Chairwoman Adams – Have you considered something like a camping trailer that is definitely mobile?

Gerald Mishk – This is built on wheels the whole thing. The only difference is they are costume built for this particular case because of the proximately for what we built on a frame with wheels.

Member Moore – Do the wheels stay on it the whole time?

Gerald Mishk – Yes and they are covered not seen so they don't take away from the character of the neighborhood. The look of this would be a compliment.

Member Alleyne - One of the criteria's is will the structure alter the look, feel, characteristics of the neighborhood, in that frame of mind does or does it not.

Gerald Mishk – If you look at the drawings that came with the application the roof structure will actually match most of the Victorian style houses that are there now, that's one of the things we were looking for, that's why it's going to be built there. If you look at the roof line all the houses us there have a regular peaked roof most of them are Victorian style with valleys going in both directions. Even though it is not necessary for the structure it's going to be put on to compliment that it looks similar. Just to get back to my father-in-laws medical condition, he's 80 years old he has bad circulation three (3) months ago he under went emergency surgery for an abdominal aorta amorism which after the surgery the doctors told us that they never expected him to survive the surgery. We're happy that he is still alive and what we're trying to do by putting this in place is to keep him alive for ten (10) plus years.

Chairwoman Adams – I don't think you will find anyone on this Board that doesn't sympathize with your situation or hope the best for your father-in-law but we have to follow the laws that the Village Board has given us.

Member Moore – That's what I think Chairwoman Adams was doing by asking so many questions because we have to prove the financial burden which is usually the hardest one to fulfill. I don't see any issues with altering the character of the Village and I agree that it would look better the look of that area. I don't feel it's self created by you. Who is going to be living on the property in number 74, you live in number 68?

Gerald Mishk – Number 74 is my daughter. Like I said when I purchased the property I mainly purchased for the lot and always wanted to build a garage but I would have had to go through property changes on that too. I went into buying that property blind and although I thought it was a good move it certainly fixed up the neighborhood because of the way the house use to look and the way it was set up.

Member Moore – Are there stipulations that when the time comes and it's time to be removed how quickly that happens. How quickly do they take it off the property, do you call them and say ok we're ready for you come get rid of it or are there stipulations as part of building, how does all that work?

Gerald Mishk – There are two (2) ways to go about this; we still clearly have not made the decision on whether we're going to rent it or to buy it. Certainly if it goes nine or ten (9 or 10) years it's more advantageous to buy it so we're kind of debating that. My advantage of renting it would be that once something happened with my father-in-law we would stop paying, I'm sure Mr. Novack (rep for Echo Cottages) would come right over and pull it out to put it on his lot to sell it to somebody. In speaking with Mr. Novack and planning this project he's hoping that in ten years he would have a bigger market and sell it. Everyone here knows that I am on the Village Board and about a year ago we were discussing accessory apartments. We thought it was a great idea but just didn't know how to control it. I'm not looking to become a landlord and rent it out next to me, quite frankly it would be to close to me and off of my utilities? I don't think so. I don't want anybody there; I don't like the idea that there are two (2) family houses in my neighborhood, because I see what is happening to the neighborhood. I've been here thirty-one (31) years and I've seen the upper part from Second Street up, everyone's improving the messes it's really come a long way from when I first moved here. I see the lower end deteriorating and mainly because they're rentals and I see it with the house right next door to me, when the elderly gentleman passed away and the family sold the house it was great when the homeowner was there but when she moved out and started renting it, it's filled with bats, bees, squirrels, has water leaks etc. If I was to buy that even if I had the room to put in a bathroom I would have to put whole new roof on.

Member Wesenberg – Unfortunately the part I am struggling with is I'm looking at the law.

Member Raymondo – I was curious about the utilities, they would be attached to your house. When you remove it then you have to remove that.

Gerald Mishk – It's all disconnected and goes back to the same way before. One thing I would have to do is upgrade my electric to tie in the subpanel for this house and I fully understand that but that's a small price to

pay compared to the other things I've looking into. My father-in-law needs air conditioning, this comes with it most of the houses I've looked into buying I would have it put in.

Member Raymondo – I understand that, I have the situation with my mother where nursing homes start at twelve (12) thousand a month.

Gerald Mishk – So you're talking a lot more than what I initially expected.

Chairwoman Adams – We're going to open the Public Hearing now.

**Member Moore Made Motion to open the Public Hearing
Seconded by Member Wesenberg All Ayes / Motion Carried**

Bob Novack, 25 Clove Hollow Road, Hopewell Junction, NY 12533, owner Echo Cottages – We did a presentation for the Orange County Planning Department, there about half (½) dozen towns in Orange County that actually have zoning for this. Walden doesn't happen to be one of those. Every town that does have it is a temporary situation for that property, it prevents people from using it as a second income or having a child living in it because they can't find a cheap apartment or can't get a job. It has to be a blood relative, someone sixty-two (62) years of age or older, etc.

Chairwoman Adams – These are your rules?

Bob Novack – No, these are the towns in Orange County and in Dutchess County too. We've actually taken a couple of towns in Dutchess County that have changed their zoning, we have words for the Board if the Village wants to look at it, wording that would give you a law to allow this type of home for senior housing. It's always a temporary situation, always removed when the person passes on whether rented or sold. The reason we rent in on a month to month bases is because it is much easier for the person to use it and we just take it away when the person passes on. But if you take over a five (5) year period it's a lot more affordable for the client, we get \$1300 a month for these compared to nursing home which is \$12,000 a month. We get a \$7-9 thousand hook up fee and removal fee, over five (5) years it's about \$84,000 if you buy this from us they sell and install around \$60,000 so it is cheaper to buy it. Then we can sell it to someone else for something like a hunting cabin and resale it for approximately \$25-\$30 thousand. Now these don't around the clock care but they do have advantages that you can't get in a nursing home, privacy for the occupant, close proximity to their relatives etc. But everyone is getting hung up on fact that the law doesn't allow this because it' going to be permanent variance. Is there a way to give him the variance and at the same time express to the Village of Walden that you can do this?

Chairwoman Adams – No, the law come first.

Member Alleyne – For clarification, you're saying in those jurisdictions that these do exists a law exists prior to the installation or approval.

Bob Novack – Yes, where I live in Beacon you can get these on a variance but it's a variance that precludes that they be removed when the person passes away.

Chairwoman Adams – Would anyone else like to speak?

Ilene Mishk, 68 Wait Street – As mentioned my father was very, very ill. Gerry came home with these brochures from a board meeting and I looked at it and I said oh my gosh this is exactly what I need for dad, its perfect how do we go about getting this. First thing I did was give Mr. Novack a call he came over and looked at my property and he said this is an easy thing to do on this piece of land. We would turn it sideways and it would be really accessible for my father. Convincing my father to do this on the other hand was tough because he has been independently living in my childhood home for a long time, so it was hard to convince him to do this. When he actually went to see the model with my brothers he liked it and said I agree this is what I need, I can no longer do stairs. Right now he lives alone in little ranch. This is going to

be there for his safety and for our piece of mind to know that he is safe, it is not going to be kept on the property once he passes away I can assure you that the plan is to remove it and when he does pass away I don't want to see it again to be honest with you. We plan on maintaining both homes that we own until we pass away, we don't plan on selling we are staying there, with that in mind if there is any way that something can be adjusted for a variance for this property I would really appreciate you consider that. Because there's a need for this, I am an administrator for a home care company I know the cost of home care; I know the cost of nursing home care. This is what a lot of elderly people do and I foresee this being the waive of the future, where people wanting this for their loved ones and I definitely want this for my loved ones. Anything you can do to change law, make a variance adaptation that's approved I would greatly appreciate it.

Chairwoman Adams – Can you tell us why you would need the extra parking and driveway?

Gerald Mishk – It wouldn't be so much an extra driveway, it is basically widening the driveway we have now. He is still trying to drive now and this would allow him to give him a shorter distance.

Chairwoman Adams – The way I understand the application, you're looking to get a second driveway straight from the street.

Gerald Mishk – That can be adjusted if that's not acceptable, through the driveway we have now which would just be a longer drive.

Chairwoman Adams – From you home or your daughters?

Gerald Mishk – If you drive by the house now, I have already put in some shale just so that I was not violating the law, to put my vehicle. Having lived in a house that has a single driveway it's a pain in the neck when somebody has to get put in the morning and move a vehicle so the other one can get out especially in the snow and bad weather. Basically I'm dropping some shale park along side there; we're talking something like that to add to it so no one has to move vehicles.

Member Alleyne – Based on the scale of the drawing it looks like a parking lot.

Gerald Mishk – Like I said if this was to become an issue then we would change it.

Chairwoman Adams – We are in an unfortunate situation here because Village law states only one building and one driveway to a parcel. I agree, I have come to Village Board meetings about the accessory law I agree we need that and I would like to see that. But right now it's been very restrictive to what the Village Board was willing to do.

Gerald Mishk – Being on the Village Board I think the reason or the restriction was because we have an overwhelming number of illegal multi dwellings in the Village. We have one (1) building inspector that has the task of trying to detect these; he has enough work just handling the ones that we know about. We were not against the accessory apartments in many of discussions that I've had with other Village Board members, they were not against it they just wanted to find a way to regulate it and that was our biggest problem. Being privy to some of those discussions, if we had a way to regulate that then it wouldn't be an issue and as you know we are in the process of adopting a new landlord registry which should be coming out in the next month or so, because of the abuse of some of these absentee landlords that we have. The purpose of the accessory law that the Planning Board proposed as I understood it was like if an elderly person had a house that they were going to loose why not set up an apartment that they could being in some family to rent to them so that they could remain in their house. Well the problem that most of us had me included was that when this elderly person passes away and the family takes it over and they decide they don't want to live there any more because now we just inherited this house from grandma, we can go live the life of luxury someplace on three (3) acres and we're going to rent this house out as a two (2) family when it wasn't really a two (2) family house. We have no way to regulate that.

Member Moore – That's not the way other municipalities in Orange County have it written. The accessory law in other municipalities says that they are allowed to put a small unit onto the house for the elderly person to live in.

Gerald Mishk – This is proposed in the opposite way.

Chairwoman Adams – Exactly what you're saying is the problem that we are facing as a Board because if we were to grant this variance that is exactly what can happen to your property, even though you may have good intentions to move it there would no law that says that you have to move it.

Member Wesenberg – Even after a while after you might leave that variance stays with the property, even if you remove this off the property someone else could put a new one in and put in whomever they want, however they want unless we had certain stipulations on it. Unfortunately I was reminded to go back to the law and I keep going back to number one (1) which says, cannot realize a reasonable return substantial as shown by competent financial evidence.

Gerald Mishk – If I build an addition on my current home to house my father-in-law not on 74 Wait Street but I could on 68 Wait Street but I'd need a variance to use that property so we're back to the same situation. Here I am proposing a temporary fix, something that can be moved when it is no longer needed. Keep in mind that is always going to be attached to my utilities, so it's not a two (2) family house or rental because I'm going to be paying the electric, sewer/water, it's all going to go through my home.

Member Alleyne – Also keep in mind we don't have the ability to make it a temporary variance based on the established laws.

Gerald Mishk – Can this variance be applied just to the subdivision lot?

Attorney Dickover - This Board has to be able to make a determination based on your testimony your proof that you can't realize a reasonably financial return on your property the way it is currently zoned without this variance. They've got to be able to say that you proved to them by dollars and cents proof that you can not use your property the way it is currently zoned.

Chairwoman Adams – Any other questions/comments? None noted.

**Member Wesenberg Made Motion to close the Public Hearing
Seconded by Member Raymondo, All Ayes / Motion Carried**

Chairwoman Adams – Orange County got back to the Board and said this is a matter of local determination.

A.2 40 Pleasant Avenue, Area Variance:

Chairwoman Adams – Requesting an area variance (Notice read aloud), Property identified on the tax map as Section 306 Block 1 Lot 30, located in an R-5 single family zoning district.

Member Wesenberg reviewed mailings: Mailed 33, Signed Receipts 21, Returned letters 12

Chairwoman Adams – does the Board feel that was sufficient notice? The Board agreed.

Lloyd Haskell - It's a two (2) family house, there is a parking space on the right side of the house there is plenty of room to put additional off street parking so that the tenant can have their own parking spot and make it easier on the street where everybody parks.

Chairwoman Adams – Do you live in the house?

Lloyd Haskell – Yes.

Chairwoman Adams – Your family and one tenant and the driveway facing the house to the right is your driveway. So prior to this your tenant didn't have off street parking.

Lloyd Haskell – Correct, this would be so much easier and I can keep the snow pushed to the back area and still have plenty of parking.

Chairwoman Adams – How long have you owned this house?

Lloyd Haskell – Over one (1).

Chairwoman Adams – And your doing renovations?

Lloyd Haskell – Yes, I've had the whole house gutted, foamed sprayed, plumbing, electric etc., next year hopefully have it resided.

Chairwoman Adams – You started the driveway before you got permission?

Lloyd Haskell – I put stone in the front there so the tenant could have a place to park when none was available on the street. I didn't realize it was a problem to do this. He uses my driveway to access that area.

Chairwoman Adams – I'm trying to figure out if you were coming to us before you were authorized to do this, were you going to do it, what did you plan to do for the sidewalk because there isn't a curb cut.

Lloyd Haskell I would have it blacktopped or whatever the Board wants it done.

Building Inspector Stickles – You would have to by the driveway detail for your curb cut, which I have the details for.

Lloyd Haskell – I just put the stone there so during bad weather the tenant had a place to park.

Building Inspector Stickles – When you came to me with the application everything was grass, yesterday you had stone in the front of the house and you started the driveway on the left. Now you only had an application.

Lloyd Haskell – Yes, I only put stone there because I thought it would match the front of the house to make it look uniformed. I didn't know that I needed approval to do that.

Chairwoman Adams – Do you have a negative approach of removing the stone and put grass back in?

Lloyd Haskell – No, I will take it out next week.

Chairwoman Adams – Is there anyway that you can expand the original driveway into the backyard instead of creating another one?

Lloyd Haskell – No, there's a garage that is attached and the property line is where the garage ends.

Chairwoman Adams – One rule in the Village is that you can only have one (1) driveway per property. I do know that Pleasant Avenue parking is filled all the time, so in some ways your tenant could have a parking spot everyday instead of fighting the neighbors and on the other side whose parking spot is on the street you would be filling it where right now somebody could park in front of it.

Lloyd Haskell – My tenant parked there so it wouldn't be losing a spot. This way the tenant will have a parking spot.

Chairwoman Adams - Do you know of any other houses in your neighborhood that has two (2) driveways.

Lloyd Haskell – Yes, two (2) houses down the street. Same type of house with two (2) families and they have two (2) driveways on the sides of their houses.

Chairwoman Adams – Any other questions? None noted.

**Member Raymondo made Motion to open the Public Hearing
Seconded by Member Alleyne, All Ayes / Motion Carried**

Chairwoman Adams – Seeing as there is no one here from the public we can close the Public Hearing.

**Member Wesenberg made Motion to close the Public Hearing
Seconded by Member Moore, All Ayes / Motion Carried**

Chairwoman Adams – Also Orange County has sent back the answer as a Local Determination.

Chairwoman Adams – Moving on to the formal applications.

B. FORMAL APPLICATIONS:

B.1 74 Wait Street, Use & Area Variance:

Chairwoman Adams – I remind the Board that we have thirty (30) days to make this decision if you are not feeling comfortable tonight to make that decision. What is the Board's pleasure?

Member Moore – I personally prefer to wait. I don't feel comfortable voting on it tonight.

Member Alleyne – I would like to wait.

Member Raymondo – I would like to wait.

Member Wesenberg – I love this, it looks fantastic, I have visions of my daughter living in there one day but I'm looking at the law and I'm really caught on the fact that I don't see any way that it can be shown that they don't have a reasonable return with the way the house is right now.

Chairwoman Adams – Are you good with waiting thirty (30) days to make the decision?

Member Wesenberg – I will go along with everyone but unfortunately that's the issue I have.

Chairwoman Adams – I too am willing to wait the thirty (30) days.

Member Moore – What was the time frame of getting the approval and putting the building in and moving your father-in-law in to it?

Gerald Mishk – About six (6) weeks, this process has already taken 4 months to get us here.

Member Moore – I understand that and I hear Member Wesenberg concern and want to try to find a way without setting precedence and without going against our own law. That's why I would rather wait the thirty (30) days instead of having to vote on it tonight. I don't mind going on record saying I completely understand what you are going through. I went through this eighteen (18) months ago with my grandmother. So my reasoning for deferring this is to try a legal way to do this and right now there is not a legal way. It's a way of trying to figure out something prior and or word something the proper way and that is not going to happen tonight.

Gerald Mishk – Talking about financial hardship this process here today cost me seven hundred fifty (\$750) dollars. The Village or the Town or the County they want to hold a Public Hearing they just put a notice in the paper, I had to spend three hundred (\$350) dollars to send out the mailings.

Member Wesenberg – As a Zoning Board we're limited by what the law is.

**Member Moore made Motion to make our decision within thirty (30) days, by the next meeting
Seconded by Member Wesenberg, four (4) Ayes, Member Wesenberg opposed / Motion Carried**

B.2 40 Pleasant Avenue, Area Variance:

**Member Raymondo made Motion to declare the Board Lead Agency, Type the project as an Unlisted Action
Seconded by Member Moore, All Ayes / Motion Carried**

Attorney Dickover – This EAF application dated July 28, 2014, we can amend this as we go and make your determination. (The Short form EAF was reviewed by the Board and changed/corrected accordingly by the Board).

Attorney Dickover – Changed the answer for 8.D, Public Transportation to NO.

**Member Alleyne made Motion for a Negative Declaration for this property
Seconded by Member Moore, All Ayes / Motion Carried**

Chairwoman Adams – If the Board is ready we can make a decision.

**Member Moore made Motion to accept the application
Seconded by Member Raymondo, All Ayes / Motion Carried**

Chairwoman Adams – No undesirable change will be produced to the character of the neighborhood. We have determined that it will not be an undesirable change. At this time there is no other benefit or no other method that can be done to seek the same benefit. It is not a substantial request. Adverse effect or impact on the physical environmental conditions would also be no and self created is yes but not needed. I would like to add an item to amend the approval that the applicant must speak with the Villages department of public Works to work out a driveway entrance/curb cut etc. That the driveway will have to be blacktopped before it is used. The front of the house that currently has stone will be returned to grass and not used as a parking area.

Lloyd Haskell – I will have this done next week.

Chairwoman Adams – The Board can take a vote.

Member Alleyne – Yes.

Member Raymondo – Motion is to grant it.

Member Moore – Yes.

Member Wesenberg – Yes.

Chairwoman Adams- Yes. Please be sure you follow all the conditions mentioned.

**Member Moore made Motion to approve the application
Seconded by Member Raymondo, All Ayes / Motion Carried**

C. DISCUSSION ITEMS:

Chairwoman Adams - Next week is the Tri-Board meeting, Tuesday @ 6:30pm, 09/16/14 are there any items this Board would like to discuss?

Member Moore – Accessory law.

Member Wesenberg – I would definitely like to bring that back up.

Building Inspector Stickles – You have to separate what this applicant wanted to do from the Accessory Apartment Law.

Member Moore – We can do that, it just needs to be worded the proper way. I am talking accessory for the elderly.

Member Raymondo – The problem is how do you regulate it.

Building Inspector Stickles – During the meeting is asked Attorney Dickover if there is a way to grant a variance that goes away. He says no.

Member Wesenberg – That is what we understood from the last Attorney/Counsel was that a law could be set with the accessory apartment that when the elderly person passed on that the accessory apartment would cease too.

Chairwoman Adams – This has been an on going discussion in the Village and they have been reluctant to go forward. I agree that this application was different because this was an actual building being put on something as compared to just opening up a part of your house.

Member Moore – That can then be removed. That's what I am wondering if part of the law that we would propose to be accepted by the Village could be constructed in such a way that says yes and that unit for a person over the age of sixty-two (62) can be placed on your property until that person expires or no longer lives there and then you ask them to remove it and it can never be used for any other purpose.

Member Raymondo – How do you regulate it, how would you know when it is no longer needed?

D. INFORMATION ITEMS:**E. CORRESPONDENCE:****3. COMMUNICATIONS:****4. EXECUTIVE SESSION:**

With no other matters in front of the Zoning Board, Member Raymondo made a Motion to adjourn, Seconded by Chairwoman Adams with all members voting yes.

MEETING ADJOURNED: 9:30pm

RESPECTFULLY SUBMITTED
September 04, 2014
Nancy LaMancuso
Zoning Board Secretary