

Village of Walden
Zoning Board of Appeals Meeting
January 08, 2015

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

Chairwoman Adams - Called the Zoning Board meeting to order at 7:30pm. Gregory Raymondo and Faith Moore are absent.

1. APPROVAL OF MINUTES:

Chairwoman Adams – Approval of minutes for 12/08/14.

**Member Wesenberg made Motion to accept Zoning Board of Appeals Minutes of 12/08/14
Seconded by Member Pearson, with all members voting yes.**

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 30 Coldenham Road

Chairwoman Adams – Read the Public Notice for Section 310 Block 4 Lot 9.22 R-O-LI Office Light Industry Zoning District.

Member Pearson and Member Wesenberg - Counted mailings; mailed 78, returned 63, not picked up 15.

Rory Holmes, Representative Director of Operations at AMPAC, gave presentation and had Site Plan for viewing - We desire to construct 6500sq addition to the existing storage building, that's the third and final stage phase of a 3 phase project. The first of which was an existing building that was there for many years. Several years ago we took it down and reconstructed it.

About a year ago we put a 65 x 100 addition on to that building which was phase 2 and what we are proposing now is phase 3 which is another 65 x 100 addition. The variance requested is to encroach about 3 feet of a very small part of the building, on the Site Plan the orange line is the required side yard and the green is the actual building, so it's about 2% of the building that is encroaching the side yard. It is going to be used to house raw material only, no manufacturing nothing in the building other than raw materials, the intent is to store most if not all of the paper that is stored outside currently inside the building, which will help to clean up the property and protect our assets somewhat.

We anticipate having no adverse impact on the environment or the community. The project is being built on an existing concrete pad so there won't be any additional storm water runoff or anything of that nature. In addition to the benefits that AMPAC will draw from the project, it will modernize another 100 feet of the façade of the older part of the building as you're coming over on Clinton Street over the hill and down the Route 208 side. We intend to build it directly in line with the other 2 buildings so the sidings and everything will match perfectly. In addition the main part of the manufacturing facility this will be a

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noise buffer for the neighbors because there will be a 20 foot void in between the building and the manufacturing facility. So it will have spin off benefits to the neighbors.

I understand the Zoning Board has your 5 Test Factors that you have to look at when granting and Area Variance. No undesirable change to the character of the neighborhood or a detriment to nearby properties. The character of the neighborhood as it is now for many properties that are well inside of the require setbacks, front and side yards, the building itself is an existing non-conforming because the front side of the building near Coldenham Road encroaches the property line very closely. There is a buffer between any neighboring properties and the property itself because of the rail line and we do have a long term lease with the rail line along that side so we do control that property. It's not in away substantial, less that 2% of the building encroaches on the property line. It has no impact on the physical or environmental conditions of the neighborhood as it is built on a concrete pad there will be no storm water runoff, no noise or anything of that nature. As for a self-created hardship the property was pre-existing it's basically because of the irregularity of the property line as it juts out that causes it to fail the required side yard and we are requesting the minimal variance to do the project, it is a very small encroachment on the property line.

Chairwoman Adams – The orange line is what would be 30 feet?

Rory Holmes – Yes, this little tiny section and just the very end of the building. The reason we want to do it this way, as you know the building has been added on to so many times that it's hop scotched and we want keep the uniform façade on the side to modernize it somewhat. So if we juttred the building it would just be another indent into that area.

Chairwoman Adams – There's little buildings where the fence from the Coldenham Road side, the little buildings on the other side of the fence, will this replace those little buildings?

Rory Holmes – They used to be a boiler room and we have in last several years taken out all the boilers and replaced them with modern heating so that will come down which will open the fire lane in between the 2 buildings.

Member Pearson – The property on the other side of the road Harrison Street? How does this back up to the railroad track as well and whose houses are behind part of it? I don't know how far down this will go.

Rory Holmes – I don't know their name, it looks like its Frontiers property.

Building Inspector Stickles – its way down and the paper is stored outside now.

Rory Holmes – This will create a noise buffer between the houses and property. When we did a noise reviews around the property as you get around to the other side of the existing building the noise drops by 15 decibels.

Member Alleyne – You actual ran some noise level tests?

Rory Holmes – Yes, we had a hand held noise monitoring equipment.

Chairwoman Adams – And there are trees on the other side of the railroad tracks behind each of the houses.

Rory Holmes – There are some. The railroad went through a year or two ago and cut all up and down the line but there are some trees there which are in the railroads right of way and they control whether they remain or not.

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

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

Chairwoman Adams – Anyone from the public here for discussion? None noted.

**Member Pearson made motion to close the Public Hearing
Seconded by Member Alleyne, All Ayes, Motion Carried**

A.2 84 Walnut Street

Chairwoman Adams – This Public Hearing was closed on 11/06/14.

A.3 72 Main Street

Chairwoman Adams – This is a continuation of the Public Hearing.

John Joseph, representative of VS Walden LLC the Landlord of the former Thruway Shopping center, the Board has a drawing of the proposed sign for viewing with measurements – Last time I was here we talked about making the sign maximum 6' high and showing how much higher it would be to the top of the posts which is an extra foot. We changed; instead of 1' from the top of the brick base we made it 4" which will make that part 16".

Chairwoman Adams – So this is your proposal just to give us the exact measurements of what you would like to do?

John Joseph – Yes, at the last month's meeting we decided to try and get exact measurements. So I went back to the sign maker with the Board's thoughts and we made some adjustments.

Chairwoman Adams – The Board should have received the letter from Attorney Dickover. We have a nice diagram here of the issues and of what is allowed and what is not allowed. The sign becomes 7' tall if we include the posts by 7' wide, which is 49sf. Then the variance of 30sf will go to 60sq is no longer in effect and if we look at the other side of the sign that the applicant wants to print on both sides it becomes 49sf and 49sf which then makes it 98sf.

Attorney Dickover has given us some insight here on interpretation and the first interpretation is what components of the proposed structure comprised the sign. Does it include the structural and support elements, does it include all of the design elements, the brick box or is it just that component of the structure which might be referred to as the sign board? The Board needs to decide if we are going to look at this with all of the extra parts, the posts/tops/base or are we going to look at this as just the sign that says all the stores that are located down there?

Attorney Dickover – Chairwoman Adams you have summarized what I've said in that respect. Your Board in previous cases may have visited this question, I'm not familiar enough with your precedence to know whether that has happened or not and you may make an inquiry of Building Inspector Stickles and perhaps you have that knowledge yourselves as to how you have interpreted the sign. If not then tonight you need to give some thought to what your decision in this respect will do in the way of precedence.

Some other municipalities view this question, some specifically call it Alexander Code, the structure, design elements, the brick box, all of that is the sign. Other codes don't do that and they talk just about the area on which the lettering or logo might appear on the sign board. Once you get into that, the sign board may have a frame around it and that part of the size of the sign or not? One, the Board needs to give thought to is for example if you remember is they had a mannequin and they wanted to have it holding a sign.

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The question was is the mannequin part of the sign and I think the determination of your Board was that it was. Many boards and codes look at signs as being attention grabbing devices, so you might look at totem poles they make great attention grabbing devices. You could have a totem pole 30' high and one next to it with a 2 x 2 placard with your name on it, is that a 30' high sign or is it a 2x2 sign?

So you really need to think about what your decision is going to be here tonight and for purposes of protecting your code the whole expansive structure should perhaps be considered because it then gives you some control over a 30' x 30' totem pole that you may or may not want. If you determine that it is just the placard or the sign board itself then you could end up with these really elaborate attention gathering devices without any control over it absent any further amendment here. Seems that your first inquiry should be of Building Inspector Stickles as to whether or not the Zoning Board has prior precedence on this question, if they do you may be bound to it I don't know.

Chairwoman Adams – As long as I've been on the Board I don't remember the mannequin one.

Member Pearson – What about the sign for the health center on Orange Avenue, that came before a board?

Building Inspector Stickles – Probably would have come before the Planning Board. I don't remember any monument signs coming in from of the Zoning Board.

Member Alleyne – So as far as you know Building Inspector Stickles, there is no precedence that you can recall?

Building Inspector Stickles – As far as precedence, this is a question for the entire Board. This is the Zoning Board and each individual case was taken on a case by case basis and no precedence is set.

Attorney Dickover – That's not quite accurate. This Board if you had interpretations of prior code provisions, that is precedent. Every case does get looked at individually precedence doesn't mean you're bound by it, but if the fact pattern is the same, the question is the same, you would be perhaps on thin ice in going against a prior determination. It's not to say you can't do it, if you've given good reason and you can differentiate applications based on facts you certainly can deviate from precedence. That's why it is important to know what the facts were for prior cases. If you don't have any then you have no precedence with respect to this question so the next inquiry seems to be what do you consider to be the sign based on this application.

Chairwoman Adams – My thought would be that it would be the entire sign, just to protect the code.

Member Pearson – The sign base and posts?

Chairwoman Adams – Yes, the whole package.

Member Pearson – When I read the code that was my question at the last meeting. There are spaces in between but I believed that was including everything, the base, sign posts, the board itself making it one sign.

Member Wesenberg – The posts I definitely feel are part of the sign. The base is where I am questioning a little. Can we make regulations to the base as not being part of the sign but having limitations to the size of the base?

Attorney Dickover – The Board doesn't make regulations that are something that the Village Board does by way of legislation, but the Board can certainly craft your own definition for what this Board is going to consider being a sign. It can get dicey; there are a lot of architectures out there that can design some

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really attractive things. This one is very attractive, it has a very nice brick base to it, is that considered part of the size or not, that's for the Board to determine.

Member Pearson – What about the Thruway Market sign at the bottom of the hill, was that including the base as well?

Building Inspector Stickles – That sign went before the Planning Board. It included everything, the ground was considered from the top of the island up.

Member Pearson – So it was considered from the brick part up, not the ground.

Building Inspector Stickles – Not the ground, not the roadway.

Member Pearson – I'm trying to think of examples of other monument signs that we have in the village.

Building Inspector Stickles - We have 2 on each one of the gas stations also, but they don't exceed the 6' and don't exceed the square footage.

Member Pearson – Are they from the ground or are they on something?

Building Inspector Stickles – They are actually on the ground.

Member Alleyne – We cease to have a 5'x6' and now have a 7'x7', is that correct?

Attorney Dickover – If you included the brick yes. All you're doing now is defining the variance and from there if it's a 7'x7' you will determine whether or not on the variance application that it still meets The 5 Factor criteria. It may, it may not but at least you now know what it is you're looking at. It defines the variance as its being requested. If you take the brick box out of it I'm not quite sure how you now would measure it.

Member Pearson – You still need 12" off the ground, to the bottom of the sign.

Attorney Dickover – Your code requires clearance of 12", this doesn't have that.

Member Pearson – No, but if the brick wasn't there it would have to still be up 12" off the ground. So the brick to me is part of the sign.

Attorney Dickover – It may have to be 12" from the top of brick to the bottom of the sign board. But you don't know the answer to this until you get down to what is the sign dimension.

Member Pearson – That's what I was saying, if we are including the brick as part of the sign it does have the 12" off the ground, with the brick included. Clearance from the ground up, it doesn't have the clearance from the brick to the bottom of the sign as 12", and then do you want it sticking up another 5"? So if you include the brick base in that it kind of makes that 4" off and it could be another 12" above that.

Member Alleyne – We need to define what the sign is and take the variance from there.

Chairwoman Adams – We have interpreted a sign to be the complete unit, posts, brick, base and face of the sign. Second interpretation is whether the square footage requirement is applicable to one side or all sides of the sign.

Attorney Dickover – You may have addressed this before. Building Inspector Stickles said last month that the code applied to one side?

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Building Inspector Stickle – Yes, this applicant is looking for a 2 sided sign.

Chairwoman Adams – Originally he thought the 30sf of the face of the sign would be double and that is why he was coming for a variance because he was looking for 2 sides, you thought you were doing 30sf facing one direction and you needed to increase it to 60sf to get to the other direction, correct?

John Joseph – No, I was trying to go from 15 per side to 30 per side, because of the size of the letters. It's a visual issue of the size of the sign and the size of the lettering, trying to make it proportionate for the area.

Chairwoman Adams – 30sf was allowed if it had been a one sided sign.

John Joseph – Correct, its 15sf if it's not.

Chairwoman Adams – The reason to move from 30sf to 60sf was to have the 2 sided sign that was 30sf. You weren't looking at the posts being an integral part of the whole sign.

John Joseph – It wasn't clear to me in the code.

Chairwoman Adams – I just want to make sure we are all on the same page. So our question is are we counting one side or are we counting 2 sides?

Building Inspector Stickle – My interpretation is you're counting both sides. One side would be 30sf and the other side would be 30sf.

Chairwoman Adams – Or in this case now, one side is 49sf and other side would be 49sf.

Building Inspector Stickle – Yes, because it is a 2 sided sign.

Chairwoman Adams – So even though the posts are required for one side of the sign we would count the posts again on other side.

Building Inspector Stickle – I would think you would have to, because it is a 2 sided sign.

Member Pearson – The area is including that post.

Chairwoman Adams – But one side could be 49sf regardless, where the only additional item is the face of the sign. The post isn't going to change whether it's a one side or 2 sides, so we are looking at 98sf in total of the sign that is being requested.

Attorney Dickover – And 30sf is allowed, so that is whatever the math comes out to that's the variance that is being requested.

Member Alleyne – So when you say 30sf is allowed that's 30sf including both sides?

Building Inspector Stickle – One side, you can have a monument sign of 30sf one side. So if it is facing from the VFW out and that's all that you are facing 30sf is allowed. If you want a 2 sided sign then you can have 15sf and 15sf.

Attorney Dickover – Total of 30sf for the sign, regardless of how many sides it may have. If you had a 3 sided sign then it would be 10sf on each side for a total of 30sf. So the interpretation seems to me would be a maximum sign area of 30sf regardless of the number of sides. So here you have a 2 sided sign

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which could have 15sf on each sign and meet your code. The proposal is a 2 sided sign 49sf on each side for a total of 98sf where 30sf is allowed, so that is the variance that is being requested.

Chairwoman Adams – I did go by the Mobil sign today, they have no posts, they do have landscaping bricks underneath and they are on a metal post.

Member Pearson – So is that included the brick, their measurements?

Building Inspector Stickles – That sign does not include the bricks, because that is the landscape on a retaining wall. It doesn't exceed the square footage so it didn't have to come before the Zoning Board.

Member Pearson – Is it a 2 sided sign?

Building Inspector Stickles – It's one side. Both Sunoco and Mobil are one sided signs.

Chairwoman Adams – Now we have to decide what is meant by the top of the sign, basically I think we already answered that because we are saying the entire unit is part of the sign. So number 3 has been answered. The next is how the ground is defined, does it mean the literal earth itself or the top of the masonry box, and we've defined the ground as being the brick included in the sign. What components in the placard are included and how is it measured, which was answered, so we've actually covered all the possibilities.

Attorney Dickover – The only thing that you haven't looked at because the code says that you need one foot of clearance between the ground and the bottom of the sign board. Is it the earth or are we talking the top of the brick base?

Member Pearson – We just talked about that and included this brick base in that part from the ground into the sign. Because it is 12" then we would have 12" more from the brick base up if we had to do that. So we are including the brick base into that part.

Attorney Dickover – So the Zoning Boards interpretation would be that when a sign has a brick, concrete or something to elevate the sign board 12" up above the ground or more, that meets you code requirement, is that the way you want to look at this?

Chairwoman Adams – I would think it would be part of the variance that we forfeit the concept of the ground vs. brick.

Attorney Dickover – There are a number of ways to interpret it, you could simply say interpreting your code ordinance that this application with 4" of clearance above the brick base meets your code the 1' above the ground requirement. You probably have now defined the variances that would be required by the current proposal. The first one is that the sign area is from 30 sf to 98sf, the top of the sign height be varied from the code of 6' to 7'.

Chairwoman Adams – This is a huge variance.

Member Pearson – Can we talk about the tree?

Chairwoman Adams – No, that's not part of the variance.

John Joseph – When I remove the tree, I will plant another one for you, I'll plant 2 more.

Member Pearson – Because when we're looking down Main Street there will not be one tree left on Main Street.

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Chairwoman Adams – Building Inspector Stickles to your knowledge have we ever agreed to such a gigantic variance?

Building Inspector Stickles – No you have never such a sign because such a sign has never come before the Zoning Board, also you have never allowed a sign on a vacant piece of property, the code doesn't allow for it. So there a couple of modifications to the monument sign code that you're taking into effect here.

Member Alleyne – Plus we're also defining it that way, so by going through the definitions we essentially permitted that size for the interpretation.

Attorney Dickover – And that may not have been intended by the drafters of the ordinance. They may have been thinking placard, a 30sf placard is 5'x3' reasonable size. Now you're taking that and squeezing all that inside supports and not the information part of the sign becomes quite small.

Building Inspector Stickles – And the supports become quite large.

Chairwoman Adams – It is a very nice looking sign. We are creating precedence here for the first sign of this nature. Another sign of this nature may never come before the village ever and it won't have to be looked at. I'm just looking at it that 30sf is allowed; we're going with 98sf if we do this completely like it is and what it's going to do to us in the future.

Member Pearson – Visually compare the sign to the closet doors in this meeting room, they are approximately to same size as the sign would be, and that is a big sign.

Chairwoman Adams – But that's different being out in the world.

Member Pearson – It is, but when I came up from the Thruway Shopping Center the other day and I look to the left, yes granted he is going to take the tree down and there will be a little more visual space but it is still a big sign. I just think that it is big for me and I'm just looking at the doors and standing next to it and what it's going to detract from the rock and the building and that area. It's big, I'm sorry. I get how big it needs to be and I know you talked about how big that the Dollar General Sign was going to be until it got up but that also not in the village limits.

Building Inspector Stickles – They also did the same thing at the Town meeting, they had a bulletin board that they represented as the sign and when you look at in the meeting room the sign looked huge until it got outside and now it doesn't look that big. I'm not saying that the sign they're proposing isn't big.

Member Pearson – Regardless how you look at it it's still a 7' sign, whether you have a post or not it's still taking up that space.

Member Alleyne – It's based on how we define the sign for our purposes. From an actual visual perspective the posts, the base and everything else the sign is smaller than 7'.

Chairwoman Adams – It's still going to fill up 7' for space.

John Joseph – I understand what you're saying, but when you add the post etc. even though the sign won't be that big I think it will reduce the mass vs the posts.

Member Alleyne – The actual board is 30sf correct?

John Joseph – Correct, that's the 5' x 6'.

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Member Alleyne – So if the concern is that it's a 7' sign and much bigger, if you take away the posts and everything else that we just used to define that particular sign the actual signage does meet "esthetic value" to you.

Chairwoman Adams – If it was a one sided sign it would be fine it's all of the other parts. Have you given it any consideration to losing the 4 between the brick base and the bottom of the sign?"

John Joseph – The only reason you have the space is when it snows you'll have 4" and then it will start to block the sign.

There was discussion among the Board members an applicant on how to reduce the size of the proposed sign.

Member Wesenberg – I'm having concerns, are we going to make precedence that in order to have a sign in our community it has to be so simple that it's actually ugly? This is just my opinion, I look at this and they have a sign like this in Middletown when you get off of Route 17 and onto Route 211 there is a beautiful sign. This to me is a very good looking sign and I really hate the thought of removing half this stuff and making precedence that in order to put a sign up in our village it has to be ugly.

Member Pearson – That sign in Middletown is not in the middle of the village it's on the side of a hill where there hotel on the top of the hill and plenty of green space around it. It's not between a building and a lamp post and a sidewalk and another building.

Member Wesenberg – My biggest concern was driving, would it block the ability to see.

Member Pearson – You have to stop at the traffic light anyway.

Member Wesenberg – To me this is such a pretty sign that it just makes us look nice. I'm afraid as you're reducing this and that it's going to take away the beauty of what the sign is.

John Joseph – I'm sure we can make some adjustments to it.

Rory Holmes, Representative Director of Operations at AMPAC – Chairwoman Adams if I may interject? I'm on the Planning Board in the Town of Crawford and we actually encourage monument signs and as I'm sitting here listening we interpreted it as a two (2) sided sign and is a 2 dimensional object and the size of the sign regardless of whether it is on the ground or two sided it is the same.. We make the variation when we go to the 3 sided sign.

Chairwoman Adams – Attorney Dickover did mention that some communities count the whole thing; others count just the sign board part. So there is a variety out there.

Rory Holmes – We count the mass of the sign and the post etc., but we don't double it because it's printed on 2 sides. We will if its 3 dimensional.

Member Pearson – And is that written in your code or is it just what your board determines?

Rory Holmes – I don't know, I really couldn't tell you. But I've been on the Planning Board for several years and every sign application that's comes before us we look at and encourage monument signs because the look a lot better.

Chairwoman Adams – Thank you. Mr. Joseph what do you think?

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John Joseph – I want it to look appropriate as well. I'll go back to the drawing board with the sign maker and I'll try to minimize it with the Boards suggestions.

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

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

Chairwoman Adams – For the minutes I would like to mention that there was 19 additional mailings received from what was counted last month.

B. FORMAL APPLICATIONS:

B.1 30 Coldenham Road, Area Variance

Chairwoman Adams – Building Inspector Stickles did you get any answer from Orange County Planning?

Building Inspector Stickles – No I haven't and there are 2 days left.

Chairwoman Adams- So we cannot make a decision on this until we get the Orange County Planning response.

Rory Holmes – Can you make your formalization contingent upon their acceptance?

Attorney Dickover – You cannot render a decision without the County's reply or them having 30 days in which to respond, I really suggest the Board not go out on that limb because it would make your decision voidable. That's a jurisdictional question, I would like to help the applicant with that but I don't really think it helps him at all because any decision you might render tonight in that respect could be voided. The Board can go through the 5 Factor Analyses; it can look at SEQRA issues and get all that out of the way this evening if they are inclined to do that. But to make a decision conditioned on receipt of the County I would advise against that.

Chairwoman Adams – The County has until 01/10/15 to respond. We will go through the 5 Factor Test, but you understand until we make a decision you can't get a building permit etc.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance – **It appears that it's not going to be any closer to anybody in the neighborhood than the building already is. No undesirable change to the character of the neighborhood.**
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance – **He has requested the minimum amount that he needs and will set even with the other buildings and it will become a sound barrier. There is no other choice at this point except to build another building someplace else on the property.**
3. Whether the requested Area Variance is substantial – **It's approximately a 10% variance request and it's only for a small piece of the building. I would consider that unsubstantial.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – **Basically the same as #1, if**

anything it should be more positive because it will look a little better when they put the new building in.

5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the Area Variance – **The representative for AMPAC says it's not, I would say yes but it's because the building is growing and that's a good thing. The business is growing so they additional things, in this case it is not a negative and the pad is already existing.**

Chairwoman Adams - The Board feels it has passed all the tests.

Attorney Dickover – Clarification from the applicant at one point you talk about a 26' variance other places it looks like your drawing call for 26.8'?

Rory Holmes – 26.8' is the closest because of the jog in the property line.

Attorney Dickover – Is that part of your application?

Rory Holmes – The Site Plan as it sits along the property line is pre-existing.

Attorney Dickover – So on this application the variance being requested is 26.8' where 30' is required.

Rory Holmes – Correct.

Attorney Dickover – Is that drawing going to be part of this application?

Building Inspector Stickle – I have that on file.

Attorney Dickover – Chairwoman Adams as this point you can complete the SEQRA review process. This application has come before the Board with a Short Form EAF; it is a Type Two Action by definition that they are seeking a side yard setback variance. You could make a **motion to declare yourselves Lead Agency, conduct an Uncoordinated Review and Type this project as a Type Two Action.** If that motion were to be made and seconded and approved by the Board it would conclude your environmental review.

**Member Pearson made motion as stated above by Attorney Dickover
Seconded by Member Wesenberg, All Ayes, Motion Carried**

Chairwoman Adams – That's as far as we can go tonight. The next meeting is 02/05/15.

B.2 84 Walnut Street, Area Variance

Chairwoman Adams – Anthony DiSimone property owner is not here?

Building Inspector Stickle – No he is not here and I have not gotten as the Board requested at the last meeting any updated or additional information.

Chairwoman Adams – Ok, so we will make a continuation of the application for next month's meeting?

Attorney Dickover – You certainly do that, there's been no correspondence from the applicant and he has not produced what the Board requested?

Building Inspector Stickle – Nothing.

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Member Pearson – Does he have to go to the Planning Board if he gets approval?

Building Inspector Stickles – No.

Chairwoman Adams – If everyone is in agreement I would like to continue this application so that the applicant doesn't have to re-notice everybody and spend the fees again and see what he wants to do. (All members agree to the continuation). We will give him a continuation for one more month, it should be said though that if he does not do something for the next meeting that we will drop it.

Building Inspector Stickles – I will notify him by letter.

Member Pearson – Question, the applicant doesn't have to go to the Planning Board at all, so what we approve we are approving and are we the Board over stepping our bounds by asking about water runoff and how it's going to be designed and about the project? I don't think we are it was brought up to me that someone thought this Board was overstepping our bounds.

Building Inspector Stickles – I would believe for you to make an accurate decision that all those factors should be presented to you. As I said at the last meeting, I will require an engineer's drawing before it's built.

Chairwoman Adams – Attorney Dickover recommended that the Board have all the proper information, so we're not out of bounds.

Member Pearson – I just wanted clarification on it.

Attorney Dickover – The statutory phases could come to your mind is in granting variances the Board has the authority to impose reasonable conditions on your variance and that certainly could include appropriate engineering for this kind of a project. So the Board is well within your bounds as a Board.

Member Pearson – When would a project go back to the Planning Board?

Building Inspector Stickles – Anything other than a 1 or 2 family house has to go to the Planning Board. That's why what the Board has requested as far as engineering drawings this Board becomes the Planning and Zoning Board in one.

Member Pearson – That's how I felt about it and that's what I was thinking and saying but the other person I was speaking to tried to tell me different.

Building Inspector Stickles – They're wrong.

Chairwoman Adams – The minutes from 12/04/14 I am going to read Attorney Dickover's statement, **those are engineering details that the Board might want to request the applicant to present an engineered plan for this. If you're going to entertain it you've got some valid concerns about water runoff and things of that nature like flooding neighbors. It certainly is within the Board's purview to ask the applicant to present an engineered detailed for this plan.**

B.3 72 Main Street, Area Variance

Chairwoman Adams – At this point we are looking at a variance that would incorporate 56.8sf of sign, including the base, post, lighting and the face, both sides. Any other questions/comments by the Board before we go into our decision?

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Building Inspector Stickle – The Board talked a lot about the sign tonight, don't you think you should have the actual sign that you are going to approve in front of you. The changed measurements, posts etc. so that it's on record.

Attorney Dickover – Building Inspector Stickle is right, I'm just looking at my hand written sketch here and right now I'm confused about what the dimensions have become also by the conversations. We can take a clean sketch modify it so everyone knows what we're looking at and then you can act upon it.

Chairwoman Adams – We're taking off 4" off the brick base which will now be 8". There will still be 4" between the brick base and the bottom of the sign. From the ground to the top of the posts will be 6'2". You just said something Mr. Joseph that has me a little concerned, you said you're going to try? If we do this then you would have to come back if you can't do it.

John Joseph – If I can't achieve it I will come back.

Chairwoman Adams – But then you would have to renounce, start from scratch. You would be better off waiting.

John Joseph – I'm not building the sign and unless there is a valid reason I can't change the spacing on the lighting maybe the sign company has a reason for the spacing.

Chairwoman Adams – If you were to be locked into something that you cannot do that would not be a good idea. Mr. Joseph would you please bring the Board a new drawing.

John Joseph – Yes.

Chairwoman Adams – We will continue this at next month's meeting on 02/05/15.

**Chairwoman Adams made motion to continue this at next month's meeting 02/05/15
Seconded by Member Pearson All Ayes, Motion Carried**

John Joseph – I'll have the sign company make the changes discussed.

Member Pearson – Thank you for bearing with us.

John Joseph – I'm very visual and understand all of the Board's concerns. Once I get it revamped I'll send it to Building Inspector Stickle and he can circulate it. Anyone has any comments or revisions send them back to Building Inspector Stickle and I will try to get them done before the next meeting.

Chairwoman Adams – Ok, thank you.

C. DISCUSSION ITEMS:

Chairwoman Adams – Attorney Dickover I caused him a lot of work this month and I really appreciate all the help he gave me. He brought up item in one of your emails to me about a list of motions that we've made or variances that we've issued so that we can go back and check precedence. Building Inspector Stickle do we do that in the Village of Walden, have book or list with such information?

Building Inspector Stickle – Yes, I have a minute book, you can go back and find all the variances that were granted.

Chairwoman Adams – I think Attorney Dickover was referring to a master book?

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Attorney Dickover – I think the statutory language refers to an index. Index established by code section. You code is broken down into Section 305-1,2,3 etc. and if you printed that out and then a decision dated 2014 #5 and put it under the code section you would have an index to go back and see that code provision was referred to and a decision made 5 years ago.

Chairwoman Adams – If you were to take the minutes and go back a few years and come up with each one of them, would that create something of that nature? I haven't kept everything since I've been on the Zoning Board, only the things that I think might come back and get us someday. Just wanted to check and see if we had such a thing.

Building Inspector Stickles – No we do not have one.

Chairwoman Adams – Is it normal, do most municipalities have it?

Attorney Dickover – No they don't, you certainly would be the exception if you created it. You have identified the problem, that's a lot of work for someone to go back and read all the minutes of this Board and figure what section it referred to.

Chairwoman Adams – Right now we have a great asset because Building Inspector Stickles has all this in his memory bank, but when Building Inspector Stickles retires where's the memory bank.

Building Inspector Stickles – The only thing that I have is that I lived through most of it through the last 25 years. You would just have to go back and look in the minutes and they are described and the decisions are described of what was given and the section that was given. If needed to know something like that you would probably have to go looking through the books to find out.

D. INFORMATION ITEMS:

E. CORRESPONDENCE:

3. COMMUNICATIONS:

4. EXECUTIVE SESSION:

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

MEETING ADJOURNED: 915pm

RESPECTFULLY SUBMITTED
January 08, 2015
Nancy LaMancuso
Zoning Board Secretary