

Village of Walden  
Zoning Board of Appeals Meeting  
February 05, 2015

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

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Chairwoman Adams - Called the Zoning Board meeting to order at 7:30pm. Member Raymondo is not here tonight and Member Moore is sitting in.

**1. APPROVAL OF MINUTES:**

Chairwoman Adams – Approval of minutes for 01/08/15.

**Member Pearson made Motion to accept Zoning Board of Appeals Minutes of 01/08/15  
Seconded by Member Wesenberg, with all members voting yes (Member Moore is abstaining, she was not at the meeting)**

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**B. FORMAL APPLICATIONS:**

**B.1 30 Coldenham Road, Area Variance**

Rory Holmes, Representative Director of Operations at AMPAC – Was present.

Chairwoman Adams – We received the Orange County recommendation for a Local Determination. All we need to do tonight is make a decision. We went through the 5 test factors at the last meeting.

Attorney Dickover – The Board completed SEQRA and now has the response from Orange County making the matter of Local Determination, so at this point the Board is free to render a decision if you're so inclined.

Chairwoman Adams – Member Moore do you have any questions as you weren't here at the last meeting?

Member Moore – No the minutes are well detailed, I don't have any additional questions.

Chairwoman Adams – This Area Variance will allow the building to be constructed with a 26' 8" setback where 30' is allowed by code.

**Member Pearson made motion to approve the Area Variance  
Seconded by Member Wesenberg, All Ayes, Motion Carried**

**Attorney Dickover- This application is for a 26'-0" setback where a 30'-0" setback is required, that would be the application and motion.**

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

Chairwoman Adams – Thank you, the motion passed enjoy your new building.

**B.2 84 Walnut Street, Area Variance**

Chairwoman Adams – Building Inspector Stickles have you heard from the applicant?

Building Inspector Stickles – No and I included in the application both letters that were sent to the applicant and I have not heard anything since then.

Chairwoman Adams – A recap for the minutes so the Board can move forward. Mr. Anthony DiSimone property owner 84 Walnut Street came before the Zoning Board of Appeals on 11/06/14 with an application to construct a 10' X 30' parking space where not permitted. The Zoning Board asked for more definitive design information was requested to further the discussion and was followed up by letter, dated 1/10/14 from Building Inspector Stickles. Mr. DiSimone came before the Zoning Board on 12/04/14 without pertinent information as requested and again was asked to supply details for the 01/08/15 meeting. He did not appear. The Zoning Board requested Building Inspector Stickles to follow up by letter to advise continuation to 02/05/15 when a decision will be made. Continuation so that the applicant would not forfeit application fees and cost to mail, the Public Hearing was opened and closed on 11/06/14, decision is required 62 days from the close of the Public Hearing.

**Chairwoman Adams, made motion to deny the applicant based on the information stated  
Seconded by Member Wesenberg, All Ayes, Motion Carried**

**B.3 72 Main Street, Area Variance**

Chairwoman Adams – Is there any further information that you would like to give the Board tonight Mr. Joseph? I feel the Board has done its due diligence to meet the needs of the applicant while preserving the character of the Village of Walden as intended by the zoning codes for the signs. We have received the Orange County Planning Department response and it's a Local Determination.

Member Pearson – Were there colors already designed for the sign, for the posts, the base etc?

John Joseph, representative of VS Walden LLC the Landlord of the former Thruway Shopping center – was present. Red brick on the bottom, blue stone cap, beige historical in color, the top lighting will be aluminum bronze/brown in color. The caps will be similar in color. I'm flexible on the colors.

Member Pearson – Neutral is nice, then the letters stand out a bit more. Can the Zoning Board approve the color without the applicant going back to the Planning Board?

Attorney Dickover – You could impose a condition as to color.

Building Inspector Stickles – If the applicant uses the Benjamin Moore Historical Colors or an equal then he would be in compliance.

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Chairwoman Adams- The Board can add that to the motion that the colors will have final approval by Building Inspector Stickles. Then the Board will go through the 5 Factor Test, any comments or questions from the Board please speak up.

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 is the business district with several existing signs, so there should be no change in the character.**
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 – **The business are being advertised off the main through all fair. The sign will avoid confusion and direct traffic properly to the shopping center. I don't see how else the applicant would get information to the public where they're located.**
3. Whether the requested Area Variance is substantial – **Yes, for size it is substantial. Current signs on property to be removed, consideration from the street and overall look of sign is an improvement over the several smaller signs so that it can be seen.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – **None, it's the business district.**
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 – **Yes, but the location of the stores being advertised under consideration the sign lettering needs to be readable from the street.**

Chairwoman Adams - Are there any further comments or questions? None noted.

**Member Wesenberg made motion to declare the Zoning Board Lead Agency, Unlisted Type Action under SEQRA**

**Seconded by Member Pearson, All Ayes, Motion Carried**

**Attorney Dickover – Short Form EAF was read and reviewed by the Board and changed/corrected accordingly by the Board.**

**Member Pearson made motion to issue a Negative Declaration**

**Seconded by Member Wesenberg, All Ayes, Motion Carried**

**Attorney Dickover-To clarify the variances that are being granted so that the Board and applicant are clear. The Board may recall that you made some interpretations of your ordinance in respect to this matter so they will be embodied in the decision. The variances being granted are to allow construction of a 2 sided, monument sign of 86 Sq Ft total area of both sides where the maximum allowable is 30 Sq Ft. The second variance is a calculation of a 6'-2" sign by 7'-0" wide.**

**Chairwoman Adams- Measured from the grass to the very top of the sign.**

**Attorney Dickover- The third variance is to allow 4" of clear space between the bottom of the sign board and the top of the 8" brick base. The condition imposed is that the color of the sign is to be of the Benjamin Moore Historical Color Chart of approved equal, Red brick base, bronze/brown top, caps and columns.**

**John Joseph- The brick that I will probably be using is from the shopping center that I salvaged from the Mavis building. It is close in color and matches.**

**Member Alleyne made motion to approve variances as stated above by Attorney Dickover  
Seconded by Member Moore, All Ayes, Motion Carried**

Chairwoman Adams – Motion passed, good luck.

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:**

**E. CORRESPONDENCE:**

**3. COMMUNICATIONS:**

**4. EXECUTIVE SESSION:**

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

**MEETING ADJOURNED: 815pm**

RESPECTFULLY SUBMITTED  
February 05, 2015  
Nancy LaMancuso  
Zoning Board Secretary