

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

Chairwoman:	Rebecca Pearson	Present
Members:	Faith Moore	Present
	Carolyn Wesenberg	Present
	Gregory Raymondo	Present
	Mary Ellen Matise	Present
Alternate:	Dan Svarczkopf	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Tara Bliss	Present

Chairwoman Pearson - Called the Zoning Board meeting to order at 8:04pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

Member Raymondo made a motion to approve the March 2, 2017 minutes. Seconded by Member Wesenberg. 4 ayes, 0 nays, 1 abstention (Member Moore). Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 108 Ulster Avenue, Interpretation

Rebecca Valk, Mackey, Butts, & Wise LLP, attorney for the applicant submitted the mailing notices they sent out 40 and got back 23 and the notice was posted on 3.3.17 on the Village website, in 3 public places, and it was posted in the 3.8.17 edition of the Wallkill Valley Times. Cards counted and confirmed by the Board.

Member Matise made a motion to open the Public Hearing for 108 Ulster Avenue, Interpretation. Seconded by Member Raymondo. All Ayes. Motion Carried.

Chairwoman Pearson stated that this hearing was reopened due to a letter sent to us from the Village Manager about some issues with a home from the Hyde Park area that has a lot of calls for service. We felt we should reopen to hear about some of these issues to find out if they were true for fact or not to make the right decision for the public and the constituents. Most information we can get is better for us to make the best decision for the Village. Reopened to hear about that and any other information.

Attorney Dickover added that the Board also received a memo from Chief Holmes dated today with a copy given to the applicant and the members of the Board.

Ms. Valk asked to take a step back with the Board with a quote from the Department of Justice and Housing and Urban Development document that states: "The fact that one individual may pose a direct threat does not meant that another individual with the same disability or another individual in a group home may be denied housing". The Village Manager under the color of state law is asking the Board to deny housing to this entire group of individuals who suffer from a discrimination based upon the actions shown in these police reports form the Town of Hyde Park. These blotter calls were submitted without looking behind this information at all. What the Board should know is that this location in the Town of Hyde Park, the address, is shared with another facility, a women's shelter. There will be testimony this evening that a majority, all but 12 of these calls, are related to that women's shelter and not our use. Furthermore, she is submitting to the Board the number of calls that the Walden Police Department has responded to in 2015 and 2016 based upon information available from the Village's own website as well as her Freedom of Information Law request. The highest number of calls at the Hyde Park location in any

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

given month was 9 and the Village of Walden on average responds to more than 900 police calls in any given month. She is submitting to the Board a calculation of the number of calls at the location in Hyde Park vs the number of calls the Village of Walden responded to in that same month. The impact is less than 1% in any given month and that is assuming that those are all our calls. In other words, for example, in February 2016 there were 9 calls during that month and during that month the Village replied to 900 in that month.

Member Matise interjected that is for the whole Village.

Ms. Valk continued that the Village Manager has asserted that it would put an impact on the budget yet no given month exceeds more than 1% and that's assuming those calls were for our facility, which they are not, those calls were for a use of a separate organization at the same property so the number drops even more. There is no authority for this Board to deny a use based upon such a minimal impact. She is aware of the submission received this evening from the Police Chief regarding training. Her client actually trains those officers not specifically in the Village of Walden but in Dutchess County he has trained officers every single police unit on how to respond in crisis management. He can address those concerns that was given to us this evening.

Attorney Dickover said February 2016 there were 9 calls her sheet says 0 calls.

Ms. Valk replied she was going from memory, she meant May of 2016 not February. That is the highest percentage you will see in that whole chart.

Chairwoman Pearson asked what your feeling is that it was put out for the Board to deny but she is offended by that as she feels this Board needs to have all the information available to make the best decision for our public, our citizens that live here. She understand what you want to do but she doesn't feel that the Board would take that and just deny it based on that. She feels they are smart enough to take that information and do their due diligence to listen to what she said before and to review the old minutes and she felt that was not very nice to this Board.

Ms. Valk apologized if that is how her comments came across but she just wanted to restate that you are being asked to use the information for that.

Chairwoman Person feels we were given information to make a decision and to use that information. She doesn't know how this Board is feeling to make a decision right this moment so having those attitudes it may change their mind with how they are feeling about it right now. She feels that was a bad statement in her opinion. She feels the Village of Walden is different than the Village as a whole vs one home. She gets that we have that many calls, we are not an innocent little Village, we have a lot of things that happen in this Village and we have a Police Department that supports that. We are happy we have that police force and she is a tax payer in the Village of Walden and if there are extra calls we may have to hire new police officers we don't know, those are things we don't know in the future. Will that training happen in Orange County as well that happens in Dutchess County?

Steve Miccio, CEO of People Inc., replied that training has been happening and the Village of Walden was named as part of a grant in Orange County to receive said training. It's a grant through the Department of Criminal Justice Services and NYS Legislation as well.

Chairwoman Pearson asked about the other home association with this home. Can you tell us about that?

Jacob Reckess, Executive Director of Pathways Community Support Services which is a non-profit organization based in Poughkeepsie, stated that the primary service now is that they operate a 14 studio unit transitional housing center primarily for women with children per a contract with Dutchess County Department of Social Services. They have people in crisis that connect with the Dutchess County Department of Social Services and they call us and we provide housing from 1 day until a couple months until they get back on their feet. They work with the County to do job training to hopefully get back into

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

the work force and find permanent housing. Most people there like he said there are a few sites across the County that do this service and their site is mostly used for primarily women not our specific mission to only serve women and children but we are predominantly women and children. It might be a domestic abuse case, it might be a lost job, or a fire, etc. He did get a copy of the letter this morning and we should honestly acknowledge that we keep internal records every time the police officer is called and the vast majority of those calls are for the shelter, not People Inc.

Chairwoman Pearson asked where People Inc. fits into that, where are they in the building.

Mr. Reckess replied that the building has 16 units and we use 14 of them. We are a non-profit in Poughkeepsie and People Inc. has a good reputation within Dutchess County so they were looking for, he doesn't have the exact history but he thinks there was a contract offered by Dutchess County to offer a couple services had a couple beds looking for housing at the time, currently we are full so our 14 units serve a good number of people we weren't full a few years ago and so we had empty rooms and an empty apartment. So they basically rent from us a 3 bedroom apartment which is actually a combination of a 2 bedroom apartment and 1 extra unit.

Chairwoman Pearson asked if that is still being rented.

Mr. Miccio replied that they are in the Process of buying a house to get out of there but right now still we are renting.

Chairwoman Pearson asked about the calls, what is listed under this home? Are there no calls of service to your home?

Mr. Miccio replied he thought he had said this before but sometimes people come to the house and don't understand the model and have a need for a higher level of care. You call an ambulance you call the police as well. We want to make sure the people are getting the right kind of services. So there have been occasions in all of our houses where people have not fit the model of what we provide and they need a higher level of care and would go to the hospital. The vast majority of why the Police come to our place is usually due to medical calls as people aren't taking care of their medical issues and so we want to provide a safe place for them to go and if you call an ambulance the police accompany them. One description could be they have diabetes or are dealing with a heart condition, there are unfortunately a lot of chronic illness with people with mental health issues due to improper health care. We want them to be healthy enough and also that they understand what our model is about.

Chairwoman Pearson asked about the calls we are looking at, dispute from neighbor, harassment, emotional disturbance, medical emergency, larceny, drug related, welfare check, mischief, missing person, domestic assault, those are basically coming from your home Mr. Reckess.

Mr. Reckess replied predominantly yes.

Mr. Miccio replied that there were 12 out of the whole sheet that were ours. Some were emotional just not within our model but some were also physical.

Mr. Valk highlighted in pink the calls that are responsible for their use vs the use of pathways use. There were 12 out of the 82 calls.

Chairwoman Person asked what unwanted person means.

Mr. Miccio explained that sometimes people just show up and we are not designed for people to just show up first they have to call first and go through registration. If they show up and are adamant about coming in they obviously don't understand the model and we want them to understand the model and make sure the guests in the house are safe as well.

Chairwoman Person asked what an emotionally disturbed person and another one which is disturbance, what does that mean?

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

Mr. Miccio replied if they don't fit in the model, one example is there was a gentleman who defecated in his room which is a disturbance not something that is within what we provide so we had to get him to a different level of care.

Chairman Pearson asked about the larceny call.

Mr. Miccio replied that it was a stolen cell phone within the house.

John Revella, Village Manager of the Village of Walden, stated that there may be some confusion as to the information that was presented. Information presented to the Zoning Board is just that, information to take as they wish as it is the Zoning Board's duty to approve or deny any requests and at no time did he ever ask anyone to deny anyone housing, just to be clear. There was questions regarding statements made at prior hearing regarding this applicant regarding calls for service and needs and we just wanted to make sure we clarified and made sure the Board had all the information to take a look at the entire picture. We received documentations from Pathways not sure if there is more than one Pathways but one of them says they have a lot of calls for issues and one doesn't, he is not sure which one is which. Whenever there is even one call for an emotionally distressed person it does require a lot of effort on our part of the Police Department and you received information from the Police Chief regarding what that may entail should those calls come to fruition. Should none of that happen, that is great. He just wanted to make sure and understand that information regarding 900 calls on average per month but just so the Board is aware like their statements about their location that these calls also include park checks, noting a list of house checks that get checked every day on every shift that is a good portion of those calls. Those calls don't require additional manpower and that is one of the things we have concerns about. We do have some of those types of facilities already in the Village that have a lot of concerns and issues that come up and we are not saying that they don't have a place in our Village but as you are aware the applicant for this location disclosed fully and forthright that the location was not permitted at the time but if they want to appeal that and the Board is taking a hard look they are doing that now. There may have been a better location better fit for them if they had inquired with the Building Department or with his office. It just didn't start off on the right foot with the organization. That was part of the problem, there was a lot of miscommunications going on. He just wanted to make sure the Board had the information for whatever and that they are ready for whatever they need to make their decision. Our Police is very taxed right now and one emotionally distressed call requires a hands on person and our police contact be as it may requires 2 officers to be on duty to patrol but does not include another person that has to come in on overtime to sit with an emotionally disturbed person. That is touched upon in the memo from the Chief of Police. There may or may not have been a grant that would have helped train our officers but that doesn't meant that those officers have to submit to that training if they don't wish to. They may have to use other means. We do have officers, one in particular right now that is trained to deal with these kinds of situations. We would be glad to accept training by anyone if they are willing to do but he is not sure if the grant is going to pay for the officer's time with benefits or just the training. Just something to consider. Just so you know when there is a call for ambulance right now our Police does respond but our fire department does not. Our Police Department did not always do that and they don't always have to but that could be a change in procedure and protocol in the future so they may have to be called separately. Obviously everyone deserves help and everyone that wants help should get it and he hopes that people who use these service are able to get that help at this house or another house that is not his decision to make at this time that is for the Board to make. Hopefully if it does happen it happens in a constructive way in a way that fits the character of the area. If that doesn't happen we'd be happy to discuss alternative locations for them in the Village if that were to come to pass. He just wanted to make sure it is clear that on behalf of himself and the behalf of the Village he has not asked anyone to deny housing to anyone at any time.

Serra O'Donnell, 2 Northern Avenue, asked if there was any way that the list of calls could be read off to us nice to know as a police dispatcher and a resident what those calls are.

David Stoudnour, 23 Albany Avenue, asked about the time frame of those 12 incidents in Hyde Park.

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

Chairwoman Pearson replied the last 2 years.

Mr. Soudnour asked the audience, his neighbors in the last 2 years, have you had a police car come to your house. He asked them to raise their hands. It is one house imagine if all the houses were like that.

Ray Lustig, Ulster Avenue, commented that the previous people that were there he really had no problem with challenged people who were trying to be there and acclimate and living in the community. Not really up on the details of this applicant but his understanding is it is more temporary kind of housing for not challenged people but people with mental illnesses such as schizophrenia for example. Due to the temporary nature of this is really what he had a problem with and also the gravity of the issues. For one thing if there are 2 apartments in the 16 unit facility and that is like for a 1-2 apartments and there are 12 calls over the course of 2 years you could look at that as a high percentage related to their 2 at best point. If the thing is the person who is schizophrenic or a person that is challenged in that manner it only takes one day not taking meds to have an issue. He doesn't know their familiarity, he says he has a model, if you are not in the model and when you have schizophrenia and issues like that he's not a psychiatrist but there was a lady in Monticello who was taking care of a debilitated gentleman. This lady was an angel and took care of him, cleaned him up, and all the sudden she was the lady that stabbed her mother to death with a pair of scissors in Monticello. She has schizophrenia and the thing is a judge recognized that she was mentally ill and sent her up for whatever they do up there. He would have shown up at court if they would have prosecuted her for murder as it was evident she was mentally ill she was just a beautiful person who had an episode and he's saying he's kind of afraid the nature of what this building is he's not sure what their ages are or what their background is, if they are sex offenders people in a revolving door atmosphere in a sheltered environment is a highly volatile situation. He's just going to say that percentages are way up relative to the issues and problems that could develop and he doesn't feel it's appropriate for our neighborhood. Again he had no problems with Crystal Run Village who had long term tenants that were really challenged they are fine, they are people and they deserve a place to live, he is all for that. He is afraid that it just takes one. You might 10 calls or 15 calls but it only takes that one call of one very ill person that is mentally ill. They don't have to have a conscious or a why therefore. Accidents and terrible things happen and he doesn't want those terrible things to happen in his neighborhood.

Ellis Langlitz, 92 Ulster Avenue, asked if all the employees and clients at the Rose House are screened for sex offender status.

Mr. Miccio replied yes they are.

Mr. Langlitz asked what can be done to prevent other family zoned residences in the Village from being used for these types of business purposes in the future. Can there be a change to the Zoning Code definition of what a family is or something?

Attorney Dickover stated that is a great question but not for discussion this evening.

Mr. Stoudnour said that the definition of a family and this purpose is not for discussion tonight.

Chairwoman Pearson explained no, they are before us tonight for the definition of family. It is a 2 part one is for an accommodation if the family definition is not modified.

Mr. Stoudnour stated that as far as that goes if you change the definition of family for the sake of this enterprise, and enterprise it is, if this is a family then basically he can throw up a sign in front of his garage that says repairs and put a price list. If the Village says he can't do that it's residential he can say oh hey it's his family they use the bathroom and he invited them for a ham sandwich. There are all kinds of family here. You have the Manson family too. In his life family is people who you share DNA with or someone you have legally brought into your house. You change it what is to say everyone in Walden can't open up their spare bedroom to people and say they use your bathroom and they are family and they give me \$300 per month. They say they are non-profit but trust me non-profits make a lot of money.

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

Mr. Lustig added that just like the IRS you are looking for financial dependency exemption or something like that mother, father, brother, sister, nephew, cousin, someone there is a blood relationship and he is kind of where is the is in is and where is the there in there. Family is a family and it's a blood family or a relationship and he really disagrees with changing the definition to accommodate something special. If there was another way to do it do it, but don't change the definition of family, because they are not family. It is a group home or what have you but it's not family. The people that live there do argue with each other and have issues that police come to refer and that doesn't happen in a general sense to the other 99% of the people of Walden.

Brenda Adams, 31 Valley Avenue, asked about the 12 incidents for 3 units. How many people will be served for this unit?

Mr. Miccio replied only 3.

Mr. Langlitz commented that the 2 speakers said you shouldn't change the definition of family but it already has been changed, correct?

Chairwoman Pearson replied no it has not been changed. We can't change it, only the Village Board could change that.

Susan Millspaugh, 86 Ulster Avenue, doesn't know if it the confusion of Crystal Run what was it while they were there; single family?

Chairwoman Pearson replied that was before her time but it was a state run home so they didn't have to have any zone to worry about they could come and do whatever they wanted because they had the licenses to do that, but don't mark her words.

Ms. Millspaugh clarified so right now is a single family home.

Chairwoman Pearson replied yes that is correct after it was vacated it instantly reverted back to a single family home as it was never given approval.

Member Matisse reiterated that it never lost the single family status.

Mr. Lustig wanted to bring up again it's the temporary nature that is the most significant things. To be a hotel or motel or to have temporary housing by itself it requires a special license. If you have temporary housing for rent or what have you it's much different than having a monthly lease or a yearly lease. The government and the tax people recognize short term housing as different thing than living there. He doesn't know what that his but he does know that you have to apply for a special license in NYS without it you can't be temporary housing. He doesn't know if they are a part of that or not but that very nature bothers him.

Chairwoman Pearson read the 12 calls for service into the minutes. (Copy attached)

Maura Dwyer, Chief Services Officer for Peoples Inc., stated that the medical issue was a person who needed medical services she wrote that next to the emotional disturbance on the report.

Alternate Member Svarczkopf stated there was a case in the City of White Plains in 1974 where 10 foster children taken in the definition of family was challenged there and it was upheld but one of the main criteria of why it was upheld was that it not a temporary living arrangement. The group was sharing a house and didn't provide a frame work for transient living if it did it would not have been upheld. That was from the Department of State of New York.

Brian Sebring, 84 East Avenue, stated that all the 12 calls were the residents allowed to stay or were they removed and put some place else.

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

Mr. Miccio replied that some stayed and some didn't, the medical emergency one for example did not stay, he got hospitalized. Larceny got resolved.

Chairwoman Pearson asked what's considered a disturbance.

Mr. Miccio replied that one was the gentleman defecating not appropriate.

Manager Revella wanted to clarify the response to a questions asked before where they said they would only service 3 people at a time at this Ulster Avenue location.

Mr. Miccio replied no, not 3 that is for the other home. This one would be up to 5.

Manager Revella also wanted to clarify how many days they were staying at the Hyde Park location he thought that currently looking up to a week.

Mr. Miccio replied 1 to 7 days, still the same.

Mrs. Adams clarified that there are 5 units in this building. So if there were 12 calls for 3 there is a potential for greater number of calls for 5 units.

Mr. Miccio replied there is always a potential.

Ms. Valk wanted to note that the issues regarding a municipality's ability to limit family based on a lot of other comments that have been raised have been addressed by their submissions provided. In response to the case law cited by the gentleman behind her she has provided a citation to Oxford House Inc. vs Town of Babylon a federal court case from Eastern district of NY which states that a short term stay of the residents may not be considered on what constitutes a family. There have been comments about if there is 1 call that in of itself is a comment as much as the speakers may not want to recognize and will be hard to hear, that is a comment of discriminatory nature because it is assuming that the individual service there. There is no guarantee if she lives next door to anyone that there will not be a police call to her home next door to him that if Mr. Revella lived next door to her that there would not be a police call for some reason because of something occurring in his family. We do not present nor do we claim to be insurers but the 12 calls that have occurred over 2 years if there are 3 individuals being served in a given week that's times 156 people times 2 a year that is 300 people a year and resulted in 12 calls.

Member Moore asked if they had an idea of exact occupancy how many people did you service from February 2015 to February 2017, the time frame of those 12 calls

Mr. Miccio replied about 300.

Member Moore asked why based on the information given, if staffed all the time, why would a welfare check have to be a call.

Ms. Dwyer replied she can't talk about the specifics of the situation but a person called who was at the house to check on another person, they came to the house.

Member Moore clarified it was not a person that was staying at the house. That clears that up. Who monitors based on some earlier comments about some calls pertaining to medical with medication, who's monitoring that they are taking their medication for emotional or medical issues. When do you know that a person hasn't taken their meds and needs attention as they are going into diabetic shock or having an episode?

Mr. Miccio replied that we have to remember that we are serving adults and adults carry a certain responsibility for themselves. The house is designed not as a medical model, it is designed to help people that are dealing with crisis; emotional, coping issues, anxiety, maybe suicidality, just issues that many people would tend to go to emergency room for. When they come to us we do ask question and we get to know the individual in a very intimate and special way so we can start to see there are some

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

health issues going here. The staff are trained and he spoke about the in-depth training they have and they know what to look for, they know what to ask. And when we are in doubt they make a call which might be to a mobile team, might be to their own doctor, we may even bring them to their appointment to make sure they are getting what they want. It's really about treating adults as adults and it has worked for us.

Member Moore asked since you trained the Police Officer to respond can you educate her on what their response and time is on a call like this. What is expected of an officer at a call like this?

Mr. Miccio replied they go through 40 hours of crisis intervention team training developed in Memphis TN and used for over 20 years now. It's a whole curriculum around how to engage people who are dealing with mental health and substance abuse issues without using the command voices they are trained to use in the academy. This brings it to more of a relationship discussion with people that are dealing with crisis and what the officer does is build trust with the people they are working with so they do not have to taze them or get other types of force to get them to comply. It is an evidence based training working for years and nice to have it here in Orange and Dutchess County's.

Member Moore asked with using that training in reference to Chief's memo is there extra time that a Police Officer will need to take when responding to a call like this other than establishing a report. Will there be other police protocol that needs to be taken?

Mr. Miccio replied no.

Ms. Valk stated that her client is not trained in other police methods so she does not know if he can compare and contrast the average time taken on other police calls.

Mr. Miccio replied that an officer is trained in resources so they will know what is available in the community to get the person connected with them. They get that information during the training.

Member Moore asked why this property speak that there are zoning laws and there are zones this is allowed in so why this specific location.

Ms. Valk replied that is more of a legal dispute that this zone is not permitted for that. She asked Mr. Miccio to explain why this property was of interest to them.

Mr. Miccio replied that it is a beautiful property first of all. The houses we have owned, 40 houses around the world like this, it's becoming a very popular model, it's a service being embraced by state governments, is really on the rise. You want to have an environment where people feel safe so that they can really work on their issues in a more comfortable environment as well. This property is wonderful and the Village is a wonderful place as we thought it would be a great respite for people to heal.

Ms. Valk explained that the statement document in her original submission from the Department of Justice and Housing and Urban Development gets into the issue of group homes with disabilities cannot be located only in certain sections of municipalities.

Member Moore asked should this be an allowable thing would there be concessions made on their part if there were questions pertaining to security and/or fencing around the property. Would that be something they would consider?

Mr. Miccio would not consider security. It is supposed to feel like a home environment and feel safe for people and security tends to bring a punitive kind of approach to it. Fencing is expensive stuff and not something we could do without looking into it; what would the purpose of fencing be?

Member Moore stated it was just a question to get all the information out there.

Ms. Valk stated they have discussed some terms about the times residents are encouraged to be back in the building, no outward appearance of the use perhaps just a street sign number. Limited to 5

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

individuals in the home, the length of their stay we have agreed upon. Essentially the business model we have agreed to memorialize that so the concern that this use would grow and become unmanageable would be enforceable by the Village as a Zoning enforcement action.

Chairwoman Pearson asked about the fence thing you brought up. The public had some concerns there is a bus stop on the corner, there is a park there, and a school, their fear is what can happen and that is probably where Faith was coming from with the fence. Not protection from you but also the neighbors to have that protection from she doesn't know what but she thinks that is where she was coming from. There are kids walking to the school, a bus stop, the park behind them, the scout cabin is in the back, maybe just alleviating some of the neighbors' concerns of having you there is where she is coming from.

Member Moore added she agreed with what Mr. Revella stated she is doing her due diligence to have all the information in order to make a good decision.

Ms. O'Donnell asked if you do reach out if there is a situation that you can't handle which includes mobile mental health. We don't have records of that in the Police Department so how often does that get called? Additionally the fence issue they do have free reign even though they have a curfew but they can just walk out whenever they would like, just thought she would mention that.

Mr. Miccio replied that the mobile mental health is sporadic not an average really just on a case by case.

Ms. O'Donnell asked in a 2 year span, do you have an idea of what that number would have been.

Ms. Dwyer replied that Dutchess County just became 24 hours and we don't have one in Orange County so maybe 10 times in that 2 year period.

Member Matise asked Mr. Reckess why they bought the property.

Mr. Reckess replied they have a good relationship with PEOPLE Inc. and based on that relationship Steve called him and said they found this house and it's beautiful.

Member Matise stated so they were looking and Pathways bought it and they are renting it from you. This is within the timing and relations that you have in Hyde Park.

Mr. Reckess replied yes, we were in Hyde Park first and our NFP has its own quirks and unfortunately we are a true NFP, we are not in the black, but we had a benefactor who was trying to help us secure our future providing a wonderful service and People Inc didn't have a benefactor so we found a way to get our benefactor who was willing to put money down to buy the house but it was purchased under Pathways as that is what the benefactor wanted.

Member Matise asked if it was someone on your Board who then wanted to become a benefactor to People Inc. She is trying to understand it all as we know that Crystal Run was there and they were exempt from our zoning as they were a state run organization. So it became available for sale, but it never lost its zoning designation and really from the point of view of how it was advertised it was a single family residence.

Mr. Miccio replied that all of his 40 homes that are up and running around the country are zoned single family residential.

Member Matise asked about the one they are renting, the 3 units in Hyde Park.

Mr. Reckess replied that we own it, it has been in operation for 20 plus years, he doesn't know that but has no issue there. He feels they did make a mistake and should have reached out to the city Manager about that and he apologizes for it.

Ms. Valk stated she doesn't agree with that.

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

Member Matisse wanted to question and get the answer for yourself before you just accept someone else's presentation of a product.

Mr. Reckless replied that practically speaking we knew that Steve found the house and we knew the history of the house.

Member Matisse asked if they thought because Crystal Run had been there that they just made the assumption it was ok.

Ms. Valk directed Mr. Reckless not to answer that question, it goes a little too far.

Member Matisse stated it seems to be an assumption one would make because they saw prior use there without investigating further. We wanted to know how the purchase of the property came about and the motivation was that someone wanted to be a benefactor.

Ms. Valk stated that she respectfully submitted that this is going beyond the jurisdiction of the ZBA at this point, she respectfully states that. We are aware that there was interest in the property of this client with the belief that the guidance of the federal courts that these types of group homes are to be permitted generously throughout the communities.

Chairwoman Pearson asked if this scenario has happened in other communities and then had to go before a zoning board.

Ms. Valk replied that they did have to go before the ZBA in the City of Glen Falls whose attorney advised they be treated under Padavan and proceeded that way. She did not handle that case, that attorney took a different position. They had one evening of ZBA difficulty before they were able to get there.

Chairman Pearson so this is the second house with the same scenario where they moved in first.

Mr. Miccio replied no, they were not open.

Member Matisse asked if Pathways was involved with that property.

Ms. O'Donnell heard that Pathways is a NFP so does that mean they are tax exempt.

Mr. Reckless stated we have been operating for 5 years and we have a submission and the IRS approved us and then rescinded due to paperwork and when they get it, we will be retroactive from the date we were put into effect.

Ms. O'Donnell asked here, the taxes would be paid to the Village maybe to cover those possible calls. So she was just wondering are there taxes being paid to the Village to pay for that from that property to go towards those calls for service.

Member Matisse asked if they were going for a 501c3 status.

Mr. Reckless stated that is correct.

Member Matisse rephrased it would be retroactive when you received it due to the paperwork.

Mr. Reckless replied yes.

Member Matisse asked if they would be requesting a refund of back taxes.

Mr. Reckless replied they would certainly like to.

Alternate Member Svarczkopf stated that with respect to the Oxford House, the case that was brought up before, it was declared a family because they were democratically self-governed, they supported

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

themselves financially, and they were allowed to stay as long as they liked as long as they were drug and alcohol free which was a major decision as to why it was decided the way it was.

Member Raymondo asked what the day to day activity will be.

Mr. Miccio replied that they get peer to peer counseling regarding their issues, they get may get some case management, they may go to program. They get to design additional structures within their day of self-help, self-care. There are professional musical instruments, art equipment, books, self-help tapes, all different types of things.

Member Raymondo restated so basically they are on their own.

Mr. Miccio replied no, there is a structure to everyone.

Member Raymondo confirmed when they come, they get screened by you.

Mr. Miccio clarified the staff screens them.

Member Raymondo asked once they are there what do they do. There are only 2 people on staff with no licensed professionals, correct? So what do they do?

Mr. Miccio replied they are state certified peer specialists and are professional staff, maybe not in the terms people may think, but they are. They design a structure that helps them to deal with their crisis. So if they have anxiety they are given exercises, tools and education on how to deal with anxiety.

Member Raymondo confirmed so whatever is designed for them individually.

Mr. Miccio yes.

Member Raymondo had a concern about a medical emergency being that there is more than one person and there could be multiple medical emergency your staff is not trained to handle medical emergencies.

Mr. Miccio replied they get basic first aid training but nothing further than that.

Member Raymondo asked they handle a medical emergency by calling 911 and get ambulance.

Mr. Miccio replied yes.

Manager Revella stated that he is hopeful that the applicant's comments come to fruition as they stated that they get to know someone intimately in less than a week's time and he hopes that is true if this were to come to pass so that if there were issues they can be taken care of fairly. They mentioned that his job is to make sure the people being serviced feel safe and he hopes he understands that it is our job to make sure that the people of the whole Village feel safe, including the people that come to this house if that happens. Obviously we want to have everyone feel safe and happy and have a great environment to live in and whatever we can do to make that happen obviously we will do. If the Board grants the applicant's request he hopes that we can meet to discuss those opportunities in the future as well.

Mr. Miccio replied that they want to be good neighbors we are good neighbors in every house that they have and they give back to our communities as much as we can.

Chairwoman Pearson asked what that means.

Mr. Miccio stated that they would volunteer or do whatever is necessary to work in our communities. They want a relationship where people feel safe and where they understand. He created this house to help people understand mental illness because people fear mental illness. They fear the word schizophrenia they fear the word bipolar. They fear so many things about mental illness because they only see bad things that happen in the public domain. Most people with mental health illnesses are the ones that are most likely to become the victims of violence or anything bad that happens to them. We are

taking such a proactive approach of bring CIT to Dutchess and Orange Counties which will help our Police do better jobs. We have worked very hard in creating a service that is safe for everyone including the people being served so that they can walk out of there with some self-esteem, feeling like a person rather than a diagnosis. He can say that in the 5-7 days they have with us, they get more from us than they would ever get from an emergency room or hospital and he can tell you that himself as he went through that himself and it was horrible. He was marginalized, demoralized, and treated like a mentally ill person and that is a horrible thing to feel like. When he came out of that he had to work twice as hard on his recovery to get to a place where he understood that people need compassion, need to be listened to, they need to have choices; better choices to make for themselves and that could be medication that could be different self-help skills or tools. It is an environment that we have created that never existed before that has shown that it is over 90% successful not only keeping people out of hospitals, it improved the quality of life, and it improves the quality of the community. He can prove that. We really do want to be good neighbors because we love this place.

Chairman Pearson stated she has questions for the attorney pertaining to the legal issues about this case.

Member Moore made a motion to enter into Attorney Client session to discuss the legal issues of the 108 Ulster Avenue, Interpretation. Seconded by Member Raymondo. All Ayes. Motion carried.

Member Matise made a motion to reconvene the special meeting of the Zoning Board of Appeals. Seconded by Member Wesenberg. All Ayes. Motion carried.

Member Matise Moore made a motion to close the Public Hearing for 108 Ulster Avenue, Interpretation. Seconded by Member Raymondo. All Ayes. Motion Carried.

B. FORMAL APPLICATIONS:

B.1 108 Ulster Avenue, Interpretation

Chairwoman Pearson restated we already did this at a previous meeting but since we have reopened the public hearing this board had determined for the purposes of SEQRA this is a Type II and there is no further action. Based on the evidence we have heard and materials received the Board is going to do some findings of fact which are attached hereto in the resolution and narrative. Given these facts the Board does not feel that the proposed use meets the definition of family as outlined in the Village of Walden code and upholds the Building Inspector's determination.

Member Matise made a motion to affirm the interpretation in the determination of the Building Inspector with respect to the proposed use for 108 Ulster Avenue falling within the definition of family as defined in the Village of Walden code.

Roll call vote:	Chairwoman:	Rebecca Pearson	Yes
	Members:	Carolyn Wesenberg	Yes
		Mary Ellen Matise	Yes
		Greg Raymondo	Yes
		Faith Moore	Yes
	Alternate:	Dan Svarczkopf	NA

All Ayes, Motion Carried

Chairwoman Pearson stated that with regards to the appeal to this Board as an alternative should the Board find that the proposed use does not fall within the Village's definition of family was to grant a reasonable accommodation.

Attorney Dickover outlined the terms of a narrative prepared under the advice of counsel. A copy of said terms are annexed hereto.

Village of Walden
Zoning Board of Appeals Meeting
March 15, 2017

Member Matisse made a motion to grant the request for a reasonable accommodation for 108 Ulster Avenue subject to the conditions outlined in the annexed narrative. Seconded by Member Moore.

Roll call vote:	Chairwoman:	Rebecca Pearson	Yes
	Members:	Carolyn Wesenberg	No
		Mary Ellen Matisse	Yes
		Greg Raymondo	Yes
		Faith Moore	Yes
	Alternate:	Dan Svarczkopf	NA

Motion Carried

Member Wesenberg stated that the idea of 250 people a year coming into our community and she is raising disabled children and she just can't.

Chairwoman Pearson stated they talked about being a good neighbor, and she does hope you can do that.

C. DISCUSSION ITEMS:

Chairwoman Pearson reminded everyone of the training opportunities that are coming up in the spring. Let Tara know if you want to attend.

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

MEETING ADJOURNED: 10:49pm

RESPECTFULLY SUBMITTED
March 15, 2017
Tara Bliss
Zoning Board Secretary