

Village of Walden
Zoning Board of Appeals Meeting
December 7, 2017

Chairwoman:	Rebecca Pearson	Present
Members:	Christine Scieurca	Present
	Gregory Raymondo	Present
	Mary Ellen Matise	Present
	Dan Svarczkopf	Present
Alternate Members:	Jessica Metzger	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 7:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

Member Svarczkopf made a motion to approve the September 7, 2017 minutes. Seconded by Member Raymondo. 4 ayes, 0 nays, 1 abstention (Member Scieurca). Motion carried.

Member Svarczkopf made a motion to approve the October 5, 2017 minutes. Seconded by Member Raymondo. 4 ayes, 0 nays, 1 abstention (Member Scieurca). Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 34 Capron Street, Use Variance (continued from 10.5.17)

Attorney Dickover explained that we received a letter from the applicant to withdraw the application that is before the Board at this time.

Member Svarczkopf made a motion to withdraw the 34 Capron Street, Use Variance application per the applicant's request. Seconded by Member Matise. All ayes. Motion carried.

A.2 54 Valley Avenue, Use Variance

Thien Nguyen, owner Hoang & Nguyen Bros, LLC 54 Valley Avenue, stated that he only brought the green cards from his mailing to tonight's meeting as he thought that was all he had to bring. He mailed 46 notices out of the Town of Montgomery list given to him by the Town.

Building Inspector Stickles explained that the letter he sent to him outlined how to do the mailing and explained what was required for the meeting tonight.

Mr. Nguyen said he didn't mail to everyone on the list as some of the addresses were in New York City so he didn't know for what reason they had to get the notice.

Chairwoman Pearson stated that there are 58 addresses to be mailed to on the list from the Town but the applicant only sent out 46 with only 28 returned. The addresses are of the property owners that may not live here. The homeowner may not live here, we have a lot of landlords that don't live here and they need to know what is going on. That is the whole purpose of the mailings.

Attorney Dickover explained that the mailing is for purposes of the public hearing and our code actually calls for a meeting of the Board prior to the public hearing. If the Board would like you could hear what the applicant has to say tonight but not open the public hearing. The public hearing would be held over until the next regular Board meeting and the mailing would have to be complete.

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Chairwoman Pearson clarified that it doesn't have to be re-mailed, just completed to everyone on the list. Based on the recommendation from our Attorney we will not open the public hearing tonight, but we will hear what you want to do to the property and wait for the next meeting to get the rest of the mailings back for next meeting. That means that the speaking tonight will only be from the applicant. For the members of the public here, if you can attend the next meeting you can speak then or you may put your comments in writing for us for the next meeting if you can't attend the next meeting. She told the applicant he could address the Board at this time if he would like to or he may wait until the next meeting.

Mr. Nguyen apologized that he didn't understand the mailing process. He would rather wait until the next meeting to address the Board. He confirmed he understood that he had to bring the white copies with him next time as well as any green cards he might receive between now and then.

Attorney Dickover stated that this application is tabled and will be heard at the next regularly convened meeting of the Board.

Secretary Bliss stated that the next meeting is scheduled for January 4th and if we have bad weather the meetings are held the first Thursday of every month.

Members of the public in attendance had questions.

Chairwoman Pearson stated there is no notification for the public of when the hearing will be held in the event of bad weather so she advised the public that they can always call the Building Department to find out if it is on the agenda for that night. She explained that this is an application that was first denied by the Building Inspector which is why it is before the Zoning Board of Appeals, the applicant is appealing his decision. We won't be holding the hearing tonight because the applicant didn't complete the required mailings so we don't have enough notice given to the surrounding property owners. Some of you may have gotten a letter but the applicant is required to mail a letter to all the property owners which they explained they didn't do fully. She explained there is criteria the Board has to use in order to approve or disapprove an application. Surrounding area property owners are notified so that owners are permitted to come to the meeting and address their concerns about the application before the Board. The Board may take their comments into consideration when making a decision about the application.

B. FORMAL APPLICATIONS:

B.1 34 Capron Street, Use Variance (continued from 10.5.17)

Withdrawn

B.2 54 Valley Avenue, Use Variance

Tabled

C. DISCUSSION ITEMS: None

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

MEETING ADJOURNED: 7:50pm

RESPECTFULLY SUBMITTED
Tara Bliss, Zoning Board Secretary