

Village of Walden
Zoning Board of Appeals Meeting
June 7, 2018

Chairwoman:	Rebecca Pearson	Present
Members:	Christine Scieurca	Present
	Gregory Raymondo	Absent
	Mary Ellen Matise	Present
	Jessica Metzger	Present
Alternate Members:	Michael Ciardullo	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 Scieurca made a motion to approve the May 3, 2018 minutes. Seconded by Member Metzger. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 101 Wait Street, Area Variance

James Gida, owner 101 Wait Street, turned in more mailings. He explained that he was not able to get an updated survey for tonight as Howard had a family emergency so he was not able to update it. He will update it next week and come back to the next meeting if that is ok.

Chairwoman Pearson stated we could continue it again for the next meeting.

Mr. Gida added that the Board had asked for photos so he did bring that. He provided photos

Chairwoman Pearson confirmed that there were 9 unclaimed mailings and 7 additional green cards returned.

Mr. Gida explained they can match whatever color you would like and the size would be 16 feet by 24 feet. They told him that 20 feet high is the max he said it would be about 19 feet high.

Chairwoman Pearson asked if all the set backs are met by that.

Mr. Gida replied yes.

Member Scieurca made a motion to adjourn the public hearing for 101 Wait Street, Area Variance until Thursday, July 5, 2018 at 7:30pm or as soon thereafter as the matter could be heard. Seconded by Member Matise. All ayes. Motion carried.

A.2 25 Valley Avenue, Use Variance

Re & Pamela Hagele, owners of 25 Valley Avenue, turned in his mailings to the Chairwoman. He explained there was an error in one of the mailing addresses that the Town provided as the forwarding address has expired and we also misaddressed one as 19 instead of 39 Valley Avenue but he personally hand delivered it to his neighbor and got his signature on it. Despite the 2 errors he believes he has met the standard of notice.

Chairwoman Pearson confirmed that he mailed out 47 and got 29 returned.

Mr. Hagele explained that they wanted to build a relatively modest addition that would extend 10 feet out from the back of the house and 17 feet wide with a double covered porch beyond that would be 13 feet by

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13 feet. The first floor would have a bathroom and a laundry room, and a bathroom and a library on the 2nd floor with a covered porch on each floor.

Member Matise asked what the existing house measurements were.

Mr. Hagele replied the existing house is 34 feet by 24 feet and the addition is 17 feet by 10 feet. The house was built in 1900. He showed an aerial photograph that he colored in red the addition and the proposed porch. He showed the neighbor's homes 21 Valley (Mawe family home) and 31 Valley (Adams family home) and their proximity to the existing house and proposed addition. We felt the only logical place to provide a bathroom on the 1st floor which is a very nice thing to have. We submitted for an Area variance originally but Dean felt it should be a Use Variance and Mr. Dickover suggested it should be a 305-54 variance. All of them have the same criteria pretty much with the last one being a little tougher set of hurdles to climb but he will try to do that.

Chairwoman Pearson asked what kind of application you are looking for.

Mr. Hagele replied he is throwing himself at the mercy of the Board and trying to meet the criteria for all 3 of them. He thinks we are at the 50% rule and total value of the project he thinks he can address. In terms of the 50% of reconstruction cost criteria for the 305-54 variance is the toughest standard for us to meet. We are a little bit lucky as we have a brick house. In order to reconstruct that today the brick alone would cost over \$150,000 so we are looking at close to \$300,000. So if you back it back to the 2000 timeline it would probably 20% less than that which would be \$250,000 and he doesn't think we have reached that level. So he thinks we meet that. He thinks that to reconstruct the entire home would be about \$350,000-\$400,000. Not that anyone would ever do it in that location and that size because there would be no return on it if anyone would do that. That brings him to his next point which is in order for us to protect our investment of the house and also protect the investment of what we are putting into it we have to get enough out of it to increase the value not only for ourselves but the street value as well. So doing an addition that would conform to zoning would mean losing our driveway and encroaching on neighbor's house and wrecking a really beautiful brick historical house they are tiring to restore. We feel it is a very small and modest addition that can keep us there. With regard to the other variance for the front porch we are trying to restore there. Rebuilding the front porch is a dream of ours to make it look like it used to because it was poorly rebuilt and covers the front windows but putting the money into it without extending it and making it furnishable would be funny so we would like to get a variance to extend it a little closer to the street. If you go down Valley Avenue you will see that most of the houses are actually closer to the street, with the exception of Brenda's house, than our house is. With regard to the fact that it might have a negative effect on the neighborhood we feel very strongly that it wouldn't, in fact it would only enhance the property values surrounding us. Brenda is the only person that would be visually affected by it. The Mawe's neighbors would see it; he has shown them the drawing and they are happy with it. It really has little impact on them as they are not encroaching on them in any way. Is it a self-created hardship? Not really as the house was built before zoning ever existed and the property line was granted before zoning existed. Most houses, with the exception of our immediate neighbor the Mawe family have rectilinear properties where if they head straight out they don't require a variance. The Mawe's house has been added onto and is a larger house and is livable but it is 18 inches from his property line. In order for him to add that way it would be a detriment to them and himself and his wife. With that he feels he addressed the fact that is a relatively unique condition and their immediate neighbors have the same situation but most of the rest of the Village have rectilinear properties with houses that are perpendicular or parallel. We do not as you can see from his site plan, it is way askew.

Chairwoman Pearson stated that Member Matise found a map from 1903 that shows the house and the direction it was going just to see the way it was put on the property.

Member Matise stated that he is parallel to Valley Avenue but the house next to theirs is parallel to the lot line and not the street. Why this came about, no one knows.

Mr. Hagele reiterated it is a relatively unique condition and he is hoping we will have jumped enough hurdles. This is a modest addition that will make a very nice house nicer and enable us to get old in it.

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Chairwoman Pearson asked Mr. Dickover for his thoughts on his memo as you said you wanted to comment in the beginning.

Member Matise asked him to please clarify as it is hard to understand.

Attorney Dickover stated that presumably everyone has read his memo so maybe it would be better to ask him questions about the memo.

Chairwoman Pearson stated that the application is for an Area variance and you feel it is better for a use variance.

Attorney Dickover replied no, he is saying it is a 305 variance that is what he is thinking. That is his opinion but that is for the Board to determine.

Chairwoman Pearson asked him to explain bulk requirement, she doesn't see that requirement anywhere in our code, and so can you explain that.

Attorney Dickover replied that the bulk area requirements in the R5 Zone that this is in. The front yard, side yard, rear yard, and so on, there is a bulk table shown on this drawing presented to you. You could compare them to the code but presumably they are accurate. Lot size requirement is 5,000 sq. ft. and the existing is 9,183 sq. ft.; the building coverage is 35 max permitted and the proposed is 11.06%, the existing is 14.15% which is no problem. The setbacks of the front yard are supposed to be 25 ft. and the current condition is 8 ft. 7 in and they are proposing to reduce it to 6 ft. 5 in. The right side yard requirement is 10 feet and the existing is 13 ft. 1 in which is compliant. There is no change on the right side. The left side required is 8 feet and the existing condition is 5 ft. 2 in. and the proposed plan is to reduce it to 3 ft. 8 in. The rear yard requirement is 25 ft. with the existing condition is 86 plus and proposed to reduce it to 75 ft. which is still no problem. The application was submitted as an area variance seeking front yard setback variance and side yard setback variance. Building Inspector denied the application and called for it to be a use variance referring to the use criteria under what would be a 305 variance. He feels that this is an existing non-conforming building because it does not meet the current bulk requirements with respect to front yard and side yard. You are not allowed to increase a non-conforming building however this Board is given a different type of use authority, not Use, not Area but a 305 Area Variance which would allow an applicant to alter or rebuild or structurally change a non-conforming building provided the cost of the new construction does not exceed 50% of the value of the building at the time the chapter was adopted which was the year 2000. So the applicant has given you his opinion as to what today's value of the replacement is that is not the inquiry. What the cost of the building replacement in the year 2000. That is the formula you are looking at and the evidence that the applicant has the burden of presenting to you. Once you've got that and the cost meets that criteria your code calls for you to examine the application under the criteria for a Use Variance; the 4 factors test. So his opinion again is that this is neither a Use Variance nor an Area Variance; it is a 305 Variance that is examined under the cost of replacement plus the Use variance criteria, the 4 factors.

Member Matise made a motion to open the public hearing for 25 Valley Avenue, Use Variance. Seconded by Member Metzger. All ayes. Motion carried.

Brenda Adams, 31 Valley Avenue, explained that her property adjoins the Hagele property on 25 Valley and the line does run crooked. The house that we took down that was on 27 Valley which was right next to their house was straight to the street but the property line ran off to the side. She can verify that all these lots run crooked. Her property has been merged, there were 4 lots at one time; it was 27, 29, 31, and 33 Valley. That has all been merged with her house being the barn that was renovated in the middle. The Village is never going to allow that to be subdivided again because the original lot would never meet today's requirements so nothing will be built between their house and her house. So anything that comes close to the line would have no adverse effect to her property ever. That is merged and she has one lot now, the house was close together and there is never going to be another house built there as the Village will not allow it to be subdivided again.

Member Matise replied you could use the property for other uses. You might not but someone could.

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Mrs. Adams replied that someone could but they would have to come back before the Board and see what they could put in at that point. There is an original lot plus a half a lot basically between their house and her house; between where their back door would be and hers would have been a full Village lot and another a half.

Mr. Hagele added that it is 55 ft. from the corner of our proposed porch to her house, he shot it today with the laser.

Member Scieurca asked how far the 1st structure is from the lot line.

Mr. Hagele replied that she has 2 little sheds there and the closest it will be to this corner is 10 feet; he measured that today using his laser. He showed that on the map. This shed is 10 ft. from this corner and this is a little further and her house is 55 feet from there.

Mrs. Adams added that it is all one lot now. It is just short of a half-acre all total and it will always remain a single family 1 lot unless someone buys it down the line and comes back to the Board but doesn't think it would ever meet the requirements. There is no adverse effect on her and she looks forward to seeing a nice new building on her street.

Chairwoman Pearson asked what kind of materials it will be built of.

Mr. Hagele replied he will never be able to match the brick. He wanted to use hardy plank cement flat board, keep it simple. If he can afford it he would like to do an alternating rhythm with the coursing of the brick. He is talking to a contractor about that and will see how far the money goes.

Chairwoman Pearson asked what the cost for the additions proposed would be.

Mr. Hagele replied they are hoping they can do it for about \$85,000 but they don't believe that will include the porch and they won't be able to build that right away. They will include it on this variance to be completely open as to what they want to do but he does not think they will be able to afford that right away. They will keep the building permit open and pick away at it. He has most of the brackets from the house that Brenda tore down next to us and he wants to use them and make some reproductions to restore it to a Victorian porch. That will be a little bit more time consuming and somewhere in the tune to \$20,000-\$25,000 that we don't have right now.

Chairman Pearson asked what the timeframe is on the front porch as opposed to the back.

Mr. Hagele replied it would be within a year, they won't drag it out. They want to get the back done and have a laundry and bathroom in the house.

Member Metzger stated she loves your home, it is beautiful. It was purchased in 2013 and it cost roughly \$70,000 is that accurate.

Mr. Hagele replied yes.

Member Metzger confirmed you are proposing to put in an \$85,000 addition.

Mr. Hagele replied yes and we have already put in a large amount of money into the interior.

Member Metzger confirmed that basically your replacement cost value that you are insured for would never ever be able to market your home for the amount you are insuring it for.

Mr. Hagele replied absolutely.

Member Metzger asked if he were to suffer a total loss she can't imagine.

Mr. Hagele replied that no one would ever rebuild a brick house like that, it would be cost prohibitive.

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Member Metzger stated when you go and are getting your insurance policy you are probably jaw dropped when you are purchasing a home for \$70,000 and they tell you they want to insure it for \$400,000 based on the brick.

Mr. Hagele replied \$450,000.

Member Metzger asked if there was just 1 bathroom in the existing home on the 2nd floor.

Mr. Hagele replied yes, just 1 bathroom on the 2nd floor, nothing on the first floor at all. And to get to the bathroom upstairs you have to go through our bedroom. He could put a bathroom in there but it would really mess up a really nice house.

Member Metzger said she understood.

Member Matise asked from the existing house to where your property drops off down towards the Tin Brook; these measurements you are giving here, the setbacks, they include what you own under the brook or not?

Mr. Hagele replied he is not sure he does go almost all the way across the brook. He is pretty sure they are measured to the property line because he did it in CAD.

Member Matise asked where the drop off is because this is the land here and then the lot goes zoom.

Mr. Hagele replied it doesn't go zoom, it drops off right in here. We are the only property on the Tin Brook that has lower access to Tin Brook. We are completely at the Tin Brook it is pretty high up here and it is almost like a gradual lower.

Member Metzger stated it has always been more level behind his house like that.

Member Matise asked if it was more of a general slope.

Mr. Hagele replied yes.

Member Metzger stated that other properties it is a drop but not his.

Member Matise asked what the distance, the setback to there, what is your land set back.

Mr. Hagele replied he thinks it is 75 to the property line so it is probably about 58-60 to the water.

Member Matise asked where the 100 year flood line comes into play here.

Mr. Hagele replied across the street. He believes it goes over his property. During Hurricane Irene the water was on Valley Avenue and his basement was flooded. We weren't here but when he bought the house he had evidence and he had to clean some of it up.

Member Metzger confirmed that was August 2011 for Hurricane Irene and they are using that as an enormous marker right now because there were properties on hills.

Member Matise stated this is a 2009 map.

Member Metzger confirmed this is a 2009 map so that is out. 2011 is now the marker they are using.

Member Matise stated that all of his property is within the 100 year flood plan.

Mr. Hagele replied yes.

Member Metzger stated that he is good, in his lifetime he's good.

Mr. Hagele stated that he is hoping that if they build this addition he can repair the entrance to the basement such that when we do get flood water we would be protected.

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Member Metzger asked if he had a sump pump.

Mr. Hagele replied no but it is part of the plan.

Member Scieurca said he had no place to put it.

Member Metzger said it is very crazy so if you didn't get water during Irene you probably wouldn't.

Mr. Hagele said he saw photos and the evidence in his basement. It is a lovely brook to live on and they adore it.

Member Metzger said she used to Cray fish in it.

Mr. Hagele added there are great blue herons that like to come up and eat the Cray fish there.

Member Scieurca asked about the 50% of replacement cost, you can't go on the \$450,000 figure.

Member Metzger commented that you can't go on the market value, it is just totally impossible. She has folks that come in all the time who will call especially when their home is made out of solid brick. They are getting a deal purchasing a home for \$90,000 and they are flabbergasted when they find out they need to insure it for \$400,000 and then that doesn't include the land. When they purchased the home that price included the lot. So the market value will not come close to replacement cost, never on a solid brick home. You are lucky if you are going to recoup 20-25% in this market for that size home.

Alternate Member Ciardullo asked if he could get it in simple language so he can understand. A non-conforming preexisting home we can grant a variance as long as they don't spend more than 50% of the replacement costs in the year 2000. Where do we get that number from?

Attorney Dickover replied the applicant.

Mr. Hagele stated that as an architect he can honestly say in today's market the brick alone would be over \$300,000 for the brick work. The whole house would be \$450,000 back that off 20% and that's over \$300,000.

Attorney Dickover stated you use the number from the year 2000.

Member Metzger stated it was lower.

Alternate Member Ciardullo said that is fine but we need to know what that number is.

Mr. Hagele is guess-timating that it is about 20% less than today's cost.

Member Metzger said it is probably 35% less but you are still within the realm.

Alternate Member Ciardullo stated for arguments sake, somewhere around \$300,000. The total addition that the applicant wants to do has to be under \$150,000.

Attorney Dickover replied yes.

Alternate Member Ciardullo said he heard that he wants to do it in stages, is it ok Dean to do that, he can keep the permit open like that.

Building Inspector Stickles replied yes he just has to renew the permit every year.

Member Scieurca said that the 1st addition would be \$85,000 and \$20,000 for the front porch.

Mr. Hagele replied yes.

Member Scieurca asked if he was going to do the addition and the back porch at the same time.

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Alternate Member Ciardullo asked if the cost is material cost or material cost and labor.

Mr. Hagele stated he will be contracting it out.

Alternate Member Ciardullo means in order to fit into the parameter.

Mr. Hagele stated that would be material and labor the total cost. Not the architect fee.

Member Metzger asked if the Board would require an estimate.

Attorney Dickover stated that is up to you. If the Board is comfortable with the applicants testimony as to what he believes the estimates are you don't need to require it but if you don't know and are not comfortable with it and you want to create a better record he would certainly advise you for those appraisals.

Member Metzger asked if he had the estimates in writing.

Mr. Hagele said he has verbal estimates from 2 contractors he is working with but is happy to get it in writing. He'd like to not drag this out any longer than we have to. He's sure Dean could weigh in as to what he thinks.

Member Metzger stated she would like to see an estimate.

Member Matisse said she would like to see what the total amount will be especially if you are doing it in phases. Is it going to be the same contractor? Will it cost you more as a startup? Because she is confused, you are saying \$85,000 for the addition and back porch and an additional \$20 for the front give or take.

Mr. Hagele replied yes.

Chairwoman Pearson stated he already got the expensive part.

Alternate Member Ciardullo asked about the process here if and when we do grant a variance the project gets turned over to the Planning Board correct; to do the planning and building and all that.

Attorney Dickover asked if this is the one subject to site plan approval of the Planning Board.

Alternate Member Ciardullo stated so we grant a variance the applicant now has to go before the Planning Board.

Mr. Hagele asked if that was elective. Can the Board elect to direct me to the Planning Board or is it automatic?

Attorney Dickover replied it is part of the 305-54 variance provision.

Alternate Member Ciardullo stated the reason that he asked is if we can come up with a figure we can deal with as of 2000 and when he goes before the Planning Board, the Planning Board can handle the rest of it to make sure the cost and everything is under 50% so no need for us to do that.

Chairwoman Pearson replied no that is our job. They will just look at plans and materials.

Alternate Member Ciardullo stated that the cost is on this Board not the Planning Board.

Member Matisse replied yes because the variance is a 305-54, we are judging the variance.

Member Metzger asked if the home was insured for \$450,000 at 100% replacement cost or did you opt for 98%.

Mr. Hagele replied he is not sure but he thinks it is 100%.

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Member Metzger feels that seeing numbers would be advantageous. She is coming up with about \$293,000-\$297,000 based on the year 2000 and that is being conservative it is probably more like \$325,000. So if we had something showing estimates are going to be under \$150,000-\$140,000 we need to ask for estimates.

Member Scieurca said we need to have something solid for replacement cost from 2000.

Member Metzger stated that an Insurance agent can facilitate that, it is really not hard to get.

Member Matise speculated that based on the fact that the addition is not going to be brick which would confirm to the existing building if in fact you were replacing the whole house or part of the house if a tree fell and caused damage like it did 2 week ago, would you replace it with brick or hardy cement.

Mr. Hagele said that would depend on a lot of factors. That is a crazy question. In a perfect world he would replace it with brick.

Member Matise said it is not a crazy question based on the intentions of the homeowner in terms of replacement cost.

Chairwoman Pearson said he would deal with his insurance company.

Member Metzger said he could take the money and run and do whatever he would like.

Mr. Hagele said he could put up a modular like the people across the street did after the fire; he would never do that.

Attorney Dickover stated to Mary Ellen that the issue is replacement cost of this house in the year 2000 not what it would cost today, not what he would do if he had to replace it, it is a pretty simple question, what is the replacement cost of this house in 2000 that is the focus of your inquiry. That could be given to you by an insurance company that did replacement cost coverage in the year 2000, it could be done by a Real Estate Agent that is familiar with the cost of construction in the year 2000 based on square footage and so on and so forth. That is the kind of evidence you could request.

Member Metzger stated that is where she came up with the \$293,000 even very conservatively saying that there was a 35% depreciation in 2000. The boom really didn't happen until 2002-2003. He is still at \$300,000 and that is still extremely conservative. \$450,000 is the replacement cost so if you back it up 35% you are still at \$300,000 in 2000 for a brick home.

Member Matise understands.

Alternate Member Ciardullo asked since it is our responsibility for the cost of the addition; do we require this to be writing or we just take verbal.

Attorney Dickover replied that is up to you but he thinks better practice would be to require the proposal that has been given to him for the cost of construction.

Mr. Hagele replied he just got verbal as he had no clue on what the time frame would be.

Chairwoman Pearson said she is hearing that the majority of the Board would want quotes for the proposal of what you are doing and numbers from 2000 of what replacement costs would have been.

Mr. Hagele stated he and his wife would be away on vacation and are not here in July so can we wait until August.

Chairwoman Pearson stated that is up to you, you can let Dean know. We would like someone to be present but you could still get the information to Dean.

Member Scieurca made a motion to adjourn the public hearing for 25 Valley Avenue, Use Variance. Seconded by Member Matise. All ayes. Motion carried.

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Mrs. Adams asked if the Board wanted something in writing from her as she will also be away or are you satisfied with what she said.

Chairwoman Pearson stated they were satisfied with her testimony here.

Mr. Hagele stated he would get information to you.

B. FORMAL APPLICATIONS:

B.1 101 Wait Street, Area Variance

Adjourned until July 5, 2018 meeting.

B.2 25 Valley Avenue, Use Variance

Adjourned.

C. DISCUSSION ITEMS:

Chairwoman Pearson said that Mary Ellen had brought this up a year ago and Brenda talked to her about an issue she had with the mailings so she thought we could bring it up.

Mrs. Adams stated that when the mailings were mailed out and the postal person apparently came through to deliver and either couldn't find her, it was a very hot day last Tuesday, and she knocked on her cellar door. She didn't hear her and she left a note in her mailbox that said 1st attempt and that was pretty much it. She expected her to come back the next day so she purposely went outside during the time she normally comes and when she came she didn't have anything for her and she even asked about it she said no you have to go to the post office or sign the card to give it to her. Well unless you see her you don't give it to her you go to the post office. So she told me she knocked on door and she asked what door and proceeded to tell her it was the downstairs door, it was hot, the door was closed she didn't hear it. She asked why she didn't ring the doorbell and she said they don't do that because they don't know if they are going to work or not. She was irritated, the next day, she made her wait so she could go get the card and signed it and the next day she brought it back to the front porch and she put it between her storm door and her door that time because she thinks she knew she was a little perturbed. For a certified mailing they are not really working too hard for it, just wanted to share that.

Member Metzger stated that hers is one of the unclaimed ones from 101 Wait Street. She had something similar; she had a note posted on her door that said 1st attempt and the next day she waited and got nothing.

Mrs. Adams stated that she would not have stopped at her house, she was working in the yard and she approached her.

Chairwoman Pearson asked what the gist of what you had from the post office was.

Member Matise said that we can continue to do it this way which cost \$6.70 per letter and feels in the Village it is ownerice because you have so many properties that are in 500 feet you send out 40-50. In the Town you maybe send out 10, big deal. It is a lot of money on top of the fees we are charging. When she went to the post office there are several ways for it to be done. One is that they just get a print out instead of all the cards that is \$2 less per letter. Or in Dave Donovan's letter he said someone just has to prove they went out 1st class wear on an affidavit they did it and submit it to us. Previously Dean has said that he wants proof that people got it.

Building Inspector Stickles interjected that it doesn't bother him, but you know that you have sat at meetings where people have said they were not notified.

Member Matise replied they will say that if they didn't get the certified letter so why are we making it so hard on someone who wants to do something whether it is good bad or indifferent.

Member Metzger stated the bad apple ruins it for everyone.

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Member Matisse said it also makes it cost prohibitive for people to be notifying everyone. She feels it is wasteful at almost \$7 per letter is unconscionable.

Member Metzger said then you do have the folks who are shady who aren't going to send them.

Member Matisse said they could just put a notice in paper. The state just says that people within 300 feet just have to be notified, how is up to the municipality, she called the legal department.

Member Metzger asked if it was up to us.

Member Matisse said it is up to the Village Board.

Building Inspector Stickles stated that Mr. Hagele is here tonight because he wants to put an addition on. When he put his addition on he wanted to put it on. He came to the ZBA and paid the money to come here because he wanted to do it. You people didn't tell him he had to do it. If someone wants to come and vary the zoning in some way shape or form there is a cost of doing business.

Member Matisse feels we can make it less expensive.

Member Scieurca doesn't agree. In this case we are talking about an \$85,000 addition he can't spend \$268.

Member Matisse replied she wasn't sitting here when Mr. Fuentes came in. There has been a lot of people who have come in here. This is an expensive proposition. Of course he came in here looking great tonight but on the other hand he is telling you that he doesn't have the money to do the whole thing.

Chairwoman Pearson interjected that is not here nor there. That has nothing to do with it. We can't do anything about it anyway it has to come to the Village Board.

Member Matisse feels the Chairperson is supposed to bring it to the Village Board and we have talked about this 3 times.

Chairwoman Pearson said there is a Village representative here now.

Trustee Lynn Thompson stated you should bring it to the Village Board. Just sitting here listening she sees both sides of the argument, she gets it, we want people to improve their homes however we do have shadys who will try any way they can to circumvent the rules. They will find a way no matter what we say.

Member Matisse said they still have to come and prove they mailed them if they don't prove it then we don't hear their case.

Member Scieurca asked if she was suggesting people go door to door.

Member Matisse replied no. She would say maybe as a preferred way to have them get the electronic print out saving \$2 a mailing. They still have to mail it out but because the card is not coming back the fee would be less. They will get notification that it was received.

Member Scieurca said you are getting notification that it was delivered not that the person received it. That is not always accurate.

Member Matisse said she understands just feels it is a lot of money and even just a little bit less money.

Member Metzger said that the post office has a program you can go online, sign up and they send you a photo of every piece of mail that is supposed to be delivered to your house that day. She is a participant of this program and sometimes even with the photo not everything arrives at her house. So that means it went out and is now somewhere else. She has not received it but the USPS documents that it is being delivered to her day but she didn't receive it. It is an app sends photos of the pieces of mail as it scans.

Trustee Thompson asked what happens when there is an error.

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Member Metzger replied where is it if it never shows up. How do you remedy that? They don't know.

Member Matise said the impression she has is that what you were mailing and what was going to happen is the same thing except you don't get the green card back.

Clerk Bliss stated that they make you sign electronically on their handheld device and if they have a green card she has to sign that card as well.

Member Matise said you are saving \$2 if they are doing that many mailings which is a good savings.

Member Metzger said if it is proof of signature she is ok with it not just for delivery.

Chairwoman Pearson told Mary Ellen to bring it for the next meeting. She did call the state about it and they don't care how you do it just do it.

Alternate Member Ciardullo asked about open meetings laws he wanted to check with the attorney about the minutes. A draft copy of the minutes has to be available 14 days after each meeting, is that correct.

Clerk Bliss replied yes it is.

Alternate Member Ciardullo said that did not happen with the minutes of the last meeting.

Clerk bliss replied that is correct.

Alternate Member Ciardullo asked if we are in violation of the law when we don't do that because this hand out says we are.

Clerk Bliss replied yes.

Alternate Member Ciardullo asked if it is possible to get this done in a better time frame then we did the last one.

Clerk Bliss replied absolutely, she will do her utmost best to do it faster.

Alternate Member Ciardullo said he is not picking on her about it, if you don't have the time to do it he wants to make sure we are not going to get jammed up with this.

Building Inspector Stickles asked who would make an issue of this.

Alternate Member Ciardullo said if someone FOILED the minutes they could file a complaint about the municipality for not having them.

Building Inspector Stickles asked what happens if the secretary gets sick and can't get them done in time.

Alternate Member Ciardullo replied he has no idea what the correct answer is. We went through this with Kevin years ago with the Planning Board. Dean got stuck taking the minutes cause we had a hard time finding someone to do it and Kevin was the one who told us if we don't have these things 14 days after each meeting; and how were you going to do it Dean?

Building Inspector Stickles replied he never did them.

Alternate Member Ciardullo stated that is why he is asking again if this is something that we should address or not address. Tara has a million things to do and if this is something she needs help with so be it.

Attorney Dickover asked what his question was.

Alternate Member Ciardullo asked if this is legit.

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Attorney Dickover stated it is a statute of the state of New York. Penalty for violation is you can have an Article 78 proceeding filed against the Board and if the court finds you are in violation they can make you go to training. It is as low on the totem pole as you can get, it is not even a traffic ticket.

Member Metzger said it is not a big deal.

Alternate Member Ciardullo said ok, now he knows what it is.

D. **INFORMATION ITEMS:** None

E. **CORRESPONDENCE:** None

3. **COMMUNICATIONS:** None

4. **EXECUTIVE SESSION:** None

MEETING ADJOURNED: 8:36pm

RESPECTFULLY SUBMITTED
Tara Bliss, Zoning Board Secretary