

Village of Walden
Zoning Board of Appeals Meeting
July 24, 2019

Chairwoman:	Rebecca Pearson	Present
Members:	Christine Scieurca	Present
	Gregory Raymondo	Absent
	Mary Ellen Matise	Present
		Present
Alternate Members:		
Building Inspector:	Dean Stickles	Absent
Village Attorney:	Robert Dickover	Present
Secretary:	Marisa Kraus	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 December 6, 2018 & January 3, 2019 minutes. Seconded by Member Matise. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 56 Valley Avenue, 7:30PM, Continuation

Attorney Dickover: The only thing that did not happen with respect to the survey was there are 2 bump outs at the rear of the building. 1 of the 4 is labeled CONC, which I presume would be concrete. The other one says ENTR, which is an entrance. The other 2 are not labeled. We asked that they be labeled, but I understand them to be the porches to the entrance to the rear of the property. Now has a label on it from the survey that says 2 parking spaces are the maximum that would fit in this area due to turnaround requirements. That was something we asked him to certify that there wasn't room for an additional parking lot in the back. The common driveway is now depicted and a written mutual driveway agreement has been shown to me, signed and notarized. I don't know if it has yet been filed. If the board were inclined to grant the variance 1 of the conditions with respect to the variance should be that the variance is subject to a condition it's aptly recorded with clerk of Orange County, a certain reciprocal driveway easement agreement that was signed March 29 and April 1, 2019 between the parties. A copy of that should remain in the board file. They need to provide proof of the recording to the building department of that signed document and the variance would be conditional upon the easement remaining of record and the full force and effect in the event if it terminated the variance right granted would be null and void without any further notice.

Member Matise: There's 2 sets of steps. Then there's the entrance to the basement.

Attorney Dickover: We asked that they be labeled. I don't think it's critical that they have not been. We know what they are. At this point, I believe they have addressed those things that were of the utmost importance to the board in connection with the application. This is an area variance. The 5 factors need to be considered by the board with respect to it. If you want to post the public hearing we have not done that yet. You could then review the 5 factors.

Member Matise made a motion to close the public hearing. Seconded by Chairwoman Pearson. All ayes. Motion carried.

B. FORMAL APPLICATIONS:

B.56 Valley Avenue, Area Variance

a. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

Chairwoman Pearson spoke for all by answering no.

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b. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?

Chairwoman Pearson spoke for all by answering yes.

c. Is the requested area variance substantial?

Chairwoman Pearson spoke for all by answering no.

d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chairwoman Pearson spoke for all by answering no.

e. Was the alleged difficulty self-created?

Chairwoman Pearson spoke for all by answering yes.

Attorney Dickover: The record should reflect that this is an area of variance application for 1 or 2 family residential dwelling and therefore by definition is a type 2 action under the SEQRA and with that determination no further environmental review is required. This is a 5 member board and there are only 3 here this evening which constitutes a quorum and makes the meeting legal because there are enough members present, however for you to receive this variance it would require the affirmative vote, a yes vote, from all three of these members. You do have the option at the board wishes to grant to adjourn the vote to wait for another member to be present, so that it might make your chances of a 3 member vote for possible. If you want the board to adjourn for that purpose you could, but perhaps you heard what they said this evening and you would like them to vote.

Thien Nguyen: Yes, we would like to vote.

Attorney Dickover: We need a motion to grant an area of variance to the applicants to allow 2 parking spaces where the code requires 4 spaces. If that either decision would suggest that it be conditioned on the recording of the reciprocal driveway easement agreement and proof demonstrated to the building department that it has been filed and also granted to the payment of all fees to the village that may have been incurred for their consultants. The variance would not be effective until all fees are paid and the reciprocal driveway easement agreement is recorded and proof of that given to the building department.

Member Scieurca made a motion to grant the area variance as stated by council for the 56 Valley Avenue, Area Variance as requested. Seconded by Member Matise.

Roll call vote:	Chairwoman:	Rebecca Pearson	Yes
	Members:	Christine Scieurca	Yes
		Gregory Raymondo	Absent
		Mary Ellen Matise	Yes

Alternate:

All Ayes. Motion Carried

C. DISCUSSION ITEMS:

Member Matise: I thought we were having a joint board meeting.

Chairwoman Pearson: I haven't any more about that. It was supposed to be on the 16th, but didn't happen. We used to have them. I actually really liked it, because you kind of heard what was happening in the other areas. Not all the board members come here, so the board would actually hear what's going on. I know what's going on with them, but they don't know what's happening.

D. INFORMATION ITEMS:

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E. CORRESPONDENCE:

Chairwoman Pearson Only thing I received was an email from Rob asking if we were going to have a quorum tonight.

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

MEETING ADJOURNED: Member Scieurca made a motion to adjourn. Seconded by Member Matise. All ayes. Motion carried.

RESPECTFULLY SUBMITTED
Marisa Kraus, Zoning Board Secretary
7:47pm