

Village of Walden
Zoning Board of Appeals Meeting
August 26, 2020

Chairwoman:	Rebecca Pearson	Absent
Members:	Christine Scieurca	Absent
	Gregory Raymondo	Present
	Mary Ellen Matise	Present
	Brenda Adams	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 Adams made a motion to approve the July 22, 2020 Minutes. Seconded by Member Raymondo. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 150 East Main St, Continuance

Member Matise: Do you have Dean's questions? You need to address each of those points with us.

Jill Lampreau: I thought I did go over most of them in that e-mail that I responded.

Member Matise: Yes, but we need facts and figures.

Jill Lampreau: I was told that because it was previously approved for a convenience store that it shouldn't be a problem.

Member Matise: That's not what Dean told you.

Jill Lampreau: I was told that at previous board meetings also. I've already been approved for the same service.

Member Matise: *Read Dean's memo*.

Jill Lampreau: I was just told that it was granted a variance for that so that therefore I wouldn't have to go through all this all over again. I have not tried to market the property for any other use other than a commercial use. That's how it was sold. That's how it always has been used. It's always been used for commercial. It is not set up for residential inside.

Member Matise: You bought it in 2006.

Jill Lampreau: Yes.

Member Adams: It was a single family zone at that time.

Jill Lampreau: It's always been an R4, but it's never been used as that.

Member Adams: Right, but it was purchased knowing that it was an R4.

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Jill Lampreau: Yes. I bought it knowing that it was an R4 zone. Prior to buying it, I spoke to some of the people here in the Village and said it would just require approvals from the board. Shouldn't be a problem because it's always been used for commercial use. What we're asking for now is not going to disrupt or change anything that it was previously approved for. There's really no difference.

Member Matise: Except that approval as a convenient store is different from other possible commercial uses.

Jill Lampreau: It has been approved for the day care, the martial art building, the florist. It's the same type of traffic in and out. You stop, get what you need and leave. It's not the same business, but it's the same idea.

Member Matise: We don't know what the volume of traffic will be over the extent of the day. That would be based on nature of the business.

Jill Lampreau: I don't think it would be more than what is across the street at all.

Member Matise: It should be comparable to what you see at Stewarts and there's cars going in and out all day.

Jill Lampreau: I don't think so. But, possibly. I hope so.

Member Adams: Considering that this is an abandonment of use property, you're starting from square one. So, you need to prove to us that you've marketed it and what you've marketed it for and not been able to accomplish renting it. It's in the R4, so it's a single family. Have you ever checked with the contractor to see what it would take to turn it into a home?

Jill Lampreau: Yes, it still would cost over 100 thousand dollars to go into that building to make it a single family residence.

Member Adams: Then what we would need is financial information that shows your purchase price and what it would cost to fix it and then what the market value would be as either a rental or as a sale.

Jill Lampreau: Let me just ask, why was this never asked for my prior requests?

Member Adams: You did that a long time ago.

Jill Lampreau: We requested over the years, sporadically for different businesses. There was a wine and liquor store, a florist, the Royalty Dry Cleaners. I never had to do any of that before. I'm not understanding why I would need to do that. It's been vacant, the taxes are coming up. I'm in a hardship, recently disabled. I don't really have the money to do everything that you're asking me to do. I didn't realize that I would have to do that before with the Zoning Board.

Member Adams: We can't be responsible for what previous boards asked of you or approved or disapproved, but this is what is required in order for you to get this variance. You must prove those criteria. Dean spelled them out pretty good for you in his e-mail on August 5th.

Jill Lampreau: I spoke to Dean in reference to these questions that I needed answered. He did guide me a little with that. He didn't say I needed financials and proof of how much from a contractor. He never said anything like that.

Member Adams: He did say competent financial evidence.

Jill Lampreau: But it's never been a single family.

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Member Adams: Correct. But it's zoned as a single family and you bought it as a single family even though you saw a potential as commercial, you did buy it as a zoned, single family. So, the hardship is difficult because you bought it, knowing what it was zoned for and even though it had been used previously as a commercial property. When it's single family you have to figure that you can't necessarily just keep going with commercial. That that was a prior place.

Jill Lampreau: No, that wasn't the assumption when I bought it. To the previous Zoning Board and the Building Inspector, it was never an issue. They said it would never be an issue. It's always been used as commercial. It's not set up for residential.

Member Adams: It was the same Building Inspector back when you bought it, so he must have told you what it was.

Jill Lampreau: He never said that. He said that I would have to have approvals, but it shouldn't be an issue because it's always been used for commercial. Never, ever been a residential home. When they built it, they knew they were building in a residential zone. But even when they built it, they knew it wasn't going to be residential. It was built as a commercial building.

Member Adams: Right. But several decades ago.

Jill Lampreau: It's still the same building. It's still the same zone. It's never been residential.

Member Adams: I think it was built before there were zoning laws. He bought it 60 years ago, 65 years ago. That's before there were zoning laws. Basically, he could put, at that time whatever he needed to put and his home was next door.

Jill Lampreau: But it still never was a problem since 1958, until 2020.

Member Matisse: Possibly because the other uses that we put in there were compatible for the zoning.

Jill Lampreau: It was approved as a convenient.

Member Matisse: It lost that use.

Jill Lampreau: But it was granted the variance as a convenience store.

Member Matisse: That was in 1994. Rob do you know when section 305-47 Abandonment of Use was made? It may have changed since then. So, if in the process of this period since 1994, if any of those uses were conforming then convenience store use is abandoned.

Jill Lampreau: But it never has been.

Member Matisse: In cases where such nonconforming use is on the building or structure designed for such use when it's been discontinued for a period of 12 consecutive months. In cases where such nonconforming uses of building or structure, not designed for such use or is of a lot or land where there is no consequential building or structure devoted to such use when it has been discontinued for a period of 6 consecutive months. So this is all applying towards the 1994 variance. It's a nonconforming use that has been abandoned shall not thereafter be reinstated. If they had used it as a convenience store, it would have been considered conforming because they got variance for it. But seeing as they never put in a convenience store in 1994, then this falls under this number three, where if they didn't put in a store and use it for 6 months, then it's considered abandoned. So, now other uses are allowed in that zone and probably that uses that you were renting to fell into those categories.

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Jill Lampreau: I did have to be granted the variance for each one of them.

Member Matisse: Did you bring those decisions with you?

Jill Lampreau: No, I didn't bring those with me. I didn't know that I would need them. The dry cleaner was granted.

Member Matisse: The Dry Cleaners were a very low volume of use.

Jill Lampreau: The florist was granted, the wine and liquor store was granted. It was approved for martial arts.

Member Adams: But it hasn't been rented in over 2 years, correct?

Jill Lampreau: The last people were the dry cleaning business. Probably a couple years.

Member Adams: It's well over the one year period.

Jill Lampreau: You want me to change it to a single family use?

Member Adams: Or one if the uses that's allowed in the R4 zone.

Jill Lampreau: I can't stand very long because I just had knee surgery. I'll see what I can do put a single family use in there. Do I still have to come in front of the Zoning Board to change it? Or could I just rent it as a single family?

Member Adams: You would have to go to the Building Department and get a permit for renovations.

Jill Lampreau: Maybe I could just do very minimal stuff to it and just throw a couple walls up and get a building permit. I can't take this anymore.

Member Raymondo: If you want to do that, you need to get together with Dean.

Jill Lampreau: I don't want to do that, Sir, but I can't come in front of the Zoning Board like this anymore. It's always a problem. It doesn't seem like you guys want to build up this cute little town. It's an eye sore going by that building every day. I thought it would be a good idea to have something in there that gave life to this Village.

Member Adams: You have to go with the zoning and what the zoning allows, you have to go with in that code and see what you can do.

Jill Lampreau: I'm doing everything that I've always done in the past. Ask for a variance and maybe give dimensions on signage and how much traffic you think is going to there. They wanted me to revamp the parking lot. I've spent money doing that. It's always a problem. I just don't think that you guys want anything there.

Member Matisse: Have you tried renting it out as a professional office?

Jill Lampreau: I try to rent it out to whoever wants to rent it. I don't target market because I think that's discriminating. I think if somebody wants to put a convenient market in there, I don't see what the problem should be. It's already been approved for one. It's already been approved for things that will have the same type of traffic in there.

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Member Adams: What you have to remember, once the Village has zoned a territory, an area, a block or neighborhood, then we have state criteria that has to be met in order to override what the Village has zoned. In this case, the Village zoned it R4. There is a group of things besides a single family home that could go into an R4 zone. But we have to follow the state rules.

Jill Lampreau: You would rather see an office in there. What would you like to see?

Member Adams: As long as it fits within the code.

Member Matise: Are you going to be back in touch with Dean about this? Do you want us to pursue this? Make a decision?

Jill Lampreau: Can I have 24 hours to decide?

Attorney Dickover: First of all, this is a continuation of a public hearing. This is when the applicant speaks. You need to open the hearing again, take any comments and decide whether or not you want to continue the public hearing until the board's next meeting. If you're inclined to leave it open, I would suggest that you open this evening and continue the public hearing until the next meeting. At that point and time, if the applicant has presented additional proof but if she fails to do so, at that point you could close the public hearing *inaudible*.

Member Adams made a motion to open Public Hearing - 150 East Main St. Seconded by Member Raymondo. All ayes. Motion carried.

Joe Guerra: East Main St. I know that building has been vacant a few years. In terms of a convenient store, I have two small children. We take walks through there every day. There's a convenient store down the street that sells liquor. Stewarts sells beer and tobacco. Just to have another convenient store, not sure that it's necessary. Something there would be nice. But to have another convenient store is something the community doesn't need. Then you will have the additional traffic with the ice cream and Dunkin Donuts across the street.

Member Adams made a motion to continue Public Hearing - 150 East Main St until September 23, 2020. Seconded by Member Raymondo. All ayes. Motion carried.

Member Matise: At least talk to the Building Inspector. You still need to address the points in the memo. The points that we need to prove to the state law.

B.2 107-121 West Main St

Zack Peters: The church moved out of the building approximately 10 years ago and was not used in that time. The use that was grandfathered in was abandoned. We need to come back here to apply for area variances because it's deficient in the setbacks. The religious use is a special permitted use in the zone. It requires a 50 foot set back from any property line. There's a second provision that requires maximum lot coverage of 20% for the church use. It's a small lot so we exceed that. Those are the variances we're requesting.

Member Adams: Basically, you're doing nothing to the building, you're just asking to use it as it sits.

Zack Peters: They want to continue the church use. There are some repairs that need to be done because it's been vacant for a long time. They want to repair and continue the look, clean it up. But no changes are being proposed. The revisions, windows, the bell tower portion need some repair, but that's all structural. *inaudible* not sure if this counts, the accessibility ramp in the front will be replaced. But in terms of the actual building, no. There are no additions or anything proposed.

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Member Matise: You would have to contact SHIPPO.

Zack Peters: We did contact them when we were before the Planning Board, so it is on the register of Historic Places. They sent a letter back indicating that repairs and things of that nature were under their review. An addition would be but that's not in this case.

Member Matise: *inaudible* maybe it's more relevant when you go to the Planning Board, in the short form EAF, I don't know why under public transportation services, you checked no. And pedestrian accommodations were checked no. But it includes a sidewalk ramp in front of it. Dial-A-Bus and Taxis service the Village.

Zack Peters: That's correct. Those should be yes. Some of these responses are automatically determined by the program that the state uses. I put that explanation in there as to why. What it does is you choose your site and it puts a radius around it and then it returns an answer based on that.

Member Matise: What is this about package lighting?

Zack Peters: This was another one that was automatically returned. We looked on the database for any other references and that's the only one that came up. There was nothing that came up for this site when we did the search, so I just did a general search around and that was the only thing that came up. I put that reference in there because that I can't choose it. Once it says yes, it's like automatically in there.

Member Adams: I see Dean's note that we did not get the response from Orange County, as of 8/20.

Member Matise: Do we have to wait for that?

Attorney Dickover: You would have to wait, but you other things to do, also. We did have a public hearing on this, it was noticed for tonight. We need you to do SEQRA and designation. If a 239 reply has not been received and 30 days has not transpired since it was sent out, you should not make a decision on that.

Zack Peters: We submitted our obligation on July 14th, but I don't know when it actually went out.

Attorney Dickover: I don't either.

Member Adams: It's the 17th.

Attorney Dickover: Sounds like it was sent out on that day so 30 days would have transpired since it was sent out and at that time, you would could *inaudible* if you choose to do so.

Member Raymondo made a motion to open Public Hearing - 107-121 West Main St. Seconded by Member Adams. All ayes. Motion carried.

Member Raymondo made a motion to close Public Hearing - 107-121 West Main St. Seconded by Member Adams. All ayes. Motion carried.

Member Raymondo made a motion to declare Lead Agency, Uncoordinated Review and Type Unlisted Action. Seconded by Member Adams. All ayes. Motion carried.

Member Adams made a motion for Negative Declaration. Seconded by Member Raymondo. All ayes. Motion carried.

Member Matise: I don't have any questions on any of the responses except on why you answered on self-created, was yes.

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Zack Peters: We said yes, because the Building Inspector determined that the use was abandoned by the owner. I don't think it makes a difference to us, personally.

Member Adams made a motion to adopt a resolution directing Council for the board to prepare a decision consistent with those findings as made this evening for signature by the Chairperson. Seconded by Member Raymondo. All ayes. Motion carried.

B. FORMAL APPLICATIONS:

B.1

C. DISCUSSION ITEMS:

Member Matise: I don't know what happened with the time change.

Attorney Dickover: I was asked to take a look to see if there were any code provisions with respect to the time of your meetings. I sent Becky a memo on July 23rd. *read memo* Chairperson can determine meeting time.

Member Matise: So, the next meeting, if she wants it to be 6:30 and going forward, she can do that?

Attorney Dickover: That's correct, with proper notice and postings and mailings.

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

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

RESPECTFULLY SUBMITTED
Marisa Kraus, Zoning Board Secretary
8:16pm