

Village of Walden
Zoning Board of Appeals Meeting
January 26, 2022

Chairwoman:	Rebecca Pearson	Present
Members:	Christine Scieurca	Present
	Mary Ellen Matise	Present
	Brenda Adams	Present
	William Sestrom	Present
Alternate Members:	Scott Barilli	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Marisa Kraus	Present

Chairwoman Pearson - Called the Zoning Board meeting to order at 6:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B. 1 150 East Main St, Use Variance

John Cappello: What I propose to do is kind of run you through the application we have and then Jim, Bill and Romney will be here to assist me to answer any particulars regarding the long-involved history of this development. We're here tonight, a 2-prong application. 1 is for an interpretation of the zoning code stating that the Walden Glen Mobile Home Park, which is a conforming use in the only mobile home court district within the Village, is preexisting, not conforming as to the bulk relation regulation. So, it is a conforming use, but it is preexisting non-conforming as to certain bulk regulations. And we believe that the application as proposed when we go down through the history is not increasing the non-conformity, because we are replacing units that have been located there that were single wide, but we are replacing them in a manner that is no closer to any property line than the units have habitually existed. This project is the Walden Glen Mobile Home Park. It's existed since at least prior to 1975. In your packet as Exhibit B, is an actual map from 1975 showing the 53 sites on the property and showing that there were 53 areas for mobile home pads existing on this site since 1975. In March 2001, just prior to the current owners purchasing the property, they requested a letter and a determination which is included in as Exhibit C and at that point, they were advised by the Building Department that there were 53 trailer sites. Sites is the word I want you to focus on, currently being used or could have trailers constructed upon them. So, in 1975, there were 53 sites, but this is a mobile home park. By definition, the units are mobile. People replace them. People take them out. People leave new ones. New and better ones are put in. That's the essence of a mobile home park. It was acknowledged back in 2001 that there were 53 approved sites and at that time, they did not all have trailers on there, but they could be used for trailers. In 2003, current owners purchased the property, they went to the Village Board of Trustees because they purchased the mobile home park. Then they made a deal to add approximately 15,000 square feet from a property in front of the mobile home park to allow for more room and a better overall development. They petitioned the Village Board for that zone change. That entire petition is included as an exhibit to the application. In that petition, you will see that they showed the existing sites. They showed the sites that were vacant in the maps when they were requesting. That was before the Village Board wrote the mobile home court requirements and the Village Board thereafter did grant the petition, including about an additional 15,000 square feet of land area to the mobile home park. Also now zoned mobile home park for up to 53 units. The petition specifically discussed that moving the line would result in no more than 53 homes. That the sites would be distributed in the same manner, no closer to any property lines. Acknowledged at that point that certain units not all 53 existed at that point of time. The Village Board then took action and

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amended the plan. Then almost immediately thereafter, in 2003, the applicant began the process with the Planning Board of upgrading the entire park. The purpose was because single wide units and this is where Jim or Bill may have to correct me, but are no longer preferred. Double-wide units are the preferred unit type. The building code prefers the double-wide units, so the plan has been to replace all these single wide units with double-wide units. That site plan was actually reviewed by the Planning Board, approved by the Planning Board after conducting a SEQR analysis and it was conditioned upon only an issue having nothing to do with the unit location but having to do with a drainage issue and easement. In 1975, there were 53 units. In 2001, there was a letter from the Building Department acknowledging that 53 units existed or could be placed on the property. In 2003, there was the Village Board of Trustees acknowledging that 53 units were located on that property or could be located on their property when they amended the zoning. In 2007, the Planning Board approved a modification of the plan, acknowledging that up to 53 units I believe that was a reduced number of units to accommodate the double wide. From 1975 to 2007, the applicant, each board or administrative official within the Village, acknowledged that these units existed and where they existed. Also, during that time, immediately after the conditional final approval, the applicant gauged in a long and involved process to obtain the variance and because of reasons once again, having nothing to do with the location of the units. Went back to the Planning Board to amend the plan to change the drainage system to avoid the necessity of that easement. The Planning Board has reviewed all of that. Then it was in, I believe, July 2021, where for the very first time that an issue was raised in a letter from the Planning Board's Engineers consulted as to whether the site complied with a 50-foot setback requirement that had been in the code. In 1975, it was in the code. In 2001 it was in the code. In 2003 it was in the code. In 2007 it was in the code. At that point, he said, you may need an area variance. That's when this process started. We submitted some information to the Building Department explaining why we didn't believe we needed a variance. Because this was a non-conformity only as to bulk in area regulations and not as to the use which is a permitted use, that there could be no abandonment of the use and further demonstrated that there was ever and even if there was a requirement or provision that it could be abandoned. There was never any intent to abandon because the applicant has continually been processing to redevelop. *read the non-conforming use provisions into minutes* Really as that relates, this is a little unique because it's a mobile home park. By definition, the structures are being removed and replaced. But when you look at it as a whole from the mobile home park, there have been units located within these setbacks. There are water sewer hookups located where those units used to be. That will be modified, but none of them will be moved any closer to any lot line that has existed and has been legally approved. We are not extending any nonconformity whatsoever with this plan. That's why we believe based upon all of the above, that this would be entitled to an interpretation that we're allowed to go back to the Planning Board and continue the site plan process based upon the fact that we are not expanding any nonconformity as the bulk. That's part 1. Say that if the Board were to determine that you do believe that you do not agree with our interpretation. We believe and we have support here that an area variance would be warranted for this site. The determination of the Building Inspector that mobile home sites 1-5, 7, 8, 9, 14, 15, 17, 18, 26 and 30 are located within a maximum of 14 feet 6 inches from the property. The Mobile Home Court law has a provision that any unit must be 50 feet from any property. Now that is interesting that it has that requirement. When it was adopted after the only mobile home park in the entire Village and the only property zoned for mobile home park in the entire Village. It would be impossible to meet those requirements given the parameters of the park, the historic road pattern and the layout for this. What was in the mind of the Village at that time? I'm not sure. Was it that, hey, we know this one exists, but it is interesting that this is the only area in the Village zoned for this and that park existed at the time. Now, in determining whether you would grant an area variance, and I'm sure you're aware the Board needs to determine, what is the benefit of the applicant, allowing them to upgrade their community, reduce the number of units and that's important. The proposal now is for 43 units when it was originally 53. The benefit of the applicant in order to proceed like this and improve the only mobile home park within the Village greatly outweighs any perceived detriment to the health, safety and welfare of the neighborhood or community associated with such grant. Here are the following 5 factors you need to consider. 1, we believe there's no undesirable change in the character of the neighborhood or detriment to nearby properties created by granting of these requested area variance. These units have been located in the same proximity for years. They have been older units. They have been double wide units. They now will be less number of units, most likely the same

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number of people or less because there's less units and they will be upgraded substantially to meet all new design requirements, all new building code requirements and provide a very attractive housing opportunity and a diverse housing opportunity. When we know our region needs it so badly that it would allow the only mobile home within the Village to continue. The benefits thought to the applicant could not be achieved by some method feasible for the applicant to pursue other than an area variance. The road layout for this facility was designed and has been in place since at least 1975 and probably before 1968. Now in your package, we have provided you at the very end is a depiction of the number of units you would be able to build if it met all current requirements. That map shows the existing single family single wides, which would eventually have to be replaced, but under this interpretation, if they would have to be replaced as double wide. You would probably end up with 7 to 10 max units on this site if you had to locate them 50 feet from the property line. That would mean this mobile home park would go under. It will be impossible to continue to operate those based upon those laws and meeting that standard. The land surrounding this facility is developed also for multifamily or diverse housing opportunities. It's not like there is land available to increase this park. Nor do I think you would want to see additional land devoted to this park. It's been operating as an efficient mobile home park. The current owners who were before you, they operate another facility in Walkill. The 3rd prong is, are the variance's substantial? Numerically you might say, it requires 50 and you're putting it within 14.6 feet. That's substantial. But when you take into context the fact that this is how the mobile park existed, this is how it's operated since 1975. This is the land that's available for it. And this is the only way to make it a reasonable park and improve it to the standards that it should be improved to. I believe that in and of itself is not a reason to deny or consider it, especially given the light, as we explained before, whether you totally agree with the interpretation, you must acknowledge that the Village Board knew what the design of this was when they rezoned it in 2003 and thought it was a good. The Planning Board, when it approved it looked at the design, did a full SEQR analysis and believe that the project, as designed, met all requirements, minimize the impacts as design proposed now. And we believe that we're at the end of the road with this minor change to the stormwater that the Planning Board is ready to approve this again. With the new drainage configuration, we can move forward and get these improved units in and provide this really important housing opportunity in the very near future. The 4th criteria is the proposed area variance will not have an adverse impact on the physical environmental conditions of the neighborhood. We're improving what existed there. The project has been reviewed by the Planning Board. The Village Board, actually in 2007, conducted a SEQR review when they amended the zoning to add the additional project. In 2007, the Planning Board conducted a SEQR review and issued a negative declaration, and the Planning Board is at the end of their road in the re-review of the project. Now, with the revised drainage and is, we believe, is prepared to issue a negative declaration as we have addressed all the outstanding comments from the engineering consultants. The last issue is whether the alleged difficulty was self-created. Usually that's a question where I have to say an area variance is self-created, but in and of itself should not preclude the granting of an area variance. But in this case, this hardship was not self-created. When the applicant bought this, it was acknowledged as complying. They were told they had 53 sites and they could replace units on the site. They proceeded in good faith. Based upon that, they proceeded to the Planning Board and were approved. So, we believe they did not create this difficulty. This is how the mobile home park existed and to say you're creating a self-difficulty because you are replacing and upgrading units. We believe this would not be reasonable or rational. Once again, with mobile home units, unlike houses where you do repair or you extend or you change your house. With a mobile home unit, you switch out the units. That's my presentation of the application. We have several exhibits here. I provided some case law where I believe there's support for our position that in a non-conformity as to bulk. There is no abandonment provision and there is also case law that if you are seeking to ameliorate or improve a condition and you are processing that, that does not constitute an abandonment and that was in a gas station case where they were remediating a spill and then it was told, well, you've abandoned it for 2 years and the courts were very clear on this. This the applicant has been before all the boards in the Village of Walden since purchased the property seeking to improve and expand this. This is really the first time this issue has been raised to the level that it was determined that a variance was required.

Member Matisse made a motion to Open Public Hearing for Walden Glen. Seconded by Member Adams. All ayes. Motion carried.

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Attorney Dickover: For the record, that the publication was published and that there is an affidavit in the board's file with respect to that and that the mailings were completed. There was a 239 referral made to the county, but we have not received a response. Unfortunately, the 30 days have not expired since the date of the referral. If the board were inclined to do so this evening, you could not make a decision yet.

Member Adams: My first question is the exact the dimensions that you are trying to get for the site, for the side lines in the public notice there is more than just taking it from 50 feet to 14.6. In your application, it's talking about different things. On the summary that you gave at the end, that's the one that went from just 50 foot to the 14.6. The application says side yards, a 15 foot and rear yards, a 35 foot, and then it goes into, I honestly, I haven't figured out exactly what you were asking for.

John Cappello: We are asking for the variances as determined by the Building Inspector that were assessed necessary. In an email that we were asked to provide all the yard requirements. The mobile home park requires 50 feet from any lot line. That was the biggest variance we would need from that to go to 14.6. There are also underlying setback requirements that apply to the underlying zoning district but do not relate because of the 50 foot is a special permit requirement. We are asking for your approval to go from 50 feet to 14.6 and I believe that's what Dean's determination stated. Dean said in respect to the setbacks for the manufacturing homes, which are slated to remain and will not be shifted, they would be grandfathered. However, the new home sites were proposed to be installed, numbers 1-5, 7, 8, 9, 14, 15, 17, 18, 26 and 30 shown on the map, are currently proposed to be 14.6 feet from the property line. Would need to be moved to be respected rear and side yard setbacks of the residential table of dimensional regulations. The dimensional regulations are 50 feet from any property line. So, any line would have to be 50 feet under the mobile home park.

Member Adams: So that 35 feet in the application side yards, a 15 foot and rear yard, a 35-foot, replacement units 14 foot 6 inches. 50-foot distance from any property and then you're talking about a line of 25 foot and then there's a thing about 1 foot from interior driveway. So, I wasn't sure just how many variances would you be looking for if we chose to go in that direction.

John Cappello: We would be looking for any variance. Dean advised us, that's what we need. That's what we applied for. We have shown you the layout. So, anyone that you determined that we would need, we would request.

Member Adams: You don't really have something in writing as to what you would request if you were to go to the area variance. Is that what you're saying?

John Cappello: No, we do. We have an application and we have a determination from Dean that we need variances from these setbacks. The setbacks are from adjoining property lines. Whether the side yards of 15 feet and rear yard of 35 feet doesn't really apply in the mobile home park, because these special use requirements require all setbacks from property lines be 50 feet. That's what we're asking to reduce to be allowed.

Chairwoman Pearson: You're asking for all 4 sides to be at 14.6?

John Cappello: It's not going to be located at 14.6. That's the maximum the closest any unit is located to the property line. But the plan, as we would propose, would be reducing it to 14.6. But once we have a site plan approved, then have the area variances, then we would appropriately amend or the Planning Board would approve, and that would be the plan we have approved.

Member Adams: I think if we get to the point of the area variance, I would probably have a little more on that. My second question is what is the benefit of asking for an interpretation under this bulk consideration versus just having getting the area variance so that you're set forever on all of these pieces? Why would

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you want an interpretation versus a cut and dried area variance so that you're always able to use this? You know where you have to end putting any unit?

John Cappello: We believe that interpretation, and I believe an interpretation is warranted by law and that we are not required to request any area variance or relief. Which would allow us to locate. We want to locate the units as proposed in the 43 unit, and we believe a determination that as long as we don't move any closer to the property lines than it was originally located, that will set in stone and we will know what we have to do, and I personally believe it's warranted. I believe that is why each of the boards approved it. Having an area variance. That's fine, but that's a standard. When you apply, I don't know if you're going to agree that I meet that standard. I believe the interpretation. I frankly believe I have a legal entitlement to that interpretation and if I don't get the area variance, we would have to proceed accordingly. But we put the options before you of several ways that we believe we'd be entitled for relief to move forward with this development and improve these units, which is what the goal of the applicant is.

Chairwoman Pearson: Could you explain to me in this bulk consideration, this allows you to take a parcel of property zoned as a mobile home park and basically place things where ever fits and without any consideration for the boundaries? Is that the thought that you're going with?

John Cappello: No. We have demonstrated and the plan show that in 1975 and when the applicant purchased this, the units were located at or closer than 14.6. There were 53 units. I'm not saying they could put 56 units. I'm not saying they can move it up to the property line. But what your law says, as long as you do not make it more non-conforming, you can proceed. That's our position. We're not making it more non-conforming. Now, once we got these 43 units in at their location and they were still non-conforming, then I would argue 25 years from now, someone wants to replace these. They couldn't go any closer than the units are now or they can go back to 56 because now we've converted it and we have 43 and 43 is now the number that we could proceed. Unless the Village changes the law or something. We're not saying we can do anything, we're saying what we're proposing is less non-conforming than would exist and what we would be entitled to.

Member Matisse: I have 2 questions. Why weren't the homeowners in the park notified of this meeting? They own their own homes.

John Cappello: The Village did the notice.

Member Matisse: But you didn't give them their names.

John Cappello: Who would ask for the names? We provided the application that was required by law. The homeowners within the park, there was no intention. We asked the Village what do we need to do and we did it. Certainly, I believe the homeowners within the units would support the improvement of the facility. We provided no names. We weren't required to. We provided the name of the applicant and the name of the property owner. They are leasers of the lot. The owners of the land are the applications and if you want to notify them, we have no problem.

Member Matisse: The impact on them is greater than the impact on people on Liberty Street.

John Cappello: We complied with the law. If you want us to do something extra, we'll comply. I think the impact on them of having the facility improved would certainly be there. When they bought, there were 53 single wide units there.

Member Matisse: No, not everybody.

John Cappello: There was the facilities and there were cut ups in, there was an approval at the Planning Board for those units, there was maps at the Village Board.

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Member Matisse: I think as a governmental body, we're not giving those homeowners a chance to partake of this meeting because many of them didn't know about it. I think that's a problem. The other question I have is since they got the Planning Board approval in 2007. Have gotten extensions to that approval? How long did that approval last and did it terminate? Is it a 10-year approval and then did they get extensions beyond that?

John Cappello: They have been before the board getting extensions. Now they're before the board with an amendment of the plan.

Member Matisse: So, is the 2007 approval still in force?

John Cappello: They put in a new application and the board asked, would I acknowledge that in 2007, the board did approve it and did conduct SEQR and the Planning Board is currently reviewing it at this moment to amend it and change the drainage and stormwater layout from that plan.

Member Matisse: But this goes to your argument about abandonment, because if in fact their extent did not get an extension and their 2007 approval lapsed, they're starting all over again.

John Cappello: My argument on abandonment is that there is no abandonment as I provided the case law and studies because this is not a non-conforming use. Abandonment only relates to nonconforming uses. This use conforms. It's the only mobile home park located in the only mobile home park district within the Village. Abandonment is not an issue. You cannot abandon a non-conformity as to bulk. Your code as abandonment as to use. The use is a permitted legal and valid use.

Member Matisse: *inaudible* tell me if the 2007 approval was in force in 2021 when you went back to them.

John Cappello: It wasn't and they were asked to amend it. They were before and in contact with the board during that time and during all times.

Chairwoman Pearson: You had 2007 was the last you were trying to modify and you didn't go back to the board for 14 years? Or were there other times within those 14 years that they went before the board?

John Cappello: I believe they were. I believe I have Jim or Bill who can reply to that better. I know I was involved with the Winding Brook homes trying to negotiate the easement. I wasn't involved in what was going on with the Planning Board and the Village, but I know there was contact and discussions.

Bill Helmer: We've been before the Planning Board off and on for 12, 14 years. Our only hold up previous to this was an easement we were trying to get from Winding Brook to do some drainage that needed to be done on the property. Everybody was quick to get the easement. We're going to let you proceed. In the last few months, we were maybe a year ago we were advised that all of you have problems with the setbacks and so forth. We said, why didn't somebody tell us that 10 years ago? Because we've been spending engineering money on plans for at least 10 years. Recently, we have decided to go ACH with the payment of unit owners and we visited them all, and they're all very aware and very excited that we're going to clean up this park and give them some good neighbors and some good property. We didn't think we had to legally notify them. But we've certainly been around there. I think somebody has already realized that we just removed an old home, what we call the junker. That was on the Winding Brook side because that was right on the property line. We removed it and gave those people another home. This is really affordable housing and it gives these people an opportunity to own their own home and pay a rent for the property. We own parks in Rockland and Orange, and everybody's excited when we go in and upgrade the property and do what's right, including the police. We've worked very hard and spent a lot of money for the last 15 years to try to get this approved. We just think it's affordable housing. We bought these parks all over and we're a small company and we've improved them and made them better rather than worse. We have to support, whether it's in Wallkill or Stony Point. You'll

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see that I'm sure some of you probably know Helmer Crowning and the fact that we built Cliff Street Housing. When I first met Jacobowitz, 40 years ago and we replaced the old theater in downtown with a senior citizens project. I know Walden well, and this opportunity came before us because some older people that owned it and we figured it's an opportunity to upgrade affordable housing in the Village of Walden.

Chairwoman Pearson: Could you tell me how it works? You own the property. There are separate lots for each house or trailer that you're talking about. The trailers, you buy the trailers or the people who want to live in them by the trailers? Who owns the trailers?

Bill Helmer: Generally, we help them and buy it. They picked out the type of kitchen they want, the type of shower they want or whatever. We buy the home and install it, and they pay a monthly rent for the land. They pay for their own utilities and they really can sell that themselves to another buyer. With what's going on with prices, I think you all know if they bought something for \$90,000 3 years ago, they can probably buy that same trailer for \$120,000. The people that are investing here, interested in having this park improve because it improves the value of their mobile homes.

Chairwoman Pearson: Is it kind of a lease to buy? You supply the trailer and then they lease it from you, but they can own it at the end?

Bill Helmer: Every mobile home, once it's sold, they own them. The park is all owners of units. We don't rent them an empty mobile home.

Chairwoman Pearson: Do they pay you a monthly fee to stay on the property and they pay to own their own home? So, there's 2 payments?

Bill Helmer: They can finance their home if they want to, but they pay us a rent and in return for that, we maintain the property. We plow the road, we mow the lawn. We do whatever we can to help them have a good life and live in the community. These mobile home parks are becoming more and more affordable now compared to what housing has done over the last 3 or 4 years. We just say, we're upgrading your community.

John Cappello: Bill, they own the underlying land. The people own the unit. But Bill your entity pays the taxes, the land taxes and the real estate taxes. The mobile home person, does not pay the real estate.

Bill Helmer: That's correct. Some of them have the STAR program. If they are lower income people and need some help, the state does do that and they can apply for it. It's an ideal situation. They love to have their own home and do what they want, interior wise and so forth. They maintain the home. We maintain the land, pay all the taxes, pay any charges. With this development, we're about to spend a lot of money to improve the site. Our problem has always been, which we inherited, there are some drainage problems on this property, and the people on Winding Brook don't want any drainage running on their land. Which it did with the old plan. And with this new plan, we're not doing that. We tried to negotiate a lease with them for an easement or right away into the big brook and we worked out another way with the engineering to do that.

Chairwoman Pearson: Right now, there's only 12 that are in this park now. How long has that been that there's only been 12?

Bill Helmer: We just got rid of one about 2-3 months ago. In general, there hasn't been more than 14 over the last 4-5 years.

Chairwoman Pearson: I don't mean to be ignorant. I'm just trying to understand. The people can actually pull their own trailer out and go to another mobile home park once they're done or they want to move?

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Bill Helmer: They can but we have never seen anybody do it. If they were unhappy with our management and our plowing the roads and taking care of things, they certainly have a right to jack up their trailer and pull it out of there. But we've never seen it happen.

Chairwoman Pearson: How long has it just been 12 units in this park? Maybe 10 years it's been 12 units or since 2007?

Bill Helmer: Maybe we had 15 or 20, 10 years ago.

Chairwoman Pearson: You've never had it to be capacities?

Bill Helmer: It was at capacity pretty much when we bought it.

Chairwoman Pearson: Saw that on the map from 2004. How often have you been to the Planning Board between 2007 and 2021?

Bill Helmer: We used the little diner in town to go to. And I'll bet you, we've been there 20 times in the last 14 years talking with the Planning Board about this.

Chairwoman Pearson: Were there formal applications at that time or just going?

Bill Helmer: We had problems with the drainage. Which we were promised by Winding Brook we would get an easement. Their last *inaudible* of getting an easement was, well, we'll give you an easement, but we have the right to take it away from you. So, we couldn't proceed on that basis. That's happened over the last 5 years.

Chairwoman Pearson: In each person pad, is there actually a cement pad that it sits on? Explain a pad to me, please.

Bill Helmer: With state regulations with mobile homes, you have to have a lot of 50 by 100. And on that, you can locate either double wide, triple wide, single wide mobile home, if you go to Florida, you'll see a lot of triple wides. We don't do them up here because of the situation. But on that we locate a storage shed, a driveway to park the car and a hurricane anchor. Now the new mobile homes are so much more efficient and so much safer than the old one. When you hear about a hurricane hit a park down in Alabama or somewhere, they're not properly built or anchored. I think the pad is something like 50 yards of concrete. Costs about \$15,000 just to put in a pad. And with that comes sewer connection, water connection and a gas connection. We're proposing to change all of those facilities to upgrade this park.

Chairwoman Pearson: Is there any grass that anybody has?

Bill Helmer: You'll see where the driveway is, you'll see *inaudible* the rest of grass and we do allow shrubbery and things. We don't really like big trees because if the wind blows the trees breaks off an old limb, it could damage a mobile home but they all have a little garden. They all have a little shrubbery and front flowers. I would think the board would want to visit.

Member Matisse: I just wanted to ask about the table. They're saying front yard. Is this per unit? Front yard, 15. Side yard *inaudible* 35. Side yard 15. Rear yard 35.

John Cappello: The complicating factor here is there is a use table for mobile home parks. Which this shows with minimum setback. Then there are special use parts and they're really kind of inconsistent because the special requirements say that no matter what it is, you need to be 50 feet from any property line. It is in special requirements that they have that 1 foot from the interior road. We frankly, based upon Dean's thing, we included it, but I don't those are drives. They are not really roads and if we were required to comply with that, there would be zero units. You won't be able to do a mobile home park period. What I

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would say is we would work with Dean to clarify whatever we need to do by your next meeting. Hold the interpretation open. You could re-notice the area variance requirements if we do need something from the interior road or to make them a little bit more clear to address Brenda and Mary Ellen's comments. And we would also make sure we have delivered or mailed whatever you want to the 12-unit owners for that hearing.

Member Matise: *inaudible* 305.52? That's what you're talking about? What section there?

John Cappello: Number 19 is mobile home.

Member Matise: He's saying that the chart doesn't apply because of this section 19.

John Cappello: There's no setback for the individual units.

Member Scieurca: The gentlemen said 50 by 100.

Chairwoman Pearson: Yes, state law says that.

Bill Helmer: That doesn't have to be exact, but it's 5,000 square feet. You can have an odd shaped lot, but it'll have 5,000 square feet.

Chairwoman Pearson: Do you have to have setbacks for your sheds the same as any other? Like my house, I have to have a setback for a shed like 3 or 4 feet off the property line, you still have to do that?

Bill Helmer: In general, the Building Inspector can answer that better than I can, but I think we have to have at least 10 feet between any either a shed or 2 mobile homes side by side. They must be at least 10 feet.

Chairwoman Pearson: And if the patios of 10 by 18, is that the size of your patios that you'd be putting?

Bill Helmer: They could dictate to have a little bed. If they want a bigger one or a smaller one. But I think in general, we've shown a typical there and we comply with what the owner wants when they buy.

Chairwoman Pearson: Can you just give me a general idea of the size of a single versus the size of a double mobile home? I know there's probably variables.

Bill Helmer: A double wide is generally about 26 by 50 something. A single, 14 or 16 by 60, a little bit longer. Generally, the 3 bedrooms are the double wides and a single are 1 or 2. Most of them are 2. I don't think we put any 1 bedroom on the site.

Chairwoman Pearson: I'm looking at the proposed plan for this site. *referring to map* these must be the double wide. Are these all singles?

Bill Helmer: That's correct.

Chairwoman Pearson: You're going to have about 22 double-wides, is what I'm seeing. There are a couple of existing already.

Bill Helmer: Yes. Most people today want double wides if they can afford it. We've found now that with price of other housing, *inaudible*

Member Scieurca: Go back to the interpretation part. I want to know what year did the 50-foot setback requirement come into effect in the Village.

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John Cappello: I'm not sure exactly. There is no date in the code, but I think it's been there since, I think it's been there since the code was adopted, but I think the mobile home park may well have been there before that. The curious part here is that this is the only area zone.

Chairwoman Pearson: What was the date you had?

John Cappello: The code itself was adopted, I believe, in 1968. Within the code, it will have little brackets like if you go up the fuel storage in the special use, has amended 2/14/2006. I'm looking at the license mobile home for it. I don't see anything on there where it says amended anything beyond when the code was adopted.

Member Scieurca: The only issue that I have with the interpretation is the case law that you provided. Now in here, it states, I understand, but it states without expansion, it is permitted use. I'm not quite sure of the year 2003, 2007. There's not an expansion of the number of mobile homes, but there was an expansion of land. That was annexed at the mobile home park. So, when that happened, it ultimately changed the park. It didn't change the use because then the Planning Board also zoned it for mobile home. And we're also talking about putting mobile homes in that area that was annexed to the mobile home park land. Since there was that change, why would you be precluded from having to meet the setback requirements? Because it seems like the argument is based on the fact that this is mobile home park. Since 1969, 70. But then there was a change which expanded the area of land.

John Cappello: When the Village Board granted that zoning amendment, they had a plan before them. And it's in the record. That plan showed units in those areas and it showed no more units. So, we weren't expanding the nonconforming. Once again, it's non-conforming to use. We weren't putting any of the units, nor do we propose to put any of the units any closer to any property lines. I understand your position. Could you say in that 15,000-foot expansion area should be 50 feet from the property line? I understand that but my point is I just think none of the boards, throughout this process, when the applicants have been before all these boards, nobody has raised this.

Member Scieurca: Nobody has raised this, but has the park owners applying for a building permit during this process for a new trailer or a new mobile home?

John Cappello: No, because to replace the double wides, they were told they needed to upgrade the sewer and the water facility. It's all part of the site plan.

Bill Helmer: We own the property that we asked them to take this 1,500 square foot because there were 2 homes that were going to be built and we wanted to give them more decent side yards because they were being replaced next to the apartment that we have on the adjoining piece. It was only affecting 2 places, but we didn't want to jam those houses up against the lot line, so we expanded the lot line southerly.

John Cappello: There are homes located in there and they weren't required to meet that setback. So, you get building permits for those because it says existing manufactured home.

Member Adams: Yes, there's 3 of them there. It's a dead end.

Bill Helmer: We had to expand because we own that property when we moved the boundary line and to accommodate that because we wanted to comply as best, we could with the code.

Member Sestrom: Business model, you guys selling mobile homes and help people finance?

Bill Helmer: We take their order. We order a mobile home. We put it on the site and we sell it. They get their own mortgage. We don't finance them or anything like that.

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Member Adams: I went in there again today, I had been in there because this park was there back in the middle 60s when I was in high school, I remember I had friends living there. Just as you go in that part was annexed, that was a next has 3 double wides and they're all completely set up. Then there's 2 on the other side of that street, but I imagine that was part of the original property.

John Cappello: To me, that would be evidence. Just want to clear up Bill, you guys built those and you got building permits for it? With the setbacks that are provided in post-2003?

Bill Helmer: Yes.

John Cappello: Which is more evidence that those new homes are not located 50 feet from any property line. Greater evidence that this was considered a non-conforming as bulk and allowed to expand so long as not increasing the nonconformity.

Member Adams: John, tell me when, I know you explained it to me why you felt that the interpretation was by law, that going through the variance was not required, but I'm having a hard time understanding why you feel so strongly about the interpretation instead of just accepting or asking us to do a variance. You did document very well a lot of the things that we would be looking at to do the variance. Why are you more interested in an interpretation? Other than that, you feel by law that it's not required.

John Cappello: Because my job is to give every opportunity for this board to grant relief to my client. I believe the argument for the interpretation provides relevant facts that you could certainly take and apply as your support for granting an area variance, that it existed, that we're improving the site that it's continued to go. I want to be clear, I'm not telling the board we will grant an area variance, but I need to give you opportunities. I believe we have strong cases on both of them and we will accept whatever relief we get from your board to do them. You want every opportunity to get the relief you can and I think I gave you 2 options, which is better than giving you 2 options.

Member Adams: Basically, even though you feel by law, you have the right for this interpretation to go your way, you are open to either avenue.

John Cappello: As long as it gets to the point where we need to get, which is to improve this facility.

Member Matisse: Then still you're asking for a reduction in the setbacks for the overall parcel and also for each individual unit between each other.

John Cappello: I don't agree with your interpretation. Nobody has ever interpreted this code to require those setbacks between individual units. The use is it's a mobile home park and its 1 use on 1 lot. There is no requirement that there are setbacks between the individual units, nor has there ever been nor has it ever been applied or shown on any bulk table. It has always been the setback for the mobile court itself.

Member Matisse: But John, this table was amended in 2006 and adopted in 2007. Not having the setbacks prior to that, these may have been increased at that time. And if in fact they came to the Planning Board in 2007, these setbacks should have applied at that time. You're trying to tell us that you think that because interpretation would cover the situation because it always has covered the situation in the past. We're being asked to say yes or no on that and if we say no, then we're saying that these new regulations apply. Then the state building applies to *inaudible* 2016. The state building code maybe is governing this by *inaudible* I'm not sure. There's a big mix of things going on here. By you just asking for an interpretation, you're trying to simplify it to the point that we're ignoring changes that the Village has made since then, even though there is only 1 mobile home district. Am I wrong in saying that?

John Cappello: Yes, I think you are and I'll explain why. There have never, ever, ever in all of this application was before the board been any requirement as to distances between the units as shown on the plan. The bulk tables have related to the overall procedure. When you say the zone table had

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changed. That's the whole issue of nonconforming uses. When you exist in your non-conforming new laws do not apply to you because you exist as you're non-conforming. But what your code is, if what I'm telling you, is if we had applied with the 50 feet from any property line and the 25 feet from any interior road, there would be no mobile home park here. The purpose of the Village and having land zoned mobile home park, it would be a fallacy. You would in essence be saying we don't allow mobile home parks because it would be impossible to provide 25 feet from the interior roads and provide 50 feet from any lot line. It's just physically impossible to provide anything that would have any reasonable opportunity to apply. What we are saying is under the code that existed when this property was built and its layout, none of the new units we are proposing are any closer to the property lines than they were on the day in 1975 or the day, probably as Ms. Adams says in 1960, before the zoning code was adopted, that these provisions apply. I'm not saying blanket, I'm saying we're not going any closer to what we've established our rights to be as far as the bulk.

Member Matisse: I noticed one thing, though. You're turning the double wides long end *inaudible* going in along the Winding Brook line. That means you're conceding that you need to be further away from that lot line than it would be if they turned perpendicular to that line.

Bill Helmer: Those units are perpendicular to the road and right up to the property line and there was a drainage problem that I brought up and we want to raise that grade so there is no drainage going on the adjoining property and we lost units because we located to be parallel with road rather than perpendicular to them. We are doing this to accommodate the neighbors.

John Cappello: Having said that, now we've established that, and that's my point, now we've established it and once you approve and build these at 50 feet, then the non-conformity has gone away because you've established it. And to the extent that you can and you can create distance with the neighbors that you see, there are houses right there on the Winding Brook project that sure, if you could provide distance. This has been designed to do the best that you can with the property. It's not like we're saying we let it build close to the property line.

Member Matisse: My understanding is that the 50 feet applies to the whole parcel, not to each individual unit. I do have a concern that in the chart that the 15 feet in between units would be making a total of 30 feet in between units. *inaudible* because otherwise you have a situation like we have in the rest of the R5 districts where the houses sometimes are only 10 feet apart. And 10 feet apart is not enough separation for dwelling units under my concept of fire safety. I don't know what the state code is at this point, but it's obvious that we have no more new R5 districts in the Village of Walden.

Member Adams: But isn't that part of the Planning Board?

John Cappello: And I think if you look at the proposed new plan and you look at the driveway in between the properties, there are 22 feet, 20 feet in width, 20 feet in width. So, there is I believe 15, maybe not the decks. Maybe there's a couple where the decks may be a little closer.

Member Scieurca: Between the actual homes, there's at least 20.

Chairwoman Pearson: Each one has their own driveway?

Bill Helmer: Yes.

Chairwoman Pearson: The water runoff issue that you're talking about. How long ago was that first address?

John Cappello: The way it was going to be addressed when the original approval in 2007 is that there would be an easement over the Winding Brook property that would address an existing drainage problem for them and address the drainage for this.

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Chairwoman Pearson: Where has the issue lie, with Winding Brook? The trailer park or with the Village?

John Cappello: We were unable in, this is several years, probably 7 or 8. Maybe not all 14 involved because they could go back to the Planning Board and tried to find some alternatives at the point, but it was just difficult to get the entire HOA there and with their representatives to get them to understand and agree. Although their individual engineering consultant did concur that this was an option that would improve their situation. That was what the redesign is to avoid that and handle the drainage on the site and there were negotiations with John Revella about potentially going on to the Village land. So, this was an issue that was never let dry. There were months that passed that nothing was said, but it was always working toward that coming to an accommodation.

Chairwoman Pearson: What I would like before the next meeting are the dates that you've been before the Planning Board. From 2007 to 2021. So, I can see what progress has been tried to be taken, please. I know that there are people online who want to speak.

Member Matise: Does that drainage issue go back to the development on Overlook Terrace? Is that part of that issue that happened at that time? Because I know that the trailer park was impacted?

John Cappello: I do think Overlook would come from the back of it. I think there was some issue that they needed to handle the back and it would be addressed. And I think it impacted Winding Brook and this was the plan to take care of both.

Bill Helmer: When we asked for an easement on the front of the property near the road, everything was fine and we're going to do it. "Would you help us? Would you take care of some drainage problems we have where our tennis courts are?" We said, okay, you help us, we'll help you. So, we made a plan at that time with a holding pond and a piece of drainage, because there's a development up on the hill there that was flooding the property and we offered to help them with that. But they could never agree to give us an easement near the road to take our drainage under the culvert there.

Chairwoman Pearson: How long ago was that?

Bill Helmer: We've dealt with them over probably 10 years. Paid a fortune. Drawings after drawings, after drawings, engineering meeting with their engineer. I would say we spent a \$100,000 trying to get an easement.

Chairwoman Pearson: You've been trying to do that without the Planning Board and without any of the Village Boards. You're doing that between the 2 entities. Between Winding Brook and you.

Bill Helmer: *inaudible* easement to do that and they thought we could. They had 1 easement drafted and it said at any time we have the right to withdraw the easement. After we're done. Legally and couldn't get anybody to do anything.

John Cappello: Becky, you're correct. It was 2 private parties. We did make the Village aware of some of the timing, and there were some trips back to the Planning Board. But I don't think between 2007 and 2009, you're going to find a monthly meeting. But there were reports back to the Planning Board as to where we are and what we're trying to do.

Chairwoman Pearson: I'd like to get that information for the next meeting if you don't mind, thank you.

Attorney Dickover: I feel constrained just to address the publication question that Mary Ellen raised. The code provision that addresses this is found in the Village Code Section 305-52. I'll paraphrase it by simply saying that the notice of the hearing is given by mail at least 15 days before the date of the hearing to the owners of all property abutting that hill. The applicant, immediate area and all other persons within the

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300 feet and the names of those people are provided by the Village and the mailing is attended to by Village personnel. So, John Capello's stated that they had complied with the legal requirement and I concur with that opinion, albeit I understand the concern that perhaps the mobile home unit owners would be interested in this application. From a legal standpoint, there was no notice required to be mailed to them. I think the records you should state that and be clear with respect to propriety.

Amy Fantasia: 46 Winding Brook Dr. I live in Winding Brook and within the distance. I received one of those notices. I'm also on the board. Maria also is the same situation as me. Susan is head of our management company. Personally speaking, I have neighbors directly across from me that have been severely affected by the drainage issues that he is claiming that they have tried to fix and then they haven't tried to change the plans. I have pictures of my neighbor, Nicole's house, that any time her house would be completely flooded, her downstairs, because of the things that they are not taking care of in the mobile units. We have had so many issues and there's been so much neglect to deal with us and to help us with these issues. I really think that you guys should know about those things before making a decision on this.

Susan Picarillo: I am the managing agent for Winding Brook Homeowners Association. I've been with them since 2004. I first want to clarify what John and Bill have addressed regarding the easement that we did try to work out with them. What they are saying is absolutely correct. We were in negotiations for what was first put before us as a perpetual easement, which that could last without any limitations. However, there were to be certain services that were going to be provided to Winding Brook Homeowners Association. With regard to that perpetual easement, such as things like stormwater cleaning, catch basin cleaning, and our concern was that we would want to terminate that easement if Walden Glen failed to maintain any of those services. There was a catch to that that we were concerned that in the future, if I wasn't still representing the HOA things have to transfer, some things get lost in translation, things don't transfer properly. We were concerned that in the future years that things might fall by the wayside and those services might not be provided, and then those costs would fall on the homeowners in that association. We were quite concerned with that. I just wanted to clarify that that was why we would want to terminate that easement in the future because we didn't want any additional costs falling on the homeowner's association and those individual homeowners. Then what else happened during the time that we were trying to negotiate was there was a plan designed by Walden Glen for changes to the plan and different stormwater changes and things of that nature that we were in agreement or we did hire an attorney. We did hire an engineer. And the HOA met with Walden Glen quite a few times and we did go through all of those plans and those designs, and we knew that they were put in front of the Planning Board and we were ready to move forward with that. It could have been 6, 7 years ago. Then we found out that an additional design was submitted to the Planning Board that was different than the design that we were ready to negotiate. That changed and we were not aware of that, and that's when we terminated the negotiation. So, there were a few things that went on that we were concerned with, and most of it was regarding a lot of the storm water. I think that's the biggest concern for the homeowner's association right now is the storm water plan. Because if I understand it correctly, you're looking to amend that plan and you're saying that maybe by elevating some property behind the fence line where the units are, the homes are in Winding Brook that may alleviate some of that storm water. Now we understood that the last time when we were in negotiations. You can understand that it was quite a long time. So, the concern here is great. Again, we're not really clear not seeing the plans, not understanding what's going on with the storm water, not understanding what kind of amendments are going to be made with that storm water system because there are current easements in place now. Stormwater runoff does flow through an easement and onto Winding Brook's property, into the retention pond already. So, we really don't have a clear understanding how that will be affected and how that will affect the whole association. And I don't know if that can be explained, but I think Winding Brook would want to be privy to seeing those site plans because we had prior issues with seeing site plans. Understanding those were moving forward and then they changed. I think we'd really like to understand how that current easement or that current amendment to the stormwater plan is going to affect Winding Brook and is it possible that the association can actually see what those plans look like and how that's going to be affected? And maybe they would want to be able to have the opportunity to discuss that with their attorney and their engineer.

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Chairwoman Pearson: I think that part of this issue is going to be a Planning Board issue, I believe. But I do believe that if it goes through the Zoning Board, we are still responsible for what water's going to be running off of more trailers because right now there's no trailers there. It will have an effect through the Zoning Board if the Zoning Board wants to think about that, but at the end result, it goes back to the Planning Board for site plan approval for all of that if it gets that far. But for us, we're really looking to approve these trailers in the plan that they put together. But I do believe the water runoff for me has always been an issue. I know that that property has been wet before the property that you own in Winding Brook. But I think part of the issue may become a Planning Board issue as well. The Zoning Board doesn't always get that detailed in those respects for the water runoff and the plans in the easement part of it unless we are supposed to, Rob and you're going to direct me if we are or not. I'm happy you're speaking because I think it's necessary for our board to hear this as well, that there have been issues. Has not been a Planning Board issue. I asked the attorney to please get us information when they have gone back to the Planning Board so we can see the progression from 2007-2021 of what's been done or what they've asked for, and that will help me make a decision as well.

Susan Picarillo: I think I was just asking if we could maybe try to understand better how the amended storm water plan will affect Winding Brook and if the existing easements that are there where runoff is still flowing through those easements, is that still going to happen?

John Cappello: There is a full storm water analysis, just as there was the last time. Ms. Picarillo, she has my number. She could call me. We could provide it to her. We could provide it to their engineer, just like we have for the last several years. It just needs decisions to be made and that has been very, extremely difficult. For all the people from Winding Brook listening, we've made requests to appear to have our engineer meet with the board, to discuss with the board. We were rebuffed by the management company and the engineer at every impact of creating a dialog. We are available. All the people listening, you can contact me directly. Our office is in Walden. We will provide you the information directly. We had asked for addresses to do mailing so people can have that information. We're not hiding anything. We have plans. Those plans are sitting at Village Hall. Those plans can be reviewed. You can have your engineers review them. We could ask questions. Nobody wants drainage problems on either of the properties and that's why there's an engineer. The plans have been reviewed by the Village's engineering consultant. The prior plans were reviewed by the Village's engineering consultants and Winding Brooks independent engineering consultants to address what is an existing problem not necessarily caused by Winding Brook.

Susan Picarillo: I think I'm happy to speak to John again. I know that our engineer did. We did meet with Walden Glen's engineer previously and there was an agreement at one point. I know that it changed not to our knowledge, but it did change, so we'd be happy to go through that again. I'm sure some of the board members would want to be present to understand what the benefits will be or if that storm water easement that's in existence now, if it will still be needed or how the new amendment or the new plans will affect Winding Brook.

John Cappello: I just want to reiterate because I want the whole board to hear and I want all the people listening to hear. Contact me. We will set up a meeting to meet with all of you who are interested. And I mean, all of you, not just the management company rep and the attorney. We will meet on site if we need to meet on site to address these concerns. It has been a stonewall trying to get through to have a dialog so everybody can know what needs to be done to address the situation. All of you listening, I'm in Walden. My email is JCC@jacobowitz.com. Email me, I will arrange it. Please come personally and listen to what we have here. If anything, I said it is not okay, Jim or Bill, please chime in, but we would love to meet and we would love to resolve this problem.

Archie Morris: Just to reiterate what Susan has said. There wasn't agreement. There were changes that we were unaware of and then when the agreement was rescinded because of those changes, but not to get into that discussion because that's for later. I want to understand. Because I have, I received the notice, as did several residents and no other information, and not really even time to go and seek out this

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information on site plans so that I can understand distances and that type of thing. And just this evening, I'm understanding that the trailers are either going to be perpendicular. There was a lot of discussion about one way or the other. I did not get which way was which, so that would be the first thing. I want to know what the site plan looks like, and that way I can then understand what the distances are that you are proposing.

Chairwoman Pearson: You're more than welcome to go to the planning board, to go to the building inspector and be able to give you some information on that. I mean, there's a lot there's pages. So, I mean, this is I'll just kind of show you, this is something that we have. That's just one. So, there's different ones listed for different times, and you might like to get a copy of that. Yes.

John Cappello: Yes. The I think the big board would like to have it as a resident who is affected by some of these changes.

Chairwoman Pearson: I would like and you can see the building inspector. You'd be able to get that for you. OK.

John Cappello: So, so just I want to understand the distances that you're talking about. I think it has been said that that the trailers, the way that they have existed in the past, they were closer than the 14 feet. Is that something that I understood?

Chairwoman Pearson: That's Mr. Capella, you want to answer that?

John Cappello: Yes. And I would note, as was pointed out by. By several people, the units that are adjoining Winding Brook will be 50 feet from the property line of Winding Brook, so they will be much farther than had historically issued. And the other two boundaries to the rear. And on the other side, there have been trailers located at or closer than fourteen point six. So those are the areas that will be located within fourteen point six of the property line. And once again, I reiterate that everything is available, you know, at the village, if your board or any homeowners who live near there want to sit down and review the maps, we can arrange a socially distanced manner to show that so you can see it. We're not trying to hide from this. We're trying to improve this situation. You know, we won't get into history, but it has been very difficult breaking through a logjam to get the answers and get these concerns that we can address them. So, I'm happy to see many of you here and to see your faces so we can. We can work towards those issues. Full set of plans are at the village board. Both the detailed design for the planning board and this entire presentation that we presented here with exhibits showing the history of the property. Certainly, I applaud the idea of the concept of improving the property and bringing in nicer homes. Making housing available applaud. That move seems like something that is good. Just understand that the management and myself and the board are representing 86 units and the fiduciary responsibility is to make sure that we're not spending money that is enough of a system. That would be that would be our primary goal. You make a plan that causes us to spend extra money, then then obviously you see our position.

Nicole Muscarella: 61 Winding Brook. I moved in in 2005 and around 2013 is when it really escalated. I had minor drainage issues, but around 2013 it became a full-on stream in my backyard where I had mud coming into my home and I was having to clean it constantly. I had mold in my rugs. There was somewhat of a Band-Aid fix done in 2014, 2015, and that is decreased some of the flooding, but I'm still getting flooding quite often. I had about \$6,000 in damage to my home from this flooding and my driveway is being washed away.

Chairwoman Pearson: It's coming from that property?

Nicole Muscarella: Yes. I have pictures and everything showing the drainage issues that we've had in the damage to my home. It's been quite extensive. It's been really very stressful because I love living here, but it has made me consider moving out of my home because of it.

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Maria Pastena: I just want to talk about the distance from our complex to the trailers. It's currently at 50 feet, or it's going to be at 50 feet?

John Cappello: Going to be.

Maria Pastena: It currently is at what right now?

John Cappello: Well, historically it was much closer. I'm not sure what units exist there now from the historic that would be replaced.

Maria Pastena: Those trailers are owned by the residents, correct? And they rent the pads? Because I heard some contradiction in what they were saying earlier.

John Cappello: That's correct.

Maria Pastena: They own the trailers, they rent the pads and then people do move trailers off pads. Then they do replace them. How many do we have there now?

John Cappello: Historically there has been, and it's been approved for 53 units.

Maria Pastena: It's been approved for 53, but how many are there right now?

Chairwoman Pearson: 11. One just left.

Maria Pastena: Are the 53 going to be filled?

Member Matise: No because it was reduced to 43.

Maria Pastena: What about the traffic in and out through the town? Are they in the sewer? Well, I don't understand how the whole thing is set up there.

John Cappello: There's a full site plan, but yes, they will be getting Village water and sewer. Traffic analysis has been done.

Maria Pastena: You have the 43 units and then we have the 68 for the apartment complex.

John Cappello: That's not part of this.

Chairwoman Pearson: John, when was the study done on the traffic?

John Cappello: The board did SEQR in 2017. The Planning Board is currently reviewing the project. I haven't been in the Planning Board meeting on this round. I'll get you the information.

Maria Pastena: Has there been a feasibility study done currently on the traffic?

John Cappello: There's been a projected count, at least that was done as how many cars will be coming in and out of this facility. Once again, 43 is not much on a state highway.

Maria Pastena: It is when it's in a Village, though.

John Cappello: I live in the Village and I drive on a state highway and I live up to 208 and I've done traffic studies for the last 30 years and reviewed them and presented them in the amount of additional trips at peak hour from this facility will be negligible and not noticeable. Its fact based.

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Chairwoman Pearson: Does the DOT have to get involved in that through the Planning Board or no?

John Cappello: I don't believe there's any proposed changes to the entrance.

Maria Pastena: As far as the STAR program, it was the STAR rebate was given to the owners and then the owners were to distribute it to the residents that were owners on the pad there. The state had just changed the law, and the law now is that each owner in a trailer park can apply for the STAR program on their own.

Chairwoman Pearson: But they don't pay the taxes.

Member Matise: The rent pays for the taxes.

Maria Pastena: We have 43 potential units going in. We have an apartment complex for 55 and older going in. That's not going to be a traffic issue?

John Cappello: The DOT has reviewed the curb cut and reviewed the traffic analysis for the senior citizen project and determined that it's acceptable. There were some changes made, but once again it is a state highway and given the traffic on it, I know it seemed like a big number, but Villages *inaudible*

Maria Pastena: I know that the homeowner's association was not contacted. The address needs to be changed. That would go through the Building Inspector.

Susan Picarillo: Actually, Debbie received the notice, if that's what you're talking about, 2 days ago. It was to the P.O. Box for Winding Brook.

Amy Fantasia: It was to the correct address that was on file. When it comes to the distance to our property a lot of the mobile homes are extremely close to our property line. I know that we have had situations with the fence being broken down and a lot of my neighbors across from me are so close. I mean, they could barbecue and you know, and the neighbors to your side a hot dog. Are you looking to move closer to us? Because that is an issue that some of my neighbors are kind of concerned with. Also, the fact that it's so close that we've had the fence on our property line damaged and we've had to pay to repair it. I had some of those issues brought to my attention. I just want to hear your thoughts on that and how you plan to address situations like that. I think that that is an issue and people's comfort is at stake.

Maria Pastena: Who's fencing is that in the back?

Amy Fantasia: That's considered ours. We've had it damaged by the residents of Walden Glen next door, but we've had to pay to fix it. I'm just curious how he does not think that his plans will not affect our neighborhood and how he plans to correct that, since he keeps on mentioning so highly about how he is looking to upgrade and to make things better. As far as making things better, I'd like to know how the better part will also affect us as a community and the value to our homes and our comfort and my neighbor's comfort.

John Cappello: I would refer to you the entire plans in detail are at Village Hall. We've offered to meet with you. I regret with Zoom, it's a little bit difficult to be able to share the plans. But that information is available and we'll sit and we'll talk to you and as far as the fence issue, I don't know, but I have Jim and Bill sitting here and did anybody advise the owners of a Winding Brook that there was an issue with the fence and that it demonstrated that it was caused by someone within Winding Brook? There are other people around there. You can assume that fence looks like it's pretty far off the property line. If I'm looking at the right one on the survey I have here. To demonstrate that it was damaged by somebody from Walden Glen with no identification to the Walden Glen, I mean, your management company certainly knows Bill and Jim's number and they have probably a thousand emails from the project team here, from Walden Glen seeking dialog. Again, I would repeat everybody here, we're available. Please contact me,

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we'll sit down. I'll get Jim and Bill. You want us to run through the plans with you will run through the plans with you. But it looks like from my reading, I could be wrong, that the units proposed on the Walden Glen plan will be as far or if not farther from the property line of Winding Brook than Winding Brook's units are from the Walden Glen property.

Maria Pastena: Are they allowed to put their own sheds up?

Chairwoman Pearson: Yes, there are plans to put sheds. Take up John's offer and go see that because we are not going to do anything this evening. We're going to go on to the next month as well. We have not gotten anything back from the county, so we can't make any decisions tonight anyway. To take advantage of John's niceness and go look at the plans so you can understand it a little bit more.

Maria Pastena: I understand that. Dean, does this community also have the same restrictions as a house on its own lot as far as distance requirements from the neighboring property when you put up a shed or a fence?

Chairwoman Pearson: That's why they're before us today.

John Cappello: I don't know. I would assume at the very least, the distance for any accessory unit or shed is the same as it would be for a single-family project.

Member Matisse: It's actually more and it's in the dimension chart.

Maria Pastena: I just want to make sure it's not going to be sitting on the fence. Is the Village code 5 feet from a neighboring property?

Member Matisse: No, Village code is 3 feet for the other zones. But for the mobile home zone, it's 5 feet. It's on the chart.

Chairwoman Pearson: Thank you very much. We are happy you joined us tonight. Thank you for taking the time to do that. Please go and get information, if you'd like to. We'd love to have you join us at the next meeting again.

Member Scieurca made a motion to continue public hearing for Walden Glen until February 23, 2022. Seconded by Member Sestrom. All ayes. Motion carried.

C. DISCUSSION ITEMS:

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 Scieurca. All ayes. Motion carried.
8:43pm

RESPECTFULLY SUBMITTED
Marisa Kraus, Zoning Board Secretary