

Village of Walden
Zoning Board of Appeals Meeting
February 23, 2022

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| Chairwoman: | Rebecca Pearson | Present |
| Members: | Christine Scieurca | Absent |
| | 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:

Chairwoman Pearson: Page 4, existing storage unit will need to be removed as per zoning code. Then at the end of that it said it will be moved to rear of building per zoning code. I just need to take that first sentence out.

Member Adams made a motion to approve December 15, 2021 minutes with corrections. Seconded by Member Sestrom. All ayes. Motion carried.

Member Adams: Page 1, the formal applications says 150 East Main, it should be 132 North Montgomery. And on page 16. John Cappello isn't here, but it's says John Cappello, starts with "so", someone else said that. He's not here for me to confirm that with. that right after the building sector, the next lots of junk out of sorts. I think it's the gentleman who spoke from Winding Brook.

Chairwoman Pearson: Did you happen to ask about distances of the trailers at one time?

Archie Morris: I did ask about distances.

Member Adams made a motion to approve the January 26, 2022 minutes with changes. Seconded by Member Matise. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 29 Oakland Ave

Member Matise made a motion to open the public hearing. Seconded by Member Adams. All ayes. Motion carried.

Bill Palmer: Grey fence, post are grey, nails are grey. In front of the house, 14 foot and go straight down the property and there is a drainage ditch there and we have to move over 2 feet.

Chairwoman Pearson: You know there's an easement there with the Village.

Bill Palmer: Yes. We're going to move the fence over 2 feet closer to the house.

Chairwoman Pearson: Do we know how big the pipe is?

Bill Palmer: It's about 16" pipe. It's been there.

Member Matise: Did Dean say anything to you about the easement?

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Bill Palmer: Yes, we talked. I told him I moved the fence 2 feet. That way there would be room to get machinery in there.

Chairwoman Pearson: 2 feet from the property line? Or 2 feet from the easement?

Bill Palmer: From the property line.

Attorney Dickover: It's important for the board to keep in mind the side yard fences are allowed at 4 feet maximum. This is an application to exceed that size. And the board might well favorably act upon the request. However, construction of that fence, whether it's at 4 feet, 1 foot, 6 feet or 20 feet may very well via an easement. And so I think it would be incumbent upon the applicant to make sure that he has the right to in fact, construct a fence. The easement belongs to the Village, it was created by virtue of a subdivision map. Generally, the obstruction of easements is not permitted, even though you have the right to put a fence there. The subdivision map and the easement would trump that. So again, the board may be sympathetic to the request. But before you act upon it, the applicant should seek permission from the Village where clarification on whether or not he has the legal right to put that fence in there, because otherwise he's obstructing the easement.

Chairwoman Pearson: You may have to reach out to the Village Board.

Attorney Dickover: It would be a Village Board decision. Procedurally, you have members of the public here that might want to be heard. We would ask for them to comment before you do anything and keep the public hearing open so this issue can be resolved with the with the owner. And it all comes together at the end.

Member Adams: You said that he should go to the Village Manager and speak to him first?

Attorney Dickover: I think that's the first stop. He tends to be the gatekeeper, perhaps to the Village Board and its agenda. I don't know that, but it seems to me that maybe the place to start.

Member Adams: So, you will speak to Mr. Revella and ask to speak to the Village Board.

Attorney Dickover: In the meantime, if the applicant could get for us a subdivision map that created this lot, it would be helpful. It's referred to in his deed. And you probably have this part of your title search when you bought property, perhaps. Or perhaps the Building Department has it, but it's going to have a note on it in respect of this easement because it makes reference to be created.

Member Adams made a motion to hold the public hearing open. Seconded by Member Matisse. All ayes. Motion carried.

A.2 55 Coldenham

Tom Olley: They operate a seed packaging business, where they are depending on the season, this time of year their packaging, grass seed for the upcoming spring and summer months and in the summer and fall months switch over to packaging birdseed. They finally, over 20 years they started to outgrow some of their facilities and what they need is additional storage space for the seed that comes in and they do get all of their seed in bulk, either by rail or by tractor trailer. Currently they have seven seed silos located on the south side of the building with the 75 foot what they refer to as a bucket elevator that it takes the seed from an auger in from the railcars or from the truck. That then goes up to a turntable at the top of the elevator. Basically that turntable will direct the seed to the appropriate silo and their demands have increased for their demands for the storage. So they're seeking to add another six silos. They do need another elevator to service at that silo. The difference between the silos that you see out there now and what is proposed is that the proposed silos will be a little bit more compact. Six silos are going to be built in about one third of the space that the seven silos that are out there right now. But the rectangular in shape will be four smaller silos and one or two larger silos that all fit within the 20x24 footprint that we show on the site plan. We've provided you with a site plan to show you exactly where it's going to be on

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the site. It's going to be in the south west corner of the building, adjacent to the existing silos. There will not need to be any additional unloading equipment. They'll be able to service it from the use railcars or from the truck pit and the elevator will be no higher than what is there now. And the silos will be no higher than what's there. So the elevator is 75 feet tall and the new one will be 75 also. The silos of 48 feet and the new silos will be about the same height, maybe just touch shorter. They will certainly not be any higher. We've also provided you with some elevation drawings of the silos that you can get an idea of what it would look like. We also provided you with some photographs of the existing silos as you approach from the south and really, the only clear viewpoint that you have of the silos is just as you're crossing over the railroad bridge on 208 and it's substantially screened from the other direction. Even though we're not exceeding what this board already granted a variance for back in 2001, we are increasing that area, so technically we're increasing the non-conformity. So that's why we were back before you to ask you to grant new variance or amend the variance that was that was granted back in 2001.

Member Matisse made a motion to open the public hearing. Seconded by Member Adams. All ayes. Motion carried.

Chairwoman Pearson: It's not going to protrude past the end of the building?

Tom Olley: It will not protrude past the building on the railroad side, and it will not extend any further to the south than the existing silos. We do meet all of the dimensions setback requirements.

Member Matisse: For a future owner, somewhere down the line and does a different business, do you think people would take those silos down?

Tom Olley: Absolutely, because there is a hot market for them. They are a very marketable commodity because they are virtually free standing. .

Chairwoman Pearson: What about noise? Any additional noise?

Tom Olley: Nothing. The augers are run by like a three horsepower electric motor and it's just a screw auger. So it's very low p.m... because you don't want to be making a paste out of the seeds, so it's just a very, very slow r.p.m. motor. And the elevator is actually buckets. It's on a chain, so they go up and they just dump into the duct work. And the one thing that is vital for them is rodent control. They are on top of that. They cannot tolerate any rodents on the site. So they have services that come in and take care of it.

Member Adams: The picture looked like the silos were small, but you said condensed.

Tom Olley: They're rectangular in shape. They share common walls. So, they are one right up against the other. Whereas the original silos have three or four feet of space in between each one because they're independent.

Member Adams: They're all going to hold the same amount of seed?

Tom Olley: Roughly, yes.

Tarryn Kamrowski: 88 Coldenham Rd. The noise, I have been there since 1996 and honestly, I haven't heard of them either. My question is, are they going to run through the night time or is the hours of operation going to stay the same? I think they shut them down at like five o'clock and they don't do weekends.

Tom Olley: Operational hours would remain the same. They just need more storage for the different products.

Tarryn Kamrowski: The same type of elevator?

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Tom Olley: Correct.

Bob Myers: 91 Coldenham Rd. He answered most of my questions. Rodent control. They're always worried about rats, squirrels and who knows what else. Because you don't them infesting neighborhood. The other thing is, in the summertime, I live at the top of the S curve as you go up and you look west and over the bank. In the summer, everything is leaf'd out, so I don't see anything. In the winter, I could see the tower, the back of the building, if they put light in, is it nonpolluting light, angles down. I don't want to be looking out of my kitchen window having lights.

Chairwoman Pearson: I believe that the pieces are going to be in the opposite side, closer to the railroad tracks.

Bob Myers: I can see the back of the building. I can see the towers. I know the one silo, would it be the same height?

Tom Olley: Yes.

Chairwoman Pearson: Do they have lights on them now?

Tom Olley: No. And there's no plan to light them.

Bob Myers: You guys have been good neighbors.

Member Matisse: Do you go to the Planning Board for this?

Tom Olley: Yes, we will have to.

Member Matisse made a motion to close the public hearing. Seconded by Member Adams. All ayes. Motion carried.

A.3 132 North Montgomery

Tabled

B. FORMAL APPLICATIONS:

B. 1 29 Oakland Ave

B.2 55 Coldenham

Member Matisse made a motion to declare itself lead agency and unlisted type action. Seconded by Member Sestrom. All ayes. Motion carried.

Attorney Dickover reviewed Short Form EAF.

Member Sestrom made a motion to adopt Negative Declaration. Seconded by Member Adams. All ayes. Motion carried.

The Board reviewed aloud the 5 factors associated with an Area Variance:

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

Chairwoman Person spoke for all by answering no.

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

Chairwoman Person spoke for all by answering no.

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c. Is the requested area variance substantial?

Chairwoman Person spoke for all by answering no.

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

Chairwoman Person spoke for all by answering no.

e. Was the alleged difficulty self-created?

Chairwoman Person spoke for all by answering yes, but good self-created problem. I decline any significant issue with that.

Member Adams made a motion to grant variance. Seconded by Member Sestrom. All ayes. Motion carried.

B.3 132 North Montgomery

C. DISCUSSION ITEMS:

Member Matise: We should request changes to this side lot fence height requirement. As far as I can tell, preexisted the local law change in 1993 and the R3, a lot of our applicants have been in and R4 are the only two zones where it can only be 4 feet high. We're in R5 and we can have 6 foot high side yard fence. It makes no sense that those 2 zoning districts are restricted to four feet and people keep coming before us and to me I don't see the logic. I think it goes back to the 1982 zoning code. They adopted a local law in May of 93 and then in 2006 February and 2007 of June and the 2006 and 2007 which was on the books now were just to comply with the 2005 comp plan. So in 1993, 06, 07 changes were mostly zoning district changes, not fence height limitation changes. I think they're ridiculous. I think it should all be conformed and I don't see why R3, R4 are not the same.

Chairwoman Pearson: Are you sure that I can put up a six foot in my yard.

Member Matise: Yes. We should bring it to the Village Board the same way we brought the issue of the mailings and everything else. It's stupid.

Chairwoman Pearson: If you guys want to think about whether you think you want to live next to a six foot fence. I think it's worth a discussion and to send a letter to the Village Board stating to have a look at the code and see if they would like to make changes.

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

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

7:27pm

RESPECTFULLY SUBMITTED

Marisa Kraus, Zoning Board Secretary