

Village of Walden
Zoning Board of Appeals Meeting
May 25, 2022

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

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

1. APPROVAL OF MINUTES:

February 23, 2022 Minutes

Member Sestrom made a motion to approve the February 23, 2022 minutes with corrections. Seconded by Member Matise. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B. 1 9 Woodruff, Use Variance, Vote to Rehear

Chairwoman Adams: Asking us to rehear an application that occurred one year ago, just as a brief, 9 Woodruff St was a one family home was zoned in April of 1968 as R5. In 1985, the property was changed to a two family home. Then the property was sold to a gentleman who then transferred it to his corporation, Crystal Development Group in 2006 and stayed as a two family dwelling until it became abandoned by Village local law. When a property is abandoned, it becomes zoned in the original zoning for that territory. Would you like to tell us why you think it should be reheard?

Johnathon Scheller: I'm representing the owner. We feel that we've provided more documentation showing that there's very little to no return on the property. The cost of rehabilitation would be wouldn't offset anything. The home has been a two-family since 1985 until it went recently abandoned which it revert back to one family since it's been vacant for more than one year. That's why we're here today. It's in the R5 zoning district. We feel that being not historically, not prior to 1985, but after it's been a two-family. We feel that it fits in with the neighborhood and we're not asking for anything large. We provided some financial documentation summarizing the costs of the renovations for both a single family and the two-family residence for this property. We feel that the value of renovating into a one family residence, there's no real value. We feel that that should be considered as part of a supporting for the possible use for use variance.

Chairwoman Adams: When the application was denied last year. There were a couple of factors. One factor, which is a huge one to get past, is that they not only bought that house as a single family home and when you knowingly purchase something as it is, you can't just assume that it's going to be changed again. In 2012, a letter was written to Crystal Development, and they were told that it went back to a single family. It was on the tax roll as single family. It's very difficult to get past the fact that they knew they bought a single family home.

Johnathon Scheller: We understand that. But I'm in support of the applicant and hopefully redevelopment of the property. Possibly it's been vacant for so long and never purchased because it holds very little value as a single family. And I think that, we hope that this can be considered so that the

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property can be developed. I don't think that anyone else is going to be willing to develop as a single family. We feel that it would be helpful to it's better to be used than abandoned.

Chairwoman Adams: But it could be used as a single family.

Johnathon Scheller: It could be but it was never purchased as that.

Chairwoman Adams: Yes it was.

Member Matise: You're also talking about Crystal Development Group, he owned it as a two-family and he could have developed it as a family, why he didn't he? I don't know. Doesn't own the property anymore. But he had every opportunity to do it. So, don't say that it couldn't be developed. It could've been. But then because he didn't, it lost it's use. And that's what the 2012 letter clearly says. The assessor's office here in Montgomery and changed it on their tax cards and the county assessor's office changed it on their tax roll.

Johnathon Scheller: I guess my point was that it's been vacant for quite a while prior to being put through to the current owner. My point was that it's been vacant and other people having an opportunity to buy a single family, it was vacant for so long.

Belky Jimenez: The girl who came out and presented the home who knows my husband, he's in construction, said there's a two-family home. She made it seem like it was a really nice house, everything. So we went out there, we took a look. We saw there's two meter, two doors. Everything seems like a two-family home. It was like a rushed thing. Are you sure it's a two-family? Everything was good? She's like, "Yeah". When we went to our lawyer, they said everything is good. The Crystal Development Group, at that moment we were sitting, signing everything, he said "well, the home is a one family home. You've just got to go to the board and just tell them you want to turn into a two-family". I was like, really? You're telling us this right now? He made it seem like it was so simple coming here asking you guys are just we never been through this. This is our first time. Let's try to give it a chance. But we had everything right there. We had given them the money, so why back out now? He said, I went there, you should be good. Okay, let me give it a try and see how this works. Now it's been a couple of years, we're trying to get this variance, trying to get the home into a two-family. It's been difficult for us. We renovated the outside; we changed the windows, the siding, the doors. He told us, don't change anything. I just did what he told me to do. 2 doors, I replaced them because insurance didn't want to give me the insurance because the windows were broken. The outside side, they said the house was so abandoned they couldn't give me insurance for it. So I put in the permit for it. It cost me a lot of money for the windows. If we would have known it would have been one family. We would have just changed everything and left one door. Now, if we don't get two-family, we waste our money, throw out the other the doors, and change most of the windows. Just change everything. Because the inside, a lot of the stuff is done. The framing, is all done like a two-family home. If it goes to one family have to throw everything out. We're trying to do the right thing here. The house looks nice. My husband said to just sell it. No, I really want to keep the home. I want to do something for it.

Member Sestrom: When you bought the house, the listing on it, did it say two-family or one?

Belky Jimenez: We didn't really see it. The girl just came and said it was a two-family and she just made it seem like it was so nice.

Chairwoman Adams: Where was she from?

Angel Jimenez: I do renovations and it was my customer. So, she told me, "if you want to buy a house, I have a nice house for you". We went to look. It was only like two or three days and we made a decision to buy this home. It was so quick. I was so happy because I was trying to help my wife so she can do something with that. The other guy told me everything ready to go. He told me all the permit is ready, just got to apply again in my name. So I said, okay. I have other properties in Newburgh and New Windsor.

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Member Matisse made a motion to enter into executive session to receive legal advice. Seconded by Member Sestrom. All ayes. Motion carried.

Chairwoman Adams: We basically have some of the similar problems that we had the first time around in the fact that they bought a single family home. We sympathize with them because I think that maybe they, I'm speaking for myself, not for the board, I think maybe they have sort of lead down a path. But that's not what this board to have to straighten out. I will ask the board if anyone has any more questions and if not, anyone would like to make a motion.

Member Sestrom: In the documentation that I received, talked about new evidence. What new evidence did you bring us?

Johnathon Scheller: I gave you the summary of the cost of the renovations and we hope that that can be considered as part of the hardship. We had the paper that had showing that there were other two-family dwellings in and around the neighborhood. There's other existing home. That wouldn't be the only two-family home in this little area. It's still the same request, but we've provided a little more support.

The motion is to either read, to rehear the matter is not to vote on the application of the motion to is to rehear the application that requires a motion to be made by one of the members present. And then if the motion is made and seconded to grant or to approve the motion to require the unanimous affirmative vote of each of all four of you have to vote affirmatively to rehear the matter. So the motion, if there's going to be one, is to rehearing matter.

Member Sestrom made a motion to rehear the application for 9 Woodruff, Use Variance. Seconded by Member Barilli. Roll Call: Member Matisse: No. Chairwoman Adams: No. Motion failed.

Chairwoman Adams: I think we have to stick with the fact that you bought it as a single family. I do believe that if they put it together as a single family and sell it, you can make a profit. There is another house in the neighborhood that was once a three family. It's now a single family and it was sold before the boom that we've been seeing over the last year, for a very good price to a family that used up the whole house. It can be done. The motion did not go forward.

C. DISCUSSION ITEMS:

Member Matisse: The Village Board, at the last board meeting they're going to be setting up a tri-board meeting.

Chairwoman Adams: That's not what your discussions about.

Member Matisse: I went back through all the minutes, back to 1993, when they made all the amendments to this 305-21 permitted fences. The only 2 zones, R3 and R4, they have rear lot fences at 6 feet high But the side lot fences can only be 4 feet high. Everybody else can have 6 foot side lot fences. It just seems like we're getting all these people showing up with bigger lots saying, why can't I get a 6 foot fence on the side? There's no rationale for the difference. Have to ask the Village Board to change this R2, R3, R4 to 6 feet to be the same as R5. No offense, but sometimes we're sitting here with just one application about the side yard and they're being paid. The resident comes in. They have to be put in to be heard here. It costs them money. They have to do a mailing.

Building Inspector Stickles: No, they don't. We knew the mailing.

Member Matisse: Yeah, at a cost to them. They pay for that. Whether we're charging \$50, it used to be \$300. Or \$400 or \$600.

Building Inspector Stickles: Mary Ellen, I'm the one that takes the first step when somebody wants to do something that zoning does not allow. They come to my office. They ask if they can do such and such.

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When I tell them that the zoning code does not allow for that, they then choose whether they want to go forward with their project or not. The Village of Walden in no way, shape or form tells them to go forward. They choose to make a higher fence than what is allowed in zone.

Member Matise: But what I'm saying is there is absolutely no rationale for the 2 foot difference. I went through all the minutes. There was absolutely no rationale. So, if the Village Board wants to change it from 4 feet to 6 feet, then discuss it. If they don't want to change, then say why. Right now, it's ambiguous, arbitrary. It's a waste of money. It's a waste of residents money and it's a waste of the residents through their taxes paying for us to sit here and listen to somebody who just wants a two foot higher fence.

Building Inspector Stickles: Isn't it going to cost the Village Board for local law taxpayer money to do that?

Member Matise: But then it deals with all those districts and it makes it more uniform.

Chairwoman Adams: I want to just add something to this. I went back to the agendas that I had on this board in June of 2020. I pulled out some fence applications and I asked Dean about it. He went back to July 7th, 2016. He had 4 applications for fences. Now, it might seem like a lot because 2 of them were for corner clearance and for corner clearance, we would have to meet anyway, we would have to go through it. And it took more than one meeting because we asked for emergency people such as fire, police to look at the corners. So, two of them would have happened that with no savings of time or money, regardless. A third one we had to talk about twice. The one on Overlook Terrace because the Orange County Planning had not return their answer and we were within the 30 days that they were allowed. So we had to wait to see if we got their answer. And then the next month, when we approved it. The fourth one is still pending. The problem with that one is that he wants to put a fence on the right-a-way. Granted, he wants a bigger fence. But still the right-a-way is his problem. So, we really haven't spent a ridiculous amount of time on fences.

Member Matise: It seems like we have.

Chairwoman Adams: We haven't. I checked back to June of 2020 and Dean went back to July 7, 2016.

Member Matise: I think it should be uniform. It just doesn't make any sense to me that.

Member Sestrom: Do you want this board to write a letter to the Village Board?

Chairwoman Adams: If it's an issue, I'll write the letter as Chairwoman of the Zoning Board and ask the board to reconsider or to look at it. If that's the way this board wants to go. I think the Village Board has more important things to deal with.

Member Matise: I think everything is equally important. Especially if it's a zoning issue. I'd like to make a motion that we send a letter asking them to consider creating uniformity making it all 6 feet. It says here that you can rear lot fence at 6 feet. But then they can only side lot fence at 4 feet? What's the difference?

Chairwoman Adams: I can't speak for why it was made in the beginning, but as a resident. I'm glad that most of my neighbors can't put in higher than a 4 foot fence.

Member Matise: Yours can in R5.

Chairwoman Adams: Well, I'm glad no one has done it.

Member Matise made a motion in favor of Chairwoman Adams on behalf of the Zoning Board writing a letter to the Village Board of Trustees asking to consider creating uniformity in all zones making fences all 6 feet. Seconded by Member Barilli. All ayes. Motion carried.

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Chairwoman Adams: When an email comes out from Dean, or anybody, we should not do a reply all. If you're just writing "thanks Dean", that's okay. But if you get in a conversation like you make an opinion or anything like that, it can be considered a meeting because everybody is in there. So, we are better off if you have an answer, if you have a question or an answer to a question, just do a reply to that person. Not reply all. Dean, did we have anything more on the 132 North Montgomery, Walden Glen?

Building Inspector Stickles: They are still trying to get plans and information back to the Planning Board so they can vote on SEQR, so that they can return, hopefully this month. John Capello has been prodding his client to get his information together. Hopefully they'll be in front of the Planning Board and then they'll be back here.

Chairwoman Adams: Have you heard anything on 29 Oakland?

Building Inspector Stickles: My understanding is if Bill is going to sell the property and are going to move out. So, he's going to withdraw his application.

Chairwoman Adams: That's too bad. He's such a nice man.

Building Inspector Stickles: I haven't seen that in writing, it's just what I heard.

D. **INFORMATION ITEMS:** None

E. **CORRESPONDENCE:** None

3. **COMMUNICATIONS:** None

4. **EXECUTIVE SESSION:** None

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

7:11pm
RESPECTFULLY SUBMITTED
Marisa Kraus, Zoning Board Secretary