

Village of Walden
Zoning Board of Appeals Meeting
March 22, 2023

Chairwoman:	Brenda Adams	Present
Members:	Christine Scieurca	Present
	Mary Ellen Matise	Present
	William Sestrom	Present
	Scott Barilli	Present
Alternate Members:	Lisa Mazzeli	Present
Building Inspector:		Absent
Village Attorney:	Robert Dickover	Present
Secretary:	Maria Tapia	Present

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

1. APPROVAL OF MINUTES:

Member Barilli made a motion to approve the February 22, 2023 minutes. Seconded by Member Scieurca. All ayes. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 17 Oak St

Lulash Pepaj: What I'm trying to do is, there is backsides. And what I'm trying to do is, I want to do that as a fire exit. But I really want to put a roof on to prevent ice and water. I spoke to Dean, I do not meet the setbacks.

Chairwoman Adams: There are 6 apartments there? People living in the 6 apartments?

Lulash Pepaj: Correct.

Chairwoman Adams: What else are you going to do to?

Lulash Pepaj: I'm gonna to renovate the whole thing. For now, I have to get that deck in. In the back, there are 2 windows, which they line up with. I'm going to cut those windows and make a door. But the staircase, the way they design, it goes like three steps, then it makes a 45, another 3 steps, makes another 45, and then has 6 steps. Basically impossible to put any furniture in. Even a stove is a challenge. Forget about a mattress. But it's been there so I can't say who did that.

Member Matise: It was a hotel.

Lulash Pepaj: I really want to start fixing the inside, but I need to *inaudible*. The roof seemed pretty new, but the windows and the facade and the whole, that's another time.

Chairwoman Adams: Do you know the parking in the back is about 3 maybe 4 spaces towards the building? Is that part of the municipal parking?

Lulash Pepaj: No, that's part of municipal.

Chairwoman Adams: This building was there way before there was zoning.

Member Scieurca made a motion to open the public hearing for 17 Oak St. Seconded by Member Sestrom. All ayes. Motion carried.

Becky Pearson: This is about the this is about the staircase in the back of the building. It looks really wide. How wide is that staircase?

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Chairwoman Adams: its 8 foot wide.

Lulash Pepaj: It's a deck. Basically what it is, the whole point I'm doing this is so people can move furniture. The staircase is three foot wide. Then you need to make a turn, you need a 4 foot landing. So, you need 10 feet for the staircase and then the 4 foot for the landing.

Becky Pearson: So, it's not really a deck that you're going to put furniture on.

Lulash Pepaj: Correct. It's most as a staircase.

Becky Pearson: 8 feet seems big to me. But I get it.

Lulash Pepaj: *referring to plan* on this side, it lines up, the 2 windows, which will be the second and third floor. The first floor it has a walk in. This is mostly for the second and third floor.

Chairwoman Adams: The staircase is legal. It's the roof on top that's the problem. He can have the staircase with no issue. As of this morning, we did not have an answer from the county. So, we can't vote tonight.

Member Sestrom made a motion to declare lead agency and actions type two. Seconded by Member Matise. All ayes. Motion carried.

Member Scieurca made a motion to extend public hearing for 17 Oak St until next Zoning Board Meeting. Seconded by Member Matise. All ayes. Motion carried.

B. FORMAL APPLICATIONS:

B.1 38 Grant St, Area Variance –

Chairwoman Adams: Public hearing was closed in the last meeting. We went through all the factors and discussed how the factors fit in to the variance requested. I will start and ask everyone to please consider what has been said, what you read in the minutes, what you have in your notes. I'm going to start, I do have one thing that I want to comment on. I had called for some variance percent's at the last meeting, and I offered the percent's based on that I calculated the actual available side lot as compared to the zoning requirements. One side lot, they're supposed to have 50 foot, but I calculated 2.9 foot. And considering that this is a variance, the actual number should have been compared to the size of the variance need. It changes the percentage, but it doesn't change the fact that it's an area that there's some huge request there. That's the calculation that I want to verify. The side lot variances are still substantial in my opinion, especially the one where they want to reduce the 50 to 2.9 foot. That's a 94% variance. The next one is from 50 foot, they need a 28.5 foot variance, which is 57%. The other one is only 2.78. That's a small variance, but the one is well over half and the other one is almost 100%. The property was last used the retail pharmacy. It has small flow of people coming in, going out, at any given time. The church is going to have many people at one time. There is no area space for accommodating convergence, conversation and lingering outside of the building after church services, weddings, funerals or any other group usage where many will. I look at this as being unsafe for adults and children to gather. I'm concerned about when they leave church that the children will be in the line of cars moving. A 50 foot setback all the way around the church in the MX zone, I'm sure that it was very reasonable when that was that code was put in. I'm sure there was a lot of backup for it at the time for safety purposes to make sure that there was room for everybody. As far as on the other setback, parking space. They are just short one. That's not really a big deal. The side yard, to me is very big. Does anybody want to comment on that?

Member Barilli: I agree with what you said. My only real concern is the 198 feet from the front door to Union House. The rule says to 200 feet. I understand that it's really going to affect a newer business coming in serving alcohol. But I believe that particular rule is for the safety of the congregation, so it's 200

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feet for a reason. The fact that it's less than 200 feet, that's my problem with that. Plus the parking lot with people going in and out. Not to mention the safety that are there. That's less than 200 feet. What is the true reason for having that particular rule? It should work both ways.

Member Scieurca: I don't have anything at the moment I'd like to add. I do realize the setbacks that they are requesting are substantial. I just don't know if that's enough of a reason *inaudible* satisfied with the fact that they also have demonstrated that the new applicant coming in and purchasing a new establishment that serves liquor. There's already establishment there.

Chairwoman Adams: I differ with that in my notes. I feel it's speculative and I'm sure feels Mr. Olley that way. He has gone out of his way to try to get information from liquor authority and he's providing us with a lot of information that's been helpful. But the wording to me is vague. It doesn't say it will not effect. To me it's speculative on our behalf that it could hurt the establishments. But I also believe that it's speculative on the other side. I feel as though it washes each other out.

Member Matise: I agree with you about the setbacks. I also think if we look at the self-created hardship. We did ask for what other avenues the applicant explored. Were told they explored some other avenues, but never told what they were. Since the application, a whole church has become available in the Village of Maybrook. Catholic church is closing and that is a church with adequate parking and beautiful facility designed as a church. I really don't think they exhausted every possibility before real estate agent sold them on this property.

Member Sestrom: I've given this a lot of thought, it's got to stay consistent with the master plan and the existing zoning. It does not allow for a zero setback or 2.9 for a church, but it does for a drugstore. Like the Chairwoman, I am concerned about the setback, the 2.9 feet. The drugstore, has a little traffic, just drugstore traffic. But children have a way of escaping from church. It's near an active railroad. And a busy street. I, too am concerned about that. I don't see an environmental impact, but it is self-created since there are alternatives. We do have communication from the government indicating there's little or no risk to the community members who believe that they are at risk of losing their life's work. They came and testified. However, we also know that government changes its position frequently and those business owners who testified they were in fear of losing their life's work have a very good argument.

Chairwoman Adams: The only way the church could exist in this location is by having the variance. The applicants are not married to this location. They're considering a two year lease. I don't know if they've signed it or not. They haven't mentioned that. But they could look at other properties in the village as Mr. Revella was able to mention a few, which may or may not work. The area was rezoned for the MX zone several years ago for the purpose of promoting the economic growth for the village as part of a comprehensive plan. The village has expended money to rehabilitate that factory into something, to revitalize the building, revitalize the area. I have to agree with Bill that this is a self-created hardship which Mr. Olley acknowledged. They don't own property and they could look elsewhere in the village. I think we covered all the factors.

Chairwoman Adams made a motion to direct the council to prepare decision to deny the variances, which is consistent with the board's findings. Seconded by Member Sestrom.

Roll call:

Member Barilli: Yes

Member Scieurca: Yes

Member Matise: Yes

Member Sestrom: Yes

Chairwoman Adams: Yes

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Chairwoman Adams: We will formally approve the resolution at the next meeting. Mr. Olley, I'm sorry, hopefully your client will find somewhere else in Walden.

Member Sestrom: I want to thank Tom for his wonderful comprehensive preparation. You did great work.

Chairwoman Adams: You did do everything we asked you to do. Thank you.

C. DISCUSSION ITEMS:

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.

RESPECTFULLY SUBMITTED
Marisa Kraus, Zoning Board Secretary