

Village of Walden  
Zoning Board of Appeals Meeting  
April 26, 2023

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

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

**1. APPROVAL OF MINUTES:**

March 22, 2023

Member Sestrom made a motion to approve the March 22, 2023 minutes with changes. Seconded by Member Scieurca. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1 17 Oak St**

Member Barilli made a motion to continue public hearing for 17 Oak St. Seconded by Member Matise. All ayes. Motion carried.

Member Scieurca made a motion to close public hearing for 17 Oak St. Seconded by Member Matise. All ayes. Motion carried.

**A.2 20 Ulster Ave**

Member Matise made a motion to open public hearing for 20 Ulster Ave. Seconded by Member Sestrom. All ayes. Motion carried.

**Kathy Greak:** I just want to state our property is 12 feet from building to building with the red barn. I just want to add, I didn't get a chance to speak last month. The first meeting they had for this property was February 27th. By the morning of February 24th, they had a generator running in that building that sounded like a train was running through my home for seven days that was attached to the house. Inside our house it sounded like there was a train coming. The power was not out. It ran for seven days. I ended up calling Darlene at the Building Department. I think that's the only way it got shut down. I don't know what transpired. But it finally went off after seven days. But there was no work being done on the building. I don't know if they were mad that I showed up or whatever. I thought generacs were allowed to be run during power outage not as an additional source of whatever. It was a very cold snap. I don't know if they were doing that to heat the house but electric in the house so the pipes wouldn't freeze. There wasn't supposed to be any work being done in the house yet, because they don't have permits. Finally it was shut down. It hasn't happened since the seven days.

**Chairwoman Adams:** That's good to know. But you've seen no activity there?

**Kathy Greak:** No for sale sign. Nobody's doing anything that we can see.

**Chairwoman Adams:** There's a realtor sign out front, but it doesn't say for what.

**Kathy Greak:** I don't drive in front of it ever.

**Chairwoman Adams:** There was a sign there in February, but it was not listed on realtor website.

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**Member Matise:** The generator must be on the right side?

**Kathy Greak:** No, it's right next to the house. The white house, right next to the fence.

**Chairwoman Adams:** So, they can put a business in their property. But if they go to the single family, that will be just a shed. At this point, we have no information to be able to judge this request because there are factors like the factors at 17 Oak Street. A different set of factors for a use variance and not an area variance. There are two different sets of factors. But they have to meet all of the factors in order to have to use variance. As you know when they came in February, they came with nothing. We were hoping we would have something tonight to at least look at.

**Kathy Greak:** If they come with everything, can a decision be made that night? Should I get an attorney?

**Chairwoman Adams:** Not necessarily at this time. I really can't tell you what to do.

**Attorney Dickover:** You are welcome to have any one or any lawyer represent you in front of this board during a public hearing. The public hearing, I believe will be continued through the next regular meeting on this board. If you intend to have an attorney come in and speak on your behalf I suggest you do so by that date and not delay. After that public hearing is closed, you would lose any opportunity to have your comments further addressed by this board in their decision making process.

**Kathy Greak:** I'm kind of losing all hope though because I'm glad you had this discussion before. I've been in touch with the whatever, 22 or whatever, and like nothing's been done with that house. Like the resident uses the backyard as a bathroom. Nothing's been done. I call the cops, I make reports. They say it's the Building Department and nothing's done.

**Chairwoman Adams:** Have you contacted the Building Department?

**Kathy Greak:** Yes.

**Member Matise:** Activity on this parcel?

**Kathy Greak:** No, the one next door. I'm glad to know that if nobody helps to contact John Revella and send an email about it.

**Chairwoman Adams:** Mr. Dickover, they have an agreement Walden Savings Bank where as long as this gentleman owns the property to use the five parking spaces that's in the bank's parking lot, because this was once part of the bank. Then when they no longer needed the property, they allowed the St. Bosco to move in there and house these young ladies that needed homes, which is how the shed came up because it was more like a recreational area for girls. So, against this to where the savings bank parking lot is, the lower one, off of Ulster, the bank has agreed in this paperwork to allow them five parking spaces that would face that building, because they did take over the driveway that used to be there. And as long as this gentleman owns it, he can do that. Now it's said the bank will still plow. I'm wondering, is it because it was his own business that the bank could retain it easy, because it would all be whatever the business hours. I'm wondering if we should question, if the bank would allowed it, if there was a rental home. Where you might have five people living there 24 hours a day. Five cars. Depending if they kids. Depending if the family has a pick up and two cars or whatever. Then those vehicles would be there all the time. So, it'd be a problem for plowing and whatever. I'm wondering the bank would take exception to it becoming a residence.

**Attorney Dickover:** I don't believe that it is. It would be a concern of the Planning Board if they meet the parking requirements. If you approve the use it would in front of the Planning Board for site plan approval for new residents. And parking is part of the zoning code and they would have to demonstrate that they

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have enough parking. I suspect based on what you're saying, they'll try to demonstrate that current agreement with the bank and whether or not that meets the satisfaction of Planning Board or not is a whole other issue that's not before you. This is a use variance. That that's all it is. The other issues about setbacks, all that stuff is not before you. Straight use variance.

**Becky Pearson:** I read the minutes today of his first meeting that he came and didn't supply you a lot of information. Did read that he is an investor in the Village of Walden so you would think that he would know zones, codes. He had an attorney that was present when he bought the property. He had a real estate agent. He didn't do this on his own. To me, he had every opportunity to come you. Then hired an attorney and the attorney doesn't show up. You don't have any paperwork. I'm surprised you don't have paperwork by now. I hope that if comes to the next meeting, you're going to have paperwork. If you go further. You're being very nice. I think. I would have a different opinion. If you are going to go further, I think that you make sure that the paperwork gets to you well before meeting that you can actually read and ingest and digest. When I read the minutes and he's bought property from this village and what I said before about real estate agents and knowing the zone and you have an attorney and the attorney knows the zone. If he's not going to abide by that. Why are we here?

**Chairwoman Adams:** I will say that when I wrote to Dean on March 23rd, the Zoning Board had no issue with adjournment until next month. However, please contact Mr. Berkowitz asking him to provide his supporting information to you prior to date you plan to distribute April packets. We need time to review. If he waits until the night of the meeting, there's a chance for further delay.

**Member Matisse:** In fact, I think that now that we're going into the May meeting, I think we should put a date in there that we would like the information by. Why should the six of us come out with no other actions on the schedule? Why should our attorney, who we are paying? Why should our secretary, who we are paying? They can say it comes out of the applicant's fees. But the applicant isn't showing up. I think you should ask for at least a week ahead.

**Attorney Dickover:** This board could establish its own rules with respect to timeliness of papers being submitted. Otherwise they won't be considered. I think you do have a timeline for the submission of papers to the Zoning Board. I'm not sure what they are.

**Chairwoman Adams:** Yes. He didn't have to this month. Everything goes out by email. Our May meeting will be May 24th. We would ask to have all of our confirmation no later than May 17th.

Chairwoman Adams made a motion to adjourn the public hearing until the May 24, 2023 meeting with the request of the documentation no later than May 17, 2023. Seconded by Member Scieurca. All ayes. Motion carried.

### **A.3 108-110 Orange Ave**

Member Scieurca made a motion to open the public Hearing for 108-110 Orange Ave. Seconded Member Sestrom. All ayes. Motion carried.

Member Matisse made a motion to adjourn the public hearing until the May 24, 2023 meeting with the request of documentation no later than May 17, 2023. Seconded by Member Barilli. All ayes. Motion carried.

## **B. FORMAL APPLICATIONS:**

### **B.1 17 Oak St – Area Variance**

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 Adams spoke for all by answering no.

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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 Adams spoke for all by answering no.

c. Is the requested area variance substantial?

Chairwoman Adams 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 Adams spoke for all by answering no.

e. Was the alleged difficulty self-created?

Chairwoman Adams spoke for all by answering yes.

**Chairwoman Adams:** Is there are any conditions that anyone want to bring to light?

**Member Barilli:** I think that the issue is that the roof protects the stairs, which makes it less slippery going up and down. In the sense that is self-created.

Member Sestrom made a motion to move the council prepare a written decision, which is consistent with the findings of the board and grant the requested variance. Seconded by Member Matise. All ayes. Motion carried.

### **B.2 20 Ulster Ave, Use Variance**

### **B.3 108-110 Orange Ave, Use Variance**

#### **B.3 38 Grant**

Member Scieurca made a motion to adopt the resolution to deny the variances for 38 Grant St. Seconded by Member Sestrom.

### **C. DISCUSSION ITEMS:**

**Member Matise:** fire pits. Shouldn't they have setbacks from the property line? I'm told that legitimately they're supposed to have grates.

**Member Scieurca:** I thought there was a fire ban anyway.

**Member Matise:** It doesn't effect fire pits because they can say, I was just toasting marshmallow. Even if they have an unopened bag of marshmallow next to them. I really think that they should have setbacks. I kinda think Mike Friedman agrees with me. A neighbor had a fire in a fire pit a couple weeks ago. Flames were high because they were burning logs. There was no grate on it because I've seen it many times. It's right under somebody's bedroom window, who has a sick child. Shouldn't they just maybe be limited to briquettes? Why do you have people burning logs like a campfire? In village lots that aren't even 50 feet wide.

**Member Barilli:** It depends. Briquettes can be toxic too.

**Member Matise:** I checked with PD and they said no fires in the village. However, fire pits are allowed.

**Member Barilli:** You're trying to make it so that people are responsible for themselves.

**Member Matise:** If it's right next to a fence, right next to the house next door. There's no set back on the old houses.

**Member Barilli:** That's a good thing to discuss.

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**Member Matisse:** I think so. And then you can come to the Village Board. I think it's a good time for discussion.

**Member Scieurca:** I have a discussion item. How and who is supposed to be enforcing the items we put in place with an area that we have.

**Member Matisse:** Building Inspector or Code Enforcement Officer.

**Member Scieurca:** Nothing against the people. But the property is a mess.

**Chairwoman Adams:** Are you talking about code enforcement?

**Member Scieurca:** I'm talking about restrictions that we put on approval.

**Member Matisse:** Then they're not being enforced.

**Member Scieurca:** Correct.

**Chairwoman Adams:** If you see something you can write to Building Department or John Revella. I always send it to John because then he's put on notice. And being that we don't have a Building Inspector per se, we only have Code Enforcement Officer. The Code Enforcement Officer is John's employee. Therefore, whenever it doesn't go well in that department it's John's responsibility.

**Member Scieurca:** When are we getting a new Building Inspector?

**Member Matisse:** He said there's a list and he's interviewing people in his manager's report.

**Chairwoman Adams:** Didn't he say he had someone? Sounded a little closer. Anything else for discussion?

**Member Matisse:** After the last Village Board meeting I asked if we would talk about code enforcement at the Tri-Board. John Ramos and John Revella were going to work on the agenda the next day. I don't know what the agenda has. Did they give it to you, yet, Marisa?

**Secretary Kraus:** There is nothing on the agenda.

**Member Matisse:** Then it's whatever we want.

**Chairwoman Adams:** Exactly. It's open mic. My add for the Tri-Board meeting is that we should have realtors who must impress upon purchasers that what zone a property is in. How many have we had where people that just decided they want to do something different?

**Member Matisse:** Darlene checks Zillow every day. She's been picking up on it.

**Becky Pearson:** The one on Ulster Ave. You were on the board when they made that, wasn't that a conditional? \*inaudible\* I thought there was one on that street that the board made something conditional that if it didn't go through that it would go back to the old zoning.

**Chairwoman Adams:** When I was on the board, it was the Rose House. We agreed for those two house could be joined together and transferred to the assisted living. It's said in the realtors listing, that it's in the single family zone. I forget how many bedrooms and bathrooms it has. But it does say that you have to go to the village have it changed.

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**Becky Pearson:** So, it reverts back to single family since it's been empty for about four years.

**Chairwoman Adams:** Correct. It's been empty for more than 4 years.

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

**MEETING ADJOURNED:** Member Scieurca made a motion to adjourn. Seconded by Member Barilli. All ayes. Motion carried.

RESPECTFULLY SUBMITTED  
Marisa Kraus, Zoning Board Secretary