

Village of Walden
Zoning Board of Appeals Meeting
January 24, 2024

Chairwoman:	Brenda Adams	Present
Members:	Mary Ellen Matise	Present
	William Sestrom	Present
	Scott Barilli	Present
	Lisa Mazzeli	Present
Alternate Members:	(None)	
Building Inspector:	Robert Wallner	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Anisetta Valdez	Present

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

1. APPROVAL OF MINUTES:

December 27, 2023

Chairperson Adams made a motion to approve the December 27, 2023 minutes with two corrections. Seconded by Member Barilli. All ayes and no abstains. Motion passes. Minutes are approved.

2. BOARD BUSINESS

Chairperson Adams: Throughout the minutes, there [should be] five ayes because whoever makes the motion counts, too; unless of course there's someone missing but [no one was absent] and it was [4 ayes] under all of these. The second item is: under the approval of the minutes [heading] and under the board business [heading] there's a duplicate; both start with "Chairperson Adams". Can I have a second for the minutes?

Member Barilli: There's also one other correction, where it says that I'm absent, but I was there.

Member Sestrom: I saw you I can prove that.

Member Barilli: But that's it.

Chairperson Adams: I didn't look up there, good job. Can I have a second, please?

Member Matise: But it says that the attorney was present and he was absent.

Chairperson Adams: Well, he made it. All in favor.

Chairperson Adams: I want to say thank you to Anisetta because she's making beautiful minutes.

A. PUBLIC HEARINGS:

A.1 52 Walker Street

Chairperson Adams: I'd like a motion to reconvene the public hearing for **52 Walker Street**.

Member Matise: Are you not going to do the resolution for **45 Second**, first? That's how it's written.

Chairperson Adams: No, I'm in the public hearing section. It isn't written in there, but, I know. May I have a motion?

Member Matise: There's nothing.

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Member Barilli made a Motion to open the public hearing for **52 Walker Street**. Seconded by Member Sestrom. 5 ayes and no abstains.

Chairperson Adams: Is there anyone here who has additional information to add to the application of **52 Walker Street**?

Kevin Gagliano: Kevin Gagliano here on behalf [of Mr. Lustig]. Where is the mic?

Member Sestrom: Please come up to the mic.

[Podium microphone is located and turned on.]

Kevin Gagliano: Good evening members of the board, Kevin Gagliano here, on behalf of Mr. Lustig, the property owner of **52 Walker [Street]**. I did reach out to the village mayor, I'm sorry, the village manager, and the village attorney, and they have communicated to me that they will not be issuing any decree regarding whether the property was a buildable lot or at what time it was if so, with that said, we will have to amend our application at this time and add a request for a variance, an area variance in addition to the width variance that is currently being considered. I have not been able to meet up with Mr. Lustig, yet to amend the application, he's out of the country, I understand so, however, the board sees fit to handle; we will resubmit the application if you want to make a decision as is tonight or however you like.

Chairperson Adams: Will you please restate what you just said about your meeting with Mr. Revella.

Kevin Gagliano: Mr. Revella and I spoke, he referred me to the village attorney, who informed me that the village board would not consider the matter. It really ended up being a circular response because he wants the ZBA to decide before anything comes before the village. So with that said, we left the last meeting with the understanding that if the village could pronounce that the lot was a buildable lot that existed prior to the zoning code there would be no further variances needed. Now that that question has been answered, that we aren't going to get that determination from the village, so we will need to request an additional variance. The original application wanted a width variance, now we need a lot area variance because of the minimum lot area according to the table of uses so that's where we stand.

Chairperson Adams: So, there has been no resolve as to if this is a buildable lot, correct?

Kevin Gagliano: The village will not declare either way, the village will not make a determination in that regard. They are not willing to consider the matter until, yes, the ZBA is finished.

Chairperson Adams: Until we make a determination. Ok. Is there anything else?

Kevin Gagliano: Just if you could guide me if you'd like us to resubmit a new application and notice the public of the additional variance, or how you would like us to proceed.

Chairperson Adams: Thank you. Does anyone else have anything regarding 52 Walker Street? I'd like to have a motion to close the public hearing?

Attorney Dickover: Hang on, if the board is going to allow the applicant to amend their application then you could keep the public hearing open for that purpose. It would have to be re-noticed because of the additional variance, if you close the public hearing, you have to make a decision. If that's what you want to do then go ahead, but if you want [the applicant] to pursue an amended application I would suggest keeping the hearing open.

Member Matisse: Rob, what is the amendment that they are asking for?

Attorney Dickover: I'm not exactly sure, he said area variance, I heard him say width variance, [inaduable].

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Chairperson Adams: The original application was for an area variance because he does not have the proper sidelot. The question that he would adding or the variance request that he would be adding, is to allow a 50' front lot length instead of a 70'. Current village lots must be 70' wide. The problem was, when it was a buildable lot, as to if the 50' or 70' applies. Ok, that would be what the amendment would be to add the lot, frontage, ok.

Attorney Dickover: That would be a lot frontage area variance, it's an area variance. Frontage area variance, yes.

Chairperson Adams: Is it your position, Mr. Dickover, that we should continue this hearing? To allow an amendment?

Attorney Dickover: I think it's the fair thing to do.

Chairperson Adams: Ok, alright, so I'd like a motion to continue the hearing.

Member Barilli made a Motion to continue the public hearing for **52 Walker Street**. Seconded by Member Sestrom. 5 ayes and no abstains.

Chairperson Adams: So you have a continuation and the public hearing will be continued to next month and you'll have to do whatever needs to be done with the building department. You're welcome, you too.

Kevin Gagliano: Understood, thank you, have a good night.

B. FORMAL APPLICATIONS:

B.1 Resolution Approval for 45 Second Street

Chairperson Adams: Next is the resolution for **52 Walker Street**, I'd like to have a motion to approve me to sign the resolution as was written.

Member Mazelli: You mean **45 Second Street**?

Member Matise: **45 Second Street**.

Chairperson Adams: The draft resolution was written up based on last month. Any further discussion? All in favor of me signing this resolution? Aye, I'm an aye also, thank you. The motion carries, and I will sign this and give it to Mr. Wallner to take back to the building department.

Member Sestrom made a Motion to approve the signing of the resolution for **45 Second Street** as was written. Seconded by Member Matise. 5 ayes and no abstains.

C. DISCUSSION ITEMS:

Chairperson Adams: We have a short agenda tonight, Mr. Wallner, what are my chances of getting the map that I was asking for? The reduced, what's my chances of getting the reduced map?

Mr. Wallner: Pretty good. I actually had some of them printed and they made them a very small size on a big piece of paper, and I said that's not what I was asking for, so, I'm working on it.

Chairperson Adams: Ok, because we really could use this so that we have an update, and I'm sure that when the Complan gets going everybody's going to want one of them also in their hands. The next item is the Complan. Is there anybody who would like to attend or be a member of that committee? I sent you a memo about what it is.

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Member Sestrom: How many meetings a year will they be?

Chairperson Adams: It appears it's going to be one meeting a month, that's if history follows.

Member Matisse: It's usually once a month.

Chairperson Adams: It wouldn't hurt to have some new people on it, to make sure that new ideas come to the village and it's to review the complan, I did send you an outline, a rough story, I've never been on it before, I've volunteered for it, they'd like to have two people from the zoning board.

Member Matisse: I would like to do it, but if somebody else would like to do it, I can always make my voice heard. But that's not bad because, it's [inaudible].

Chairperson Adams: Of course. Plus, you've been on it many times. You would like to do it, Lisa? Lisa will be our second person from the zoning board, then, to be on it. Thank you.

Member Mazelli: Do you know what dates?

Member Sestrom: You do it, I'm on too many boards.

Chairperson Adams: They will finalize on February 6th, I'll submit your name, and they'll finalize I believe on February 6th at the village board meeting, then from there on in, we'll start getting emails as to what the scoop is and what you would do is, is to probably look over the complan as it is right now and put some ideas together about what you'd like to do. The first meeting will probably create the goal, the goal is to look, review the complan and see what needs to be changed, if there's things that need to be changed, and see what new ideas can be brought in as to the future of the village.

Member Matisse: [inaudible] It's on the village website.

Member Mazelli: Ok. It's printable, correct?

Member Matisse: Yes, you could also ask the village to make you one. It's on the village website.

Member Sestrom: Do we have that in a PDF? It is? Good.

Chairperson Adams: I believe that's all the business we have. Does anyone else have anything that you need to talk about tonight?

Member Sestrom: Do we have any communication that we wish to read?

Chairperson Adams: I do not. That's what I'm asking, does anybody have anything? That's been discontinued because we're continuing, it's set aside. Right.

Member Matisse: Well, it's not discontinued, it's just that they are amending their request. Do we want to speak to the attorney privately before we adjourn? Yes.

Chairperson Adams: I don't know that we need to. Ok. Alright.

Member Barilli: [Asking about training].

Chairperson Adams: Marisa hasn't gotten back to me on it. Sorry.

Member Matisse: But if you see any, they're all online now, just sign up and sit there and listen for an hour.

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Chairperson Adams: So I will ask for an executive meeting with our attorney.

Chairperson Adams made a Motion to go into executive session. Seconded by Member Matisse. 5 ayes and no abstains.

D. INFORMATION ITEMS:

Adjourned until the next meeting on February 22nd on the third floor at 6:30pm.

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: Yes

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

RESPECTFULLY SUBMITTED
Anisetta Valdez, Zoning Board Secretary