

Village of Walden
Zoning Board of Appeals Meeting
November 16, 2022

Chairwoman:	Brenda Adams	Present
Members:	Christine Scieurca	Present
	Mary Ellen Matise	Present
	William Sestrom	Present
	Scott Barilli	Absent
Alternate Members:	Lisa Mazzeli	Present
Code Enforcement Officer:	Michael Friedman	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:

August 24, 2022 & September 28, 2022

Member Sestrom made a motion to approve the August 24, 2022 minutes with changes. Seconded by Member Matise. 4 ayes. 1 abstention. Motion carried.

Member Matise made a motion to approve the September 28, 2022 minutes with changes. Seconded by Member Sestrom. 4 ayes. 1 abstention. Motion carried.

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 38 Grant St

Tom Olley: I represent Khanjee Realty. The application in front of the board is seeking 2 area variances for the property. One is a variance to reduce the number of required parking spaces by one. The Building Inspector determined that the layout that we have for parking is shy by one parking space. The village code is very clear that the parking for a use in the mixed use zone is a combination of the onsite parking spaces, plus those spaces that are directly in front of the property on the streets. So, we have, I believe, 9 parking spaces on the street and the balance on the site and we are one space short. The other variance is a setback variance from the required 50 feet to the existing setbacks that are along Hepper Street and Grant Street. These are approximately *inaudible* existing and 21.2 feet. Since we're not changing buildings, they do comply with other uses within the MX zone. There is a provision in the code for churches and other similar types of public assemblies that are required to be set back that 50 feet from the from the property lines. There is an example of an existing church here with a more recent addition, not one of the longstanding churches right across the municipal square, that would be something similar that was granted an approval but did not meet that set back requirement. So we're looking to have this board reduce the required setbacks to what is existing on the site now and to grant a variance for one single parking space on the site.

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

Tony Colella: I've owned and operated the Union House in the Village for 35 years. I've been a taxpayer for 35 years. I'd like to know where Mr. Olley is counting these 9 parking spots on the village street that are just going to be used for the church. What about all the other businesses in the area that need parking? Now, there's not enough. There's already been rezoning for the parking spots all around that area. There isn't enough parking as it is. This realty company has not paid village taxes in two years. I don't know if they pay the county taxes. This church is a nationally affiliated church. It's not just a 35 member church that somebody said it was going to be. There'll be holding weddings and funerals and other events I'm sure all year long. And the streets there's not enough parking. That parking lot, you're

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going to tell me that you're going to put 35 cars in that parking lot? There's no way you can do it. I don't know how you're going to fit them in there. I don't know what size cars you're going to be put in there, but you can't do it. When the Music Conservatory, they're going to be starting their holiday shows. They take up a lot of spaces. They take up everything. They're all over the place. I'm worried about my liquor license. I would like to retire. Presently, my business is on the market in. I contacted the State Liquor Authority today with an email. I haven't gotten a response back. If you're not allowed to build a bar within 500 feet of a church, how can a church be established within 500 feet of 2 bars existing licensees? How is that possible and how would that be allowed? Now, if I sell my license, if I sell my business, will the next owner be allowed to have a liquor license in that building? Because it's within 500 feet of the church? That's my concerns. I know these are the business owners that I've spoken to and they're all worried about where all these people are going to park. They're going to be parking in DeGroot's property. They'll be parking in the laundromat. They'll be parking in my parking lot, which I have for my tenants and customers. And there'll be farming everywhere else. So I'm opposed to it.

Chairwoman Adams: 35 spaces, uses 9 spaces in the street, but it would not be for the church only. It would be first come, first serve. They're public parking spaces. They're not asking to have a reserve for them only.

Tony Colella: He mentioned that it would be available for them. So would all the other parking spaces anywhere up or down those streets for that matter.

Gary Sweeney: Couple questions for Tom. I've known Tom, 25-26 years, it's the worst kept building in the Village of Walden. I've invested in this community 26 years. Tony is here 36 years. That has to count for something. That has to count for something. We are all existing people. People right now are concerned. Because they're concerned. Because they're concerned, they're annoyed. Because they're annoyed, they're angry. You apply for a church in a shoe box. How many members are in your church? We have a parking problem there and we had a problem for some time but we all work together. Us neighbors. We're all invested and we're existing and that's key. I just want to ask Tom about the size of the church membership.

Read Gary Sweeney's Letter into the Minutes

Chairwoman Adams: Mr. Sweeney did attach the information from the Liquor Authority to his letter.

Gary Sweeney: That's a website. Tony sent me email today and they're one of the hardest bodies to contact. You can't read on website and take that as factual. There's no updates on the website. There was a lot of concern. You have to talk to someone of authority. You have to assure the people and you have to guarantee it. You just can't read on the website and say this and say that. There's a major concern there.

Joseph Masiello: 17 John St. For the last 26 years it's been a nightmare. The last 5 years, as far as traffic and parking. I own an industrial fabrication and mechanical shop for 26 years. Just the other day, at the top of John St, at 9:00 in the morning, cars on both sides of the street. On my street, the average year, there's 25 accidents. Mirrors taken off. They don't do 25 miles an hour. When the Rose Theater has an event from Thursday to Monday, they're parking in front of my street. *inaudible* I stay calm and collected. But you cannot get my F-350 truck down the street where I'm on a 24 hour call, without hitting a vehicle. If you have everybody up here and up Grant Street and another car comes onto Grant Street, you can't get by. The whole side is parked cars. The business is working, the bars are working. It's their time. I understand that. When it's my time from 7 in the morning, 4:30 in the afternoon. When that Rose Theater runs on a Saturday or Sunday on top of a church. Now, everybody can turn around and say they're going to park in that lot. No way. No one in God's green earth. As soon as it becomes difficult they pull in anywhere. People are lazy. By nature, people are lazy. Everybody knows that because if it ain't convenient for you to park here to go to the diner or go to your place of worship, you're going to park wherever. If I have a 45 foot steel coming in, how do I move my steel? I work for this village. I have to get

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stuff made for the village. I personally am \$100 an hour. 7 in the morning until 4:30 in the afternoon. One day, I had to run around and move 30 cars. It took me two and a half hours. You have a parking issue going on in that area. And nobody addresses it. You're going to put a church there. Nobody thinking about St. Paddy's Day. Nobody is thinking about it Thanksgiving, Christmas, all the Super Bowl. This is where they make their money. I make my money every day of the week. I work for Mr. Sweeney. I work for Tony. I work for the village. When that restaurant opens, what do you do about that with the influx of cars there? I understand what you're trying to do. People park where it's easiest to park. You know that. We've all done it. Mr. DeGroodt's has a business. I have a business. The body shop has a business. I understand that when the Medicine Shoppe was there cars came and went. There was no 35 cars. With the church, you're going to have a Saturday mass and then Sunday you're going to have a mass until noon. You're going to have an influx of cars for 8-10 hours. Now throw the Rose Theater in there, what are we going to do with all of them? I'm in that in that area 365 days a year, 24 hours a day. Last night, 3:00 in the morning. Top of John St, people out there yelling and screaming because of parking. I'm there every day of the week. My wife has had 7 cars hit 4 times.

Chairwoman Adams: You're your main problem is the parking.

Rob DeGroodt: I live in Pine Bush but I own the property adjacent to this church property. I'm concerned with the parking. I thought at first I thought, a church, what a great neighbor until I started thinking about the parking issues. Some days we show up at work and there's a couple of cars in front of our trucks and we do all we can do to get around them. Certain days, there's cars everywhere. You don't know once you're over that side of town, the parking is a pain in the neck over here. Now it's not so bad with the diner closed, but they're going open back up. There's a big problem with parking over there.

John Stabner: 16 Lafayette Street. I've been a village resident for over 25 years. Understand what 200 feet between a restaurant and a place of worship and it's seems like it's only one sided. It's you can't have a restaurant or bar within 200 feet of a church. But yet the church can come within 200 feet of that restaurant or bar. Tony and Gary have been running their business 35, 25 years in the village. Kept their properties way above par. Run very good businesses. Pay their taxes. And now when they're ready to retire, it's like a staple in their retirement, in their life long investment to sell their places. I think that's totally unfair. I think the board should really recognize what they mean for this village and what they put into this village as far as fundraisers and all things like that. Very generous. Hopefully the board would take that into consideration that this might hurt their retirement.

Kathy Valentine: I own Walden Animal Deli. I don't own the building, I rent it from the railroad and I'll just echo what everybody said. The parking is terrible. A lot of times even when that theater has a show, their parking lot doesn't fill up first. In front of my store fills up first. Both sides of the street. The people who are the people who work there, I don't know why. Maybe they want to leave quickly. They fill up the whole street and then the parking lot will fill up. And some of them don't leave at the end of the day. Sometimes they stay there overnight or two days. Cars don't even move. Doesn't happen all the time. I have a parking lot behind my store. My customers don't seem to know about the parking lot. I'll tell them about it, but they don't use it. It's not paved, so maybe they don't want park in an area that's not paved. So, they'll park in the street. The other thing is, just so you know, in my parking lot, snow plowing is a problem. Because the railroad runs right there and there's actually supposed to be a fence, I know they own that property, but the railroad has a right a way. The train comes in, so I can't plow my snow anywhere on that railroad. We have to push our snow to the little bit of woods behind my store. But there isn't much space between the edge of that parking lot and the edge of my property. There's only a small strip with a couple of railroad ties. There is no fence. That's another issue. The railroad right a way goes probably half way through. It might even go all the way to that building. Nothing against church. Also I know that the zoning of that whole area was rezoned a few years ago and it included the businesses that were there. I don't remember if the pharmacy was coming in. If that pharmacy was included in that rezoning. Didn't they change it to residential zone now?

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Chairwoman Adams: No it's a mixed use. The lower level of the building is commercial and the upper could be apartments. Which includes the houses right on the street. So, yours is considered in the commercial area and the potential church, the Medicine Shoppe was commercial.

Kathy Valentine: But it was grandfathered in. I remember getting the letter, I guess the railroad probably got the letter, but I remember that letter said that everybody that was already in that zone was grandfathered in their type of business was allowed.

Chairwoman Adams: In mixed use there is a special exception for a church depending if they can meet all the factors.

Kathy Valentine: I think, too, that it's not just Friday, Saturday, Sunday operation, because there have been all sorts of things that happen at churches. Bible studies. Things happen every day.

Jeffrey Lyons: My client just put a substantial investment into 29 Grant St. They plan to try to do revitalization for the neighborhood. If this application is approved, you're going to change the whole neighborhood. You have Sweeney's, which is for sale, the diner, which is for sale. You have the Union House. They may be able to keep their liquor license, but if they go to sell it, what happens to the next applicant for that liquor license? Probably be denied. The church is not purchasing the property they're leasing. Is what I understand. And to put them in there is going to change the whole aspect of this neighborhood, which is commercial and will definitely hurt the neighborhood. It would be detrimental to property owners around it with their existing business. And there's a couple of issues with their property. One in the parking. Of course, they did submit for their parking. I have submitted a couple of pages to the board that I can read. *read into the minutes*

Chairwoman Adams: You represent the attorneys?

Jeffrey Lyons: My client just purchased 29 Grant St. Called 29 Grant St, LLC. We're working on plans right now, but they just spend a lot of money to purchase it. There's a lot of good quality in the building, great zoning. We're working now on the concept plans to bring that building back to life. Not as a rundown factory. They want to sell beer in there. If they want to put a restaurant in there. They're not going to get a liquor license. If I want to brewery in there, they're not going to get a liquor license. This is an upcoming neighborhood. We can't have this in the middle of it.

Member Matise: 29 Grant St LLC, have they come to the Planning Board, yet?

Jeffrey Lyons: We're just starting. We're putting in for grant money. Just starting to work on the plan.

Member Matise: Do you have any concept plans?

Jeffrey Lyons: No, we're just starting that.

Member Matise: Because I think the concept of having will effect the neighborhood. I know that they do have parking around that project. A certain amount of parking on Elm St.

Jeffrey Lyons: We have a huge parking lot.

Member Matise: On street parking in certain aspects depending on what the concept plan is and what type of events are happening there. That's probably an issue. I'm curious to know what that concept plan is.

Jeffrey Lyons: I do understand that, but we're not planning on making it impossible to Mr. Sweeney or any of the others in the neighborhood to not be able to sell the business and transfer their liquor license. It could be one of the draws to the village and I'm sure they pay a lot of taxes.

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Member Matisse: Do you know if they will have any housing associated?

Jeffrey Lyons: It's possible, they have a mixed use. We will be laying out something very soon. We would like to work with the village and improve it, bring it some business here and have a place to go on Friday night.

Chairwoman Adams read letter from Lynn Thompson into the minutes

Tom Olley: I'll try to answer the questions in an order and then sort it out as I was listening to the comments and questions that were raised by the public. Let's talk about parking first of all. Mr. Lyons letter by his client's attorney misrepresents several facts of law and also misrepresents facts of the application. First and foremost, we went to the Building Inspector to determine what the number of parking spaces that would be required. To allege that we did the calculation and we did it incorrectly is wrong. That allegation is wrong. We went to the Building Inspector. The Building Inspector is the one that reviewed the layout for the building and determined that 36 spaces were required. We presented a plan that showed 26 spaces on site and 9 spaces as the code allows on street. So, Tony's comment that we represented 35 on the site is also incorrect, just as he is entitled to use those parking spaces. As the Chairwoman said. Every other business on that, including the occupant of 38 Grant Street, no matter what it is, would be entitled to use those parking spaces. So, in this particular case, the applicant is provided 26 spaces on site. The measurement there the 18 feet did not take into account restriping the parking lot. The proposal when we go before the Planning Board, if this board grants the variances, the sole change to the site plan would be a restriping of the parking lot.

Member Scurca: Ms. Valentine brought up a valid point about snow. We've been getting pounded and looking at the property line. You're going to lose 11 spaces plowing, because you can't push the snow to the railroad tracks, as she said you cannot do.

Tom Olley: I'm sorry, you're speculating that we would lose 11 parking spaces. The snow could be removed from the site. We may lose a couple of parking spaces at the end of the parking lot, but certainly not 11. I have 16 parking spaces in my parking lot on Orange Avenue and even in the worst snows, I lose 2 parking spaces. To say that we would lose 11, I take exception to. Every other business in the village is in the same boat. The applicant is in the same boat as every other business in the in the villages is that you're going to lose some parking spaces during the heavy snow days. The Building Inspector that determined the number of parking and yes we were one short based on the seating area of that is defined in the code. Gary's letter included something from the State Liquor Authority on the 200 foot rule. I forwarded copy of that to mine, up to date one, Gary's copy refer to Eliot Spitzer as the governor. So, it's a little bit dated, but I think the information is the same. I didn't go through word by word to make sure things had changed, but I did highlight a couple things for the board's consideration. Tony talked about 500 foot rule that couldn't be within 500 feet, but that's not accurate. It's a 200 foot rule and it is measured from basically door to door, main door of each business. As far as Gary's building, he's 350 feet door to door. The code says maintenance doors, fire emergency exit, nonpublic areas aren't counted in that. We're taking the front door to the front door. Now Tony's property is right at 198. If you measure from door to door. But the next page, under the exception of the grandfather clause, if the location was licensed before the school or place of worship existed, the authority can review the license and approve applications and transfer ownership.

Chairwoman Adams: It says it can. Doesn't say it will.

Tom Olley: Doesn't say that it won't either.

Chairwoman Adams: Right. It's a gray area that a potential buyer may be afraid to get involved because it says it can renew. It doesn't say it will renew.

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Member Matisse: Is there a door in the back of the church too? What about the minimal?

Tom Olley: The mini mall is farther than the Union House. That's beyond the 200 feet. On the first page that is highlighted it clearly says that it's the distance is determined using only entrances that are being regularly used to give ingress to the general public a place of worship and patrons of the establishment. So the emergency exit on the back of the building is not the church entrance.

Member Matisse: I just think another 50 feet, you would be impacting another business.

Tom Olley: But you wouldn't even if take an exception to your speculation that the back entrance would be an entrance. Even when we measure from there any of the entrances into the mini mall are well over 200 feet. That's 500 foot rule applies from one liquor establishment to another. Not a church.

Member Matisse: I think have to take into consideration the existing mini mall. We can't afford to create a food desert *inaudible* mini mall. It could become a prioritization.

Tom Olley: But what you're not recognizing there is a 200 feet even from any point of the building is beyond.

Member Matisse: They also sell food. You don't want to create a food desert by competing with parking, with street access and there are a number of other issues that might impact that. It doesn't make a difference if they're beyond 200 feet. That's just for the liquor license.

Tom Olley: If the applicant can reduce the seating area by 40 feet.

Member Matisse: But they can't reduce the seating area unless they bring the walls in. Because the seating area, no matter how many seats you put in there, it's available seating area. The choir is part of the membership and service.

Tom Olley: Dean included all those areas. He issued a letter that we included that stated his calculation.

Tony Colella: What's the seating capacity? I have a seating capacity.

Tom Olley: The size of the congregation, depending on the service, holidays, it may go as high as 50 and generally in a 30-35 person range at this time. Just like the Catholic Church down the street, the Episcopal Church across the street, you can add more services to accommodate the number of congregants there. So at any given service, maybe 30-50 attendants. Not everybody is coming one to a car. We're very confident that we have adequate parking even on site and the one other thing that the church does provide is a van to pick up some of the congregants and bring them to the services. That helps to offset the parking. One other thing that I would like to discuss is that there seems to be a question about the character of the neighborhood. Without citing specific cases, it is generally viewed that churches and schools in any given neighborhood are benefits of the neighborhood. It's not like they're not welcomed in most neighborhoods. The church use is allowed in this zone. The only thing that we are asking for is a variance from the set back requirements from the building to the property line. We're not asking for a use variance.

Chairwoman Adams: We understand that. But we also understand that you have to meet certain requirements in order to get a special exception. You're allowed a church but you're not allowed a church without other things being allowed.

Tom Olley: We have the additional requirements from special exception use are the setback and the coverage. We meet the coverage. We don't meet the setback. The building exists today. If it were not for a church, any of the permitted or special exception uses in the MX zone could occupy that building. It may require a site plan approval, but wouldn't require a variance. It's only the church that requires that

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variance that we're seeking because of that additional setback. Now, Trustee Thompson's letter does go down a very slippery slope when she is questioning the use as a church and there are federal laws that are in place that protect the church use and requires only to accommodate religious uses to the greatest extent practical. So, I would suggest that you discuss some of those issues with your attorney, because there are some areas there that may create a slippery slope for you. With most of the comments made about the parking, this is one of the few businesses in that area that's actually providing off street parking for its users. Many of the other businesses in that area have to rely on the predominance of on street parking. This project shouldn't be held to a different standard when it's providing parking and there's existing parking problems in the area. There's no question that Joe's had issues with people parking on John Street in front of his business. Tony's customers have been seen parking in this lot when it's empty. There is a shortage of parking in that area. But it's not the fault of this property. They shouldn't be held accountable for existing shortages of parking or other businesses when they're providing all but 1 space onsite. Let me correct that, they're providing all but one space in accordance with code. The total congregation, I do not know, but the 30 to 50.

Code Enforcement Officer Friedman: How did you and Dean come up with your square footage?

Tom Olley: The code states seating area. We provided a site plan or there's an office area Dean said would require one space. He included the children's room, choir area. Did not include the hallways, did not go down to the exit or to the bathrooms or the kitchen or utility area.

Member Matise: Under mixed use, it says 1 per 300 square feet of gross reasonable area. Office is more than 1 parking spot.

Tom Olley: That would require 6 parking spaces. It's not a whole office. In the code it defines when you have different uses. My argument is that the office shouldn't count because it's incidental to the primary use. But that was not Dean's interpretation.

Member Matise: That's not true. Mr. Attorney, how would you interpret gross reasonable area?

Attorney Dickover: Not tonight. It's not my determination. It's the Building Inspectors determination that was issued. That's what's before you tonight. I would caution the board against second guessing what the Building Inspector determined on this issue.

Member Matise: Can we ask where the 9 spots are?

Tom Olley: Yes. They're on the site plan, they're on Hepper Street.

Member Matise: If somebody else comes in with another application, they can't use those spots as their off street parking?

Attorney Dickover: They can.

Tom Olley: Absolutely can.

Attorney Dickover: Undesignated and nonexclusive parking spaces.

Chairwoman Adams: First come, first serve.

Member Matise: On your site plan, Mr. Lyons measured 18 feet, they're saying 12 feet is the drive up lane.

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Tom Olley: Today, if you go out there and you'll find a drive up window lane and a bypass lane. The church is getting rid of the drive up window. No need for it. That lane becomes the driveway and the space next to it becomes the parallel parking.

Member Sestrom: You said 50 communicants for service, where did you get that number?

Tom Olley: That came from the pastor and to respond to the size of the congregation. It's about 60 right now. So, they'll go from 35 to 50 depending on the service or what's maybe going on. The congregant size is about 60.

Chairwoman Adams: Right now, with 50-60 people in that building, according to your calculations, but they're only leasing this property, not buying it. Correct?

Tom Olley: Correct.

Chairwoman Adams: So, what happens if they grow in a year and then they outgrow the building? They don't renew their lease. Buy a new building. I'm wondering how will that affect the liquor licenses that may have already been refused or the possible sale of a building and business that might have already been decided that it wasn't a good gamble?

Tom Olley: I can't speculate on that. You're asking a what if on top of a what if. Being the second what if is, were they denied a liquor license? Was it because the church was there and not for some other reason? That we can't answer. The information presented by Gary in his letter and what I gave you was pretty clear. Yes, the wording said it may issue a license. I think when you read through that, what it says earlier is that a new liquor license for a new establishment cannot be granted for a new establishment located within 200 feet of a church. It says it can't. There's no discretion. Take that in the context, though, they can't do it in certain circumstances. So, they're allowed to do it in others.

Member Matise: That could possibly effect the package lighting building because we don't know what they're plans are yet.

Tom Olley: And I point to the 200 foot separation. There are no doors on that side of the building.

Member Matise: They might put one. You're just talking about what you see. You can't preclude them.

Tom Olley: That's speculative on your part. They would have options.

Member Matise: You don't know that because they have no concept plan yet. If there were 2 plans before the Planning Board and us, then you can weigh them against each other. Almost like you're jumping the gun in a way that's going to affect them without knowing what their plans are.

Tom Olley: We're not jumping the gun at all. We have an application that's before the board.

Member Matise: Why are you before the Planning Board when you don't have a variance?

Tom Olley: Because the application was made to the to the Planning Board for a site plan approval. The Planning Board referred the application here. What route we followed to get here is not all that important because we already know we can't move any further than the Planning Board. Planning Board said we need a variance.

Member Matise: Say Gary buys the house next door to him and wants to put a beer garden. Does he need a different liquor license to do that for an outdoor license? Would he be precluded from that?

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Member Mazzeli: I did many years ago working in the city for a bar. They were on the next corner from a church. When he passed down the license, so to speak, it was cleared because he had kept a clean record as a business manager. Which had everything to do also with getting a liquor license when purchasing an establishment. I have done liquor licensing in a law firm. It was seasonal, full blown. Majority of the time the people we have to turn down are because of their own personal history when they go to purchase one, whether it be an established business or not. A new business, however has no history. If you're buying a building and converting it into something that required a liquor license, that's brand new. There is no history for the liquor authority to look into, to be sure that the establishment has history. So, it's a crapshoot because you have a conflict here in one respect, because you have a business that is going to go and try to do this. And it's a rule that's important because, let's face it, I think the board looks at the influence of alcohol when they make these rules. And that's why a lot of trying situations like this, it's a grandfathered situation that you see churches within less than a few feet because they've been there for so long. In my opinion, you have established businesses that are not concerned about retiring, people will be influenced by the fact that something is there. It's not that nobody's paying the price for what they chose to do with the property. I think that it has to really be considered how it affects everybody. Taking on a bar is a very particular thing. The ABC board is not a joke. They watch you. I heard you're paying the price and no one *inaudible* going to do that. These are very general. But in here, I'm familiar with it. I've seen it passed down. I've seen churches on the next corner and I've also written applications for this. Full blown liquor license, they're investigating this. It's not seasonal. For me, it's a concern because congregations do grow. It's a wonderful thing. But it's got to be considered. I have only been here about 2 years and I've been to Sweeney's and I've seen that area. If that diner opens up, that parking lot isn't huge either. That's a narrow street to begin with. It's a situation. It's not trying to be difficult, controversial. It's just the considerations of all aspects of how people in that area.

Tony Colella: I still have a question about the seating capacity. What did the Building Department set according to those plans as the amount of people that could be in that building at one time?

Chairwoman Adams: We do not know the answer to that at this point. We will have to get that.

Member Matisse made a motion to enter into executive session. Seconded by Member Scieurca. All ayes. Motion carried.

Reconvene

Chairwoman Adams: We're going to do two or three things. And then after we do that, we're going to extend the public hearing to the next month. First off, we have asked to have this Police Chief and the Fire Safety Administrator from the firehouse to give us some information regarding parking and traffic. Secondly, we're going to ask Mr. Olley if he would please find a position for the State Liquor License Board and to have it in writing or an actual letter from them that says that they would be interested in forwarding a license to a new owner of a piece of property. We understand that it depends on who is applying.

Tom Olley: Please give me something from this board in writing that I can take to the SLA because you're asking something, you may be asking them to speculate on something and I just want to be crystal clear on what we're seeking from them.

Chairwoman Adams: What we're trying to figure out is if provided that a new owner of a piece of property, pass the license background check and clearance, would there be a problem?

Tom Olley: Can I just rephrase and maybe just turn it that if all other conditions are met, that the location of this church would not in itself effect a liquor license issue? Is that what you're going after? Because you're asking a lot. Talking about a lot of things going into the liquor license and I can promise you that there's nobody out there that's going to stick their neck out and say, yes, we're going to give the buyer of Sweeney's a liquor license.

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November 16, 2022

Chairwoman Adams: We understand that whoever that buyer might be as Lisa said, might not pass. So that's on them if they've got a problem. But what we are trying to look at here, all possibilities to make sure that there's no adverse effect on anybody. We would also like you to just write up a narrative for us about the hours of operation and the time of services and that type of thing, and the number of occupants and given church service. I know a congregation, not everybody shows up every day. But if you could give us a narrative little bit more about the church's so that we have a feeling for the capacity, the parking capacity and all of that. We're also asking the Code Enforcement Officer to follow through with the Walden Police and Fire Dept. He's also going to ask about the square footage of the building for the parking spaces. What formula Dean used and the maximum capacity for that sized building, to answer the questions that have being asked here tonight.

B. FORMAL APPLICATIONS:

B. 1 38 Grant St, Area Variance

Member Matisse made a motion to keep public hearing open until December 21, 2022 at 6:30pm or soon thereafter. Seconded by Member Scieurca. All ayes. Motion carried. Member

B.2 9 Overlook Terrace, Resolution Approval

Member Matisse made a motion to approve resolution. Seconded by Member Sestrom. All ayes. Motion carried.

C. DISCUSSION ITEMS: None

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 Sestrom. All ayes. Motion carried.

844pm

RESPECTFULLY SUBMITTED

Marisa Kraus, Zoning Board Secretary