

Village of Walden  
Zoning Board of Appeals Meeting  
December 21, 2022

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:	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:**

Tabled

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

**A.1 38 Grant St, Continuation**

**Chairwoman Adams:** Chief Herlihy, They want to put a church into the old Medicine Shoppe building and have come to us for a variance because the property is small and does not meet the requirements of the village and also for parking spaces. So, they will be using on street parking spaces as part of their count. Several of the neighbors voiced concern about the impact on excessive parking. We're wondering what's your take on it and also on the safety of the drive into the building because right now it's a one way in and one way out and I presume that the Planning Dept. is required to do that also.

**Chief Herlihy:** Aside from major traffic issues, we really don't have major traffic issues. Our biggest concern, there's plenty of parking on both sides and still have thoroughfare through. So, it all depends. The businesses in the area have to share their parking. The two establishments, Sweeney's and Union House. Then we have the animal place and we have the convenient store, Guido's over here, we have the back side of John Street. I don't know the size of the congregation for the respective church that is going into that location. You have a certain amount of parking spots that are laid out in a facility. I thought there was an entrance here unless they blocked that \*referring to map\* but you would still have your entrance off of Grant and exit on Hepper, yes?

**Chairwoman Adams:** Yes.

**Tom Olley:** That would remain a two way entrance in and out from Hepper Street.

**Chief Herlihy:** We do have a decent amount of tractor trailer traffic that comes down through there to the bag shop. We do have every now and then a cut that it takes for the tractor trailer to make the wide turn onto the road, depending on if there is parking on both sides occupied at that time. We have had issues with cars being sideswiped, signs being taken down. We had just the other day over on Cherry Street, we had a GPS that led them in the wrong direction and they wound up trying to K-turn it on the tractor trailer and they wound up causing some damage on the roadway. Then we had a complaint maybe week-ish ago, where there was a tractor trailer that somehow made it down Hepper and was trying to back into the parking lot and then into the business, they were going to go through the car wash to try to go into the back way of the wire place. That was a problem. Then when there was a confrontation with the owner of the car wash about that, the truck driver basically told them "go scratch" and then we had to get involved. That was really one of a kind incident for that. It all depends on what's going to happen afterwards, because I believe there could be sales in the future of locations or establishments there. I don't know what would happen, you have to reach out to the State Liquor Authority if it was going to remain those

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types of establishments on whether or not the applications would be granted for new licenses as a result of the now new business in the area. But from a traffic standpoint, we're going to have traffic in the village no matter what. We have issues with West Main Street. The road isn't big enough and when you have parking on both sides and you try to put a tractor trailer both ways, that's a problem because already one off on the other side of the road, already a double yellow line, while the other one is trying to go by. We lose a lot of side mirrors on the driver's side of those vehicles because the road just isn't wide enough. We have many local back roads that should not have parking on the road, but because there's no signage there, parking is allowed. And then if we wanted to get a fire apparatus through there, that would be a concern. So, at some point there's going to be problems no matter where you go in the village. It's just how we handle them when they happen.

**Chairwoman Adams:** Now, how do you see where they can go in? I thought that was going to be one way in and one way out. Do you do you see any problems when they intersect, say, somebody coming in from both streets and going too park?

**Chief Herlihy:** This used to be a drive through window for the medicine shop. Either they were coming in and going into the back parking area, where they were coming through the go to their drive thru and coming out. This is you're in and out. Maybe you might have a little bit of a concern, but it depends on how many times a week you're going to hold mass, what is going to be the amount of people that come in and out of there on a regular basis. That I can't answer.

**Chairwoman Adams:** With the retail, there's a few people go in at any given time. Whereas with a church, right now, they have 55-60 members, according to Mr. Olley. And a service attended is usually around 45 people.

**Chief Herlihy:** How many times per week?

**Chairwoman Adams:** They're going to have a Sunday service and they're going to offer Bible study classes on weeknights and Friday evenings.

**Chief Herlihy:** Time frames?

**Chairwoman Adams:** On Sunday between 10 a.m. and 1 p.m. Bible study classes, it's a three nights currently offered on Friday between 7:30 and 10.

**Chief Herlihy:** There would be no parking here \*referring to map\* When you look at how close it is in the car wash too, some of what the space in between that, cars pulling out at one time and they have ample room to remove themselves from the parking spots. From our perspective, like I said, at one point in time there's going to be a problem for us. No matter where we are in the village, there could be a potential for a problem for us.

**Chairwoman Adams:** So you don't see any major problem?

**Tony Colella:** What about other events, weddings, funerals?

**Chairwoman Adams:** I think that everybody has events in the whole neighborhood. Chief, so you see no major problem as far as police enforcement, as far as safety?

**Chief Herlihy:** Not at this time.

**Chairwoman Adams:** Thank you, I appreciate your input.

**Becky Pearson:** Is there a sight distance going in and out of the parking lot that's on the on street parking?

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**Chief Herlihy:** 30 foot from an approaching stop sign and then its 25 foot on the same side of a firehouse or 75 on the opposite side of the road of the firehouse. But that's just because the apparatus needs to come out. You see where the spots are already. The only one I've ever had a concern that was there used to be one that was very close to that railroad crossing is.

**Chairwoman Adams:** Did you get to see this map?

**Chief Herlihy:** No.

**Kathy Passineau:** That building could be used for public gatherings, is there occupancy limit?

**Chief Herlihy:** That would be something that the Building Department or zoning.

**Mr. Lyons:** The plans that they have \*inaudible\* we need additional spots here. Doing that they're already covering up the lane that was used to drive up and pick up stuff. If they're parked here, they have an emergency vehicle that needs to get through, how does that go?

**Chief Herlihy:** How big is the building? When you look here, you see this is a covered lane and this is the thoroughfare.

**Member Matise:** Chief, 1900 square feet.

**Chief Herlihy:** What's the dimensions of the building?

**Tom Olley:** Sorry. This has become a free-for-all here with the Chief being put on the spot to offer technical opinions on things that really are for Planning Board as far as parking dimensions and questions about the size of the building.

**Chairwoman Adams:** We asked for the police to come and give their opinion from last month when people were making complaints. His input is very important. When it goes back to the planning, they may need to talk to them again. But I think that it will satisfy some people's thoughts.

**Tom Olley:** I understand. But as I understood the questions last time were related to the traffic in the area. Now asking the Chief about the occupancy limits on the building. Maybe we can stick to those areas that the Chief is expert in. I'm a little uncomfortable continuing with this without your attorney here, there are some legal issues.

**Chairwoman Adams:** I don't really think it's a problem for the Chief to answer and he already said that he agreed that occupancy wasn't part of his purview. We pretty much stuck to traffic.

**Chief Herlihy:** I just wanted to get the height in the building. I would say looking at it, I don't remember driving under there before whether or not he would be able to get, say, a ladder truck through there. But I don't think it would overhang.

**Tom Olley:** There is no overhang. The angle of the aerial photograph makes it appear as though there's only half the distance there actually is between the building and the edge of the pavement.

**Chief Herlihy:** So, the car for the old drive thru window wasn't an overhang?

**Tom Olley:** No.

**Chief Herlihy:** Could you get a ladder truck underneath it?

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**Tom Olley:** Yes.

**Chief Herlihy:** So, even if you had your respective parking spaces here, lengthwise.

**Tom Olley:** By building code, this size building only is required to have access from one side, certainly a ladder truck can park.

**Chief Herlihy:** If you needed a tanker? You can put a ladder up? You can drag a hose? You could get something from the other side. There's a thoroughfare both ways that you'd be able to get a tanker in there? Hopefully, you'd never need to.

**Tom Olley:** Yes.

**Chairwoman Adams:** Thank you, Chief. We appreciate your input, answering questions as best you can. We will not be hearing from the Fire Department. Something went wrong with their communication. Mr. Olley you had sent in a letter. Would you like to discuss the letter?

**Tom Olley:** Yes. We were in touch with the State Liquor Authority and we provided you with a copy of the email that we received back from the Counsel's office. Quite very simply said that the ABCL provides a grandfathering in of existing liquor licenses \*inaudible\* the establishment of a place of worship as an exception to the 200 foot rule. \*reads letter into minutes\* So, as far as the distances, I also in our letter back to you, we cited the sections of the Alcoholic Beverage Control Law and that 200 feet applies to those establishments that are selling hard liquor. The diner has, as far as I can tell, still has a cider beer and wine license that's still in effect, but that does not have the same stipulation. Nonetheless, they fall outside of the 200 feet. Sweeney's falls outside. The question as to whether or not there's 200 feet measured from door to door, from the Union House to the church, is right around 200 feet. But they're established. They've had a continuous license in place. They said that the addition of the church would not impact the transfer of that. Anything else would be impacted, but certainly not the location of the church. You had questions about the diner, they fall outside, about 200 feet. I provided you with a vicinity map that showed the location of the front doors. Shows the distances to those establishments and also shows a 200 foot radius. We responded about the congregation, that approximately 55 to 60 members. They do offer two services, one on Sunday roughly between the hours of 10 a.m. and 1 p.m. Then they currently offer a Bible study class that right now is offered on a Friday night because that is convenient to the congregation. And that is from 7:30 to 10 p.m. Typically 45 people attended the services, including children. One thing about the churches, the occupancy of the vehicles that are coming there are indeed more than other businesses where you actually have families coming to the premises. So, it is possible that in the future, as the congregation grows, they have a permanent home, that a second service would be added on Sunday, just as other churches in the village have additional services.

**Chairwoman Adams:** You mentioned that the church operates a van service. The van picks people up, I presume, and wait or maybe even go attended the church themselves.

**Tom Olley:** It's a church owned van.

**Chairwoman Adams:** Is it a regular sized van?

**Tom Olley:** 15 passenger.

**Chairwoman Adams:** Would that need more than the normal parking space?

**Tom Olley:** No.

**Chairwoman Adams:** Does the church do outreach for senior citizens and youth services? Some kind of services where there would be people going in and out of the building?

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**Tom Olley:** Not at this time.

**Chairwoman Adams:** Okay. You shared an email from Mr. Frerring (sp). Would you mind if I gave a copy to the gentlemen who own the establishments here?

**Tom Olley:** No. Certainly, we submitted it and we recognize that as soon as we submitted, it becomes available to anybody that requests.

**Chairwoman Adams:** That way they don't follow up on their own and they have something in writing as to what their particular because you have 3 different circumstances. Did any of the gentlemen that own the current establishments check on anything?

**Tony Colella:** I took this straight from the liquor authority and it strictly prohibits a liquor license to be issued within 200 feet of a church, place of worship or school.

**Chairwoman Adams:** We had established that. We were concerned about the transfer.

**Tony Colella:** I spoke with a representative and they said the new licensee would have to apply for a license and there is no guarantee that they will be issued a license until the application is received and reviewed.

**Member Scieurca:** Unfortunately, I think that goes for anybody who applies for a permit.

**Tony Colella:** Absolutely. But if the law says you can't have one within 200 feet, they can say no just for that rule.

**Member Scieurca:** But there's an email from an attorney, not a representative, who clearly indicated a license is continuous.

**Tony Colella:** I called state liquor authorities and also looked it up online and these are all the regulations that are enforced.

**Chairwoman Adams:** I would think that you would want to talk to the same gentleman that Mr. Olley spoke to.

**Tony Colella:** The occupancy.

**Chairwoman Adams:** That's something we have asked for, but we do not have tonight. We will be looking into that. The Village Engineer, Mr. Queenan works for Lanc & Tully, he submitted a letter to the village. We asked him for a site plan review for several reasons. One, this area, the village has been working very hard to develop this area economically. So, we asked him to weigh in on Comprehensive Plan and some other information, because we know that this is a mixed use zone and a church is allowed under special exception as long as it meets the requirements. He's brought up some things. One, is the property lines. Which is why you're here, to try to get a variance. He also brought up that you are safe from the railroad tracks because we have concerns about parking the on the right hand side of the property alongside the railroad tracks. He brought that up and he said that there was adequate separation of distance between the tracks and the property. He brought two items as far as parking. There's a parking space at the north eastern corner that he feels is an invalid parking space because, unless it's the first person in and the last person out, there is no way to park there. He also says that when a site plan requires over 25 parking spaces, 2 ADA spaces are required. Right now the plan has 1. He also added that those 2 spaces are not to be included in the total parking spaces. That's his take. In his opinion, you are now reduced to 33 spaces.

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**Tom Olley:** And I would ask for a citation on that because unless the Village Code is saying that it's not because that would certainly impact the application before this this board, because we may be asking for a variance greater than the one space. I understand is the 25 spaces. I am not familiar with any regulations in any municipality that excludes from the ADA compliant parking spaces from the total count. When you have that, this number has to be included. You have to have a certain number of ADA accessible spaces within that number, but not as in addition.

**Member Matisse:** He's giving a different square footage.

**Chairwoman Adams:** No he's not. He says 36 parking spaces will be required, which is in agreement with the application. But the application was short one parking space. Whereas he feels that, by losing the one parking space, is not a viable parking space and also adding one by ADA brings it down to 33 spaces.

**Tom Olley:** First of all, I'd like the opportunity to read it, but I'm just wondering if he feels that we would be losing a space because of the access aisle required for the additional ADA compliant parking space.

**Chairwoman Adams:** He is questioning the square footage of the building, which he feels is 1920 square feet based on the site plan and that the parking only calculates for 1347 square feet. So, his question is, why?

**Tom Olley:** I think it goes back to the calculation by your Building Inspector on the determination. The site plan shows the outside dimensions. The parking space calculations that your Building Inspector computed follows the letter of the law and took measurements of the interior spaces that were being used for the congregation, not the restroom, hallways, not the mechanical room, he did include the office. He did include the space that was set aside for the music and also for the children's room. Certain nonpublic areas that were not in the Building Inspector calculation, you don't need one space for 40 square feet, in the store room or closet and mechanical room.

**Chairwoman Adams:** We calculated the music room, the sanctuary \*inaudible\* the hallway must be quite a few square foot, according to this picture. It's being considered as not part of that calculation. But he is questioning why. And in your experience, did you go along with that because you always take a Building Inspector?

**Tom Olley:** He is the authority. Whether we agree or disagree with him. If we disagree with him then we would come before the board. I think our calculation was actually one parking space less than what he came up with and we did not choose to challenge his determination by coming to this board. We're willing to live with it.

**Member Scieurca:** According to ADA.gov the number of accessible parking spaces must be \*inaudible\* for each parking structure.

**Tom Olley:** But it doesn't say that they're exclusive. What it's saying in there is that if you have multiple uses on a building, the requirements for the ADA compliant have to be calculated separately, not including perhaps combined uses which are combined parking. It would effect what we're asking for a variance if that were the case. But I don't believe that that's accurate.

**Member Matisse:** If 2 handicapped spaces are required. Would they be next to each other? The one that you have there now appears to have that wider striped area van accessible space. Would you be reconfiguring the spaces so that they would be sharing the van accessible? Where is the handicap accessibility going to be to the building?

**Tom Olley:** ADA and New York State building codes both require that the accessible parking spaces be located as close as practicable to the main entrance. New York State building code has a requirement in

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it that exceeds most other states requirements and the ADA in that all parking spaces, all accessible parking spaces, must have an 8 foot aisle between them. 2 accessible parking spaces are allowed to share that aisle. We would absolutely do that in this case.

**Member Matisse:** Then you're going to lose a regular space because you have two handicapped spaces.

**Tom Olley:** What I'm saying is we don't lose the space.

**Member Matisse:** You can't count that as a space for a person who is not handicap.

**Tom Olley:** I respectfully disagree with you. Where I'm disagreeing with you is not that somebody without a placard or a plate is allowed to park there, I'm not saying that. What I'm saying is that it's part of the overall parking count or the site.

**Member Matisse:** But you're still losing the use of it. You have two handicapped people who show up and they use the spot. That's great. But if you don't have any handicapped people who show up other people cannot use those spots.

**Tom Olley:** But your code doesn't say that you have to put additional spaces for accessible parking on top of what's calculated.

**Member Matisse:** You're still losing use of it. If all your spots are full, then they're parking on the street. And if the street spots are full, then where are they parking? That's part of the issue that's going on. The parking and the traffic.

**Chairwoman Adams:** That's why Mr. Queenan recommended 43 spaces versus 35. And he also ran the OC GIS Mapping and he agrees that both Sweeney's and the diner would not be impacted by the liquor license regulation. However, the distance from the front of the Union House is almost exactly 200. I know you have 204. They came up with 200. That's the business that has probably the most to lose it.

**Tom Olley:** Point back to the letter that the email that we got, it said, license is continuous, that's not the grounds for denying the transfer.

**Member Barilli:** With that being said, that's to the entrance of that church. Now, that particular building doesn't have another entrance in the back at all?

**Tom Olley:** In our letter, I provided a citation of the State Liquor Authority law that says how it's measured. And it is front door to front door. I did provide you with the distance about 160 feet, 159 feet. Then we go back to, whether this is 199, here from front door to front door, we have that 200 feet.

**Member Barilli:** Items 7 on the site review, stating here that it's any entrance. Not the front entrance. Is there another door there?

**Tom Olley:** I'm not sure what you're reading from.

**Member Barilli:** The site plan review.

**Tom Olley:** When you read that section in the SLA, it says specifically that emergency exit service exit that are not used by the public for entrance in and out are not affected by that measurement and the back door is an emergency exit here.

**Member Barilli:** I'm just thinking that the parking lot, most of it is on one side. They have to walk all the way around the building to get into the front entrance. Suppose at some point in the future they decide

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that it's just not good to go walking in the thoroughfare with coming in and out and want to open up the entrance in the back. Then that changes everything.

**Tom Olley:** No, it doesn't, because we still have that grandfather rule and if it was in place before the church was established there. There's a grandfather exception to that 200 foot rule. So, whether we have an entrance in the back or in the front. We still have that 200 foot grandfather exception.

**Member Matisse:** I have a question about word continuous. Continuous to whom? If he sells his business to somebody else, how is that continuous?

**Tom Olley:** If there's a break in the operation of the bar.

**Chairwoman Adams:** Then then it's not continuous.

**Tom Olley:** But it's allowed to be transferred. They speak of transfer from one to another.

**Member Mazzeli:** When you say continuous, if he sells his business and the person who is buying it, wishes to continue it as a bar, it's what they do personally. The example I gave you. One gentleman that wanted to do that with a full blown liquor license had DWIs. What I take as continuous is that let's say Mr. Sweeney is selling me his bar. I'm under investigation and therefore I would be buying the business and technically purchasing the license from him and that's continuous. That's what I believe what continuous to be. It basically falls on the person purchasing it. The grandfather rule, to me personally. I think where we're all having the problem with, is that it's too basic even for this day. Just seems oversimplified.

**Tom Olley:** We reached out to them. Got the email back that we got from them. I thought about it a lot after the meeting last time and Mary Ellen, excuse my language, if it's not truly reflective of what you were thinking, but I would say that you were hung up on the "may" issue the license, not the "shall". And I think because it didn't say shall, you kept going back to it a few times in the during the course of the meeting. The document that Gary submitted to you and I also submitted the same one that was just updated a few years later, same language and everything, you kept coming back to the word that says the Liquor Authority may grant the license transfer. If it's going to come down to where it's must or shall, they're not going to say that and I think that with their email back to you, yes it is simple because they don't know all of the facts that need to be involved in with the transfer. What they are telling you is that it doesn't disqualify the transfer. The licensee is going to be under heavy investigation. But we go back to this issue of the 200 feet but that's not going to disqualify any applicant for transfer. There may be other things that will scuttle the deal.

**Member Matisse:** In terms of the Union House property it might because that is right on the edge of 200 feet. It all goes back to the whole issue of community character and that's what this, even though you're we're talking about what should or shall or would the liquor authority do a transfer? These are people who are property owners and then you're impacting the economics of the area, impacting the economic development of the area and their livelihood.

**Member Scieurca:** I would like to have further clarification on parking spaces. \*inaudible\*.

**Chairwoman Adams:** That's on my list. Fire Department, occupancy, parking spaces.

**Member Matisse:** Also the square footage issue. I don't know why Dean excluded some. Then he works closely with Lanc & Tully on Planning Board. Why did John Queenan include all the interior spaces? If you're using the building, you're using the building. I think the issue is significant because on a rainy day, snowy day, you're going to use the rear door as an entrance. Let's be real. People are not going to be walking all the way around.

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**Tom Olley:** Let me just be clear on what you're saying. You're saying that you're not recognizing the SLA's opinion about the 200 feet and that it would not matter whether the 200 foot exemption. Whether or not they counted that door or measure 200 feet from the front door.

**Member Matisse:** If you're measuring 200 feet from the front door, you're still probably catching the entrance to the Union House. Let's be fair to the property owner.

**Tom Olley:** When I stood up before I specifically said that it's right at that measurement. We measure 204. It could be 200, could be 199. We have the opinion from the council at the State Liquor Authority that says that because they're continuously licensed for before this.

**Member Matisse:** We're not talking about the person who's impacted on the person who is there right now that is current operations. We also have to be cognizant of the fact that if we give this variance, it goes with the property, it stays with the property and then it effects him if he wants to sell his business next year or the year.

**Tom Olley:** Is it on the market now?

**Member Matisse:** A lot of properties are on the market continuously if the right person walks up they sell it. I don't think that he's actively trying to sell it. But the day that he wants to actively wants to sell it, that he wants to retire. We're impacting not just his current lifestyle, but his future lifestyle if he can't sell it. The other question I have is, I know I was called on speculation last time, but Mr. Lyon is sitting here and they're coming up to the Planning Board with proposals with the Package Lighting building and they're talking about potentially using the building on corner by the train track for a restaurant. Now, how would that impact them? That's well within 200 feet.

**Tom Olley:** So, you're saying that we can't locate a church here, in your opinion, because of what maybe in the future depending on where they locate their door of their entrance? On that northwest corner, it would definitely have an impact on that. But you can't speculate on what's going to be there. Mr. Lyons has represented to you that their plans may include that.

**Member Matisse:** But then we will prevent them from being able to do that. We will prevent them from being able to develop that property. And that is a legitimate mixed use of that property that we've been going after for years. The village has wanted that property developed for years.

**Tom Olley:** I understand that and I also would just point out to you that is only one use that would be restricted out of many uses that are allowed.

**Member Matisse:** Then why aren't there are other uses for the Medicine Shoppe?

**Chairwoman Adams:** There is other uses.

**Member Matisse:** There are but why hasn't the owner come or been able to satisfy himself or have that building used for other uses?

**Tom Olley:** He has not had a tenant come forward that there were prospective tenants.

**Member Matisse:** How many tenants has he interviewed?

**Tom Olley:** I don't have that information.

**Chairwoman Adams:** The owner is not the client. The church is. It's not the hardship or financial problem of the owner. It's the church and their setbacks and the parking. It would appear to me that we need to continue this public hearing to next month to speak to the fire company, to confirm the occupancy, to

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confirm the calculation for parking spaces and the building square footage versus the parking spaces. Make sure that we're all on the same page.

**Tom Olley:** On the occupancy, what specific question is it that you have? Because the occupancy that's in the building code is a calculation for fire safety and egress. And it doesn't correlate to the parking regulations.

**Chairwoman Adams:** It's two different things. One is the safety and the square footage. How many people can you fit in there? You're telling us the congregation is 50 to 60. Then only about 45 show up. But you also referred that your congregation will grow, which of course, most churches want to grow. At what point are you aware how far you would grow?

**Tom Olley:** If this room was set up as it is today, you can have with only chairs without tables, the calculation on the occupancy is 7 square feet per person. I don't know what the size of this room, but it's a pretty big room. For fire safety you can have an occupancy on the room. You got a 700 square foot room, you can have 100 people.

**Member Barilli:** I think the real question is, is that how many people could fit in that building and how much parking is that going to take up? Because it's going to outgrow the parking lot and spill out into the street, right?

**Tom Olley:** Please consult with your attorney on that, because that's not the way the village code reads.

**Chairwoman Adams:** What we're trying to do, people who are anxious and concerned about their livelihood. We have an areas that the village has been trying to develop. We need to try to walk away from here with everybody being somewhat happy. That doesn't mean that it's going to happen that way, but we're trying to work with you. Be good neighbors to them and be good neighbors to you. If we can come to that agreement. That's why we're asking all these questions. So, that when we vote, we vote with a clear conscience.

**Tom Olley:** I just want all of these things clearly recorded in the record, because as they say, when you start talking about the occupancy of a room and you are saying to me that you're going to base your decision on the variance for the parking on that calculation, I'm saying that that's not the way the code reads.

**Chairwoman Adams:** We'll look into and confirm that and get better information. Unfortunately, the fire company was not notified, something went wrong in communication. The various questions we're asking, I don't think that we will make a decision on one factor. You have to look at all of the factors that go with a variance and focus on that.

**Mr. Lyons:** I do have concept plans which we've already submitted to Restore New York for grant money. We're looking at doing a giant renovation to the building. We would love to have a restaurant, brewery. That type of thing. This is what we're proposing for the village. To restore and revitalize. If you look at that ring \*referring to handout\* that ring it goes through the diner. It may not happen because we're going to have a church next door. This is our plan. I can submit this to you in an email. There's been a timeline. This is going to be apartments. Could be a community center down here. Can also have a swimming pool. We want to work with the community to make this community better. ADA accessible. We have already spent \$2 million to purchase this property. We've already been pledged by New York State. Restore New York, \$2 million. This is going to change the way Walden looks. I do have architects working to come up with real plans right now, we have to submit it by January 31st and I would be happy to bring it in with my estimates and what we want. We're going to be following up with Planning Board and Zoning Board to make sure that we comply with all your regulations. But this is what we're looking at doing. By the way, we have plenty of room on our property to put all the parking we need.

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**Attorney Dickover:** Your properties at 29 Grant Street.

**Mr. Lyons:** 29 Grant Street and owned by Grant Street LLC.

**Attorney Dickover:** The development of that property is at what stage at this point?

**Mr. Lyons:** We're applying for the grants. We're trying to get the money together. We already have the cost of construction put together. This was done quickly because we had a window of four days to put together a concept plan. We have a space in here where there's a restaurant on the first floor and the second floor. But you know, a community center. It could end up being a community center with a swimming pool on the downstairs floor.

**Attorney Dickover:** Do you have the ability to change the location of the main entrance into the proposed brewery or restaurant?

**Mr. Lyons:** \*referring to map\* It could be here or it could be on Grant Street. I will certainly bring that forward. This is 140 feet from that guy's front door. This is right where the railroad tracks are, I'm going to call this the northwestern corner of the building. The railroad tracks run right past this.

**Attorney Dickover:** How far is that location from the entrance to the project?

**Mr. Lyons:** 140, I measure that myself.

**Attorney Dickover:** Is that the furthest portion of your building from the applicants building?

**Mr. Lyons:** That's the closest portion to it. The other portion would be coming in off of Elm Street and this would also could be entrance. That's how we have it. Apartments on the second floor and restaurant as well.

**Attorney Dickover:** Thank you. My question was, can you redevelop or redesign your project so that your entrance into the restaurant in or brewery would be more than 200 feet from the entrance to the prospective applicant?

**Mr. Lyons:** Yes, we can.

**Attorney Dickover:** In addition to the items that you listed that you would like to hear from, apologize for missing the first part of the meeting, but have you heard from the Police Department? I haven't seen that report.

**Chairwoman Adams:** He didn't deliver it, we heard it verbal.

**Attorney Dickover:** Okay, I'll get caught up.

**Chairwoman Adams:** He doesn't see a problem. Says there is traffic all over the village. Looked at the plan. What I did not realize is that the entrance going out on to Hepper Street is going to be a two way. I thought they were going to have a one way out. I was a little concerned about the corner of the building or traffic coming in meeting at the middle because parking is tight. He agreed. He actually brought it up himself.

**Attorney Dickover:** I think it might be a suggestion for the board to request that the Village Manager attend the next meeting and give you a report on the types of inquiries, the number of them, if any, for the use of the building at 29 Grant Street, because of the economic development concern within that area and the impact that a prospective church location may have upon it. So I think the Village Manager might be able to offer you does the comprehensive plan say about that area and its potential development and

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what kind of inquiries, if any, there have been with respect to it. I think the suggestion is to see if there are any other prospective users, because Mr. Lyons plan, yes, it's in the conceptual stage, but if there are other viable uses for that building, I think it's important for this board to know what they might be.

**Chairwoman Adams:** I believe that John Queenan did mention in one of those emails that it is definitely in our comprehensive plan to develop the area.

**Attorney Dickover:** The parking area variance that's requested SEQR purposes would be an unlisted type action. The board does need to declare yourselves as lead agency for purposes of this review, I suggest you do as an uncoordinated review because the Planning Board will also be looking at a site plan if your variances are granted and type the parking variance request as an unlisted type. Then as the rest of this material comes in, at some point you will need to go through the EAF that's been presented and make an environmental determination on the parking area variance. The other variances requested are type two actions and no environmental review of them as required.

Member Sestrom made a motion to declare Lead Agency. Seconded by Member Scieurca. All ayes. Motion carried.

Member Sestrom made a motion to adopt as Uncoordinated Review and Type as Unlisted action. Seconded by Member Scieurca. All ayes. Motion carried.

**Gary Sweeney:** Tony is selling his building. If someone new buyer comes in. We have to submit new drawings, new plans. \*inaudible\* It's not the same. Once you modify, it's not the same. It's not continuous. And one other thing I would like to say is. Last week, during intermission, the pastor approached us and said we need a location for two years. This is a lot of work. I don't understand what you mean by that. But this is a lot of work for a two year project. I don't know if Tom knows something. I'm not accustomed to public speaking or whatever, but it's a concern. All this work, attorneys, SLAs and stuff and the person is only going to there for 2 years? I don't understand it. I'm there for 27 years. Tony has been there for 35. And this guy might spend 22 million on it but he can't do it or he has to make changes. I don't think it's fair. This might help me or hurt me., but it's the fairness. We're all in business here. We're all paying taxes and we're all trying to make Walden a better place. For a two year project? Is that right? I don't know. Maybe there's something I don't know. But a two year project for all this stress. 20 or 36 years invested in the village, 27 years invested with the village and a future investor. It's the fairness. We are all in business. We are existing and this man here won't be allowed because the SLA. What's going to happen after two years?

**Chairwoman Adams:** Thank you for sharing. Do you want to comment?

**Tom Olley:** It's the term of his lease. Can't speculate beyond the terms of the lease.

**Gary Sweeney:** It's possible the landlord might not renew the lease. So, what does that mean?

**Chairwoman Adams:** Can't answer that.

**Gary Sweeney:** That's a concern because we're all here. We're all existing. It's a big concern here.

**Chairwoman Adams:** It's a big project that's why we're raising so many questions and trying to figure out.

**Gary Sweeney:** It's a bigger impact than so many people realize.

**Chairwoman Adams:** I would like to recommend that we continue this to next month and we get more information on these questions. Is that in agreement with everybody?

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Member Scieurca made a motion to continue public hearing until February 22, 2023 at 6:30pm or soon thereafter. Seconded by Member Sestrom. All ayes. Motion carried.

**Tom Olley:** Can you please forward to us the correspondence that you received. What Tony provided to you and also Mr. Queenan's and any other correspondence.

**Chairwoman Adams:** Not a problem.

**Attorney Dickover:** I don't have anything further.

**B. FORMAL APPLICATIONS:**

B.1

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

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

RESPECTFULLY SUBMITTED  
Marisa Kraus, Zoning Board Secretary