

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

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

November 16, 2022 Minutes

Member Sestrom made a motion to approve the November 16, 2022 minutes with changes. Seconded by Member Scieurca. All ayes. Motion carried.

December 21, 2022 Minutes

Member Scieurca made a motion to approve the December 21, 2022 minutes. Seconded by Member Sestrom. All ayes. Motion carried.

**2. BOARD BUSINESS**

**A. PUBLIC HEARINGS:**

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

Member Matise made a motion to reopen the public hearing for 38 Grant St. Seconded by Member Barilli. All ayes. Motion carried.

**Chairwoman Adams:** There was a question about the ADA spaces count. The 2 spaces do count in the total parking spaces. They have 35 parking spaces. They need 36. They're 1 short. Number two, occupancy. Mr. Olley mentioned 7 square foot, it's actually 7 square foot to 15 square foot per occupant depending on how it's arranged. The Building Inspector is the person who determines what is the occupancy based on how any place is set up. So, that's not done until it's ready to be set up. It is also based on the same square footage as the parking, which in this case is 1347 square foot. Based on that information, it can range from 119 to 192, not likely because of the way it will be set up, but that is the range. Number three, on January 2, 2023. I spoke to Charles McNeely, he's the Fire Chief for the Walden Fire District. His response is that they would respond to a fire from the street that we drive through if people were parked in the parking areas to the right hand side of the building. They would not go through that drive thru area. They would worry about fire from the street and that their hoses, their ladder, they have 200 foot. It would not be a problem, nor would it be if people were parked in the street. That's just three items that we need to clarify. Mr. Revella, I know you're on a short schedule. Would you like to come talk to us? John Revella, Village Manager. Could you tell us how this development and dealing with the comprehensive plan.

**Village Manager Revella:** I'm thankful that these people want to be part of our village and community. It's a great thing. There is a little issue because of the future development and

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proposed development of the entire zone. It's a big part of our comprehensive plan. A lot of the big buildings down there, former factories along the railroad, we're sited to be mixed use occupancy, first floor commercial/retail. I know that there are a couple of people that talked to us about putting a brewery in one of the facilities and then have residential second or third floor. I know that some people have contacted me concerned about businesses for things, but that not my concern, that's something you guys can work out. I just want to make sure that the overall plan and the village's, stay in mind when you guys are making a decision. One of the largest building that has been vacant for many years is at 29 Grant St. I know that it's been recently purchased and there's a large proposal slated for that facility for the Planning Board. They have design plans for a restaurant slash brewery in that facility along with residential. I know there are a couple other commercial uses near the facility that may be impacted as well. But our overall goal is to keep that whole area in tune with the progress of cleaning it up and running for retail and commercial development. That's our main focus since that's what brings in more revenue. Not only property tax but also sales tax. Which helps us a lot.

**Chairwoman Adams:** To your knowledge, are there any other properties that are available in the village that the church would be allowable in without having to have issues?

**Village Manager Revella:** I know that there was a church that was a United Methodist Church on West Main Street. It's been sold and resold a few times. But currently still vacant. There's also a religious organization that was on South Montgomery, I'm sure if there's someone in there. There's the buildings across from the Methodist church that's vacant. Not sure of uses that are applied for but it's allowed. There is a large building that's slated for commercial use. I think its 110 Orange Ave. First floor is for lease. Pretty sure the church is allowed in that zone, too. Not sure of the parking situation is there though. I believe they're on your agenda as well.

**Chairwoman Adams:** That's an R5 district.

**Village Manager Revella:** I'm not sure what exceptions are for what use and all that. That's the ones I can think of off the top of my head.

**Chairwoman Adams:** You're just thinking of possibilities. So, your concern is that we stay with the comp plan so that we can develop the area at 29 Grant St.

**Village Manager Revella:** There's been a lot funds extended for that area, from the village as well. We gave \$50,000 to LBC look at potential for that site. The state and county spent money on railroad feasibility for that site as well for train station at 29 Grant. I'm just not sure how it would impact it.

**Chairwoman Adams:** Do you know many people prior to the company now that is looking at developing that piece of property, they gone through the concept plans that we saw in the December meeting, which were very nice and I understand the finance through the IDA and village money, how many people before that looked at that piece of property? That you're aware of.

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**Village Manager Revella:** I know when it is for sale that people can look at it for sale. Once it's bought there hasn't been much. They're developing.

**Chairwoman Adams:** What I was trying to decide is this the first person interested enough to go on a purchase and work on a development plan?

**Village Manager Revella:** Yes. We had trouble previously to get someone to actually buy it. Clemson Bros. Brewery was interested in purchasing from the prior owner but they couldn't come to terms. This is the second one that I know that actually went through with the purchase.

**Chairwoman Adams:** Thank you.

**Tom Olley:** When you spoke of all these other properties, that doesn't take into account any area variances that may be required by this board to use those lands. Is that correct?

**Village Manager Revella:** I'm not sure what uses are allowed/not allowed in a specific spot.

**Tom Olley:** I just wanted to call to the board's attention again that under the village's code the land use for a church requires a 50 foot setback from all property lines. And all of those buildings that were mentioned are less than 50 feet from the street lines. So, we are back in the exact same situation. As far as requiring an area variance from this board to even be able to occupy any of those buildings and the church, even a Methodist church, even though it's been there, it's non-conforming now, as far as the areas. We'll be back here with the same issue because it has not been occupied for that use for more than 12 months.

**Chairwoman Adams:** But it's zoned for religious use.

**Tom Olley:** The religious use is allowed in just about every single zone under the code. So, it's not excluded in anything I said except maybe the industrial area. The use is allowed. We're not asking for use variance or in any of those places, but we still wind up back in the same situation with the area variances. So, I would ask that there be an asterisk placed behind John's answer that are all these other available are not strictly available because that would be meeting all of the requirements of the zoning code for the church. Then as far as the impact would be the master plan, the comprehensive plan doesn't list the church as being a non-complying use in any of those districts. Is that correct? The comp plan considered churches in all of those districts?

**Village Manager Revella:** I have to refer to the document to ensure.

**Chairwoman Adams:** \*inaudible\* and it's a special exception. Special exception comes with certain requirements.

**Village Manager Revella:** That's why I thought that the place that has already been occupied as a church may be viable option.

**Chairwoman Adams:** Thank you, John.

**Tom Olley:** We did make a submission for the January meeting where we adjusted the parking spaces along the railroad property to address the Village Engineer's comments. Who was concerned about the very northeast at the lower right hand corner of the site plan. \*referred to the map\* in this area about the maneuvering of any of the vehicles that would be parked up there. We found that the entrance off of Grant Street is 29 feet wide and it is fully paved. So it actually provides direct access into the very first space on that right hand side. What we were able to do is just slide all those parking spaces towards Grant Street a little bit to provide that extra maneuvering room at the northeast corner. We also added the additional accessible parking space that John Queenan was correct in pointing out. We also had submitted to the board some additional correspondence that we had with the State Liquor Authority that the board may not have been liking of the simplicity of the response that we had originally got. The attorney for the state is already affirmed what the dimensions are taken. It is from front door to front door. And I will say that we went out and we did have our surveyor actually measure that distance and it is 198 feet. The Union House would be grandfathered in. As far as 29 Street, the only restriction a church at this location would have on them is the ability to put a main entrance door at the northwest corner of that building. So, from Railroad Avenue to the railroad tracks, they would not be able to put the entrance into a bar. But the parking is all on the other side of the building. So it doesn't make a lot of sense that they would be looking to put the main entrance at that location. They could put it further down the street, just beyond 200 feet without any without any other restriction on their property.

**Chairwoman Adams:** Has the church looked at any other properties in Walden?

**Tom Olley:** They had to look at several properties and this one was allotted, had parking for them, had the space. The realtor had vetted other properties. Can't tell you exactly what they were. They had looked at other properties but this one fit their budget, their needs, even with its somewhat limited size.

Chairwoman Adams reviewed Short form EAF.

Member Matise made a motion to declare Negative Declaration. Seconded by Member Scieurca. All ayes. Motion carried.

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

### **A.2 20 Ulster Ave**

**Meir Berkowitz:** I'm an investor and have many single families, mixed use in the area and the Village of Walden. The house, in my understanding, was used under congregation. Was used for special needs. The house as it is set up as a house. Has a kitchen, bedroom, bathroom and then there is a back piece like it was the shed or something that was converted to 2 floors. When I bought I wasn't aware that it was in B3 zoning. My understanding was I'm going to be able to use the house as a house and the back like a salon or something. Then when I listed it, I received phone calls from the Building Inspector saying this is the situation, its B3, its only business

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allowed. I started looking at office space or something. I submitted an application for a single family residential. Nothing is going to be actually changed. Everything stays existing.

**Chairwoman Adams:** I should note that the appeal appears to be premature in that it precedes the date of the Building Inspector's denial. However, the Building Inspector was not available. He retired and was not replaced right away. Therefore, I would like to make a motion to waive the fact that it's out of sequence.

Chairwoman Adams made a motion to waive appeal being out of sequence. Seconded by Member Sestrom. All ayes. Motion carried.

**Chairwoman Adams:** You want to make it a one family residence?

**Meir Berkowitz:** It's not making it, it's set up like a single family home.

**Chairwoman Adams:** It was set up as a residence for a group home.

**Meir Berkowitz:** I'm not going to do any construction.

**Chairwoman Adams:** But you still want to maintain the business in the back?

**Meir Berkowitz:** No.

**Chairwoman Adams:** You want to continue that as a shed?

**Meir Berkowitz:** Correct.

**Member Matise:** That's not what the application says.

**Meir Berkowitz:** That's actually what Dean said. He proposed maybe you put them in the front and the family should have a business.

**Chairwoman Adams:** The mixed use comes with making the upstairs an apartment and depending on what the square footage is downstairs. That you could do without any problem, to leave the office downstairs and put an apartment. 900 square feet.

**Meir Berkowitz:** It's set up as a single family home. Kitchen, living and like three bedrooms upstairs.

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

**Chairwoman Adams:** What have you brought to show us that this is the only way?

**Meir Berkowitz:** I'm here for 108-110 Orange Ave as well.

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**Chairwoman Adams:** But we're going to do 1 at a time.

**Meir Berkowitz:** I know but I want to explain why. I've been going around a lot to try and see if I can get any type of business. Open space and I wasn't successful.

**Chairwoman Adams:** You actually purchased the property on August 18, 2022. And you applied for a variance in just less than two months. You applied in October. That wasn't very much time for you to see if you could.

**Meir Berkowitz:** I had experience from 110 Orange. Which there it's over a year.

**Chairwoman Adams:** So, you didn't really put out any advertisements on this building? I see your realtor sign on it and I couldn't find it on his web site.

**Meir Berkowitz:** Because Dean called him to remove it as a single family. Use it as a mixed use. Then Dean told him that the mixed use is going to need board approvals.

**Chairwoman Adams:** Did you bring us the financial report?

**Meir Berkowitz:** There is not much. Since it was not for profit, taxes was just updated.

**Chairwoman Adams:** You don't really have much experience on this property.

**Meir Berkowitz:** Correct. It's the tax and the loan.

**Member Sestrom:** I see you have a waiver for parking. Is it the lot that Walden Savings owns?

**Meir Berkowitz:** Yes. It was transferred over when I bought it.

**Member Scieurca:** When you purchased the building, was it vacant?

**Meir Berkowitz:** Yes.

**Member Matisse:** Parking easement, it says an easement to use the 5 parking spaces paved driveway that exist on your property. Is there a driveway on a house property? Going to the building in the back?

**Meir Berkowitz:** From the street to the building? No. The driveway on the right belongs to the neighbor.

**Member Matisse:** Is there a walkway from the parking lot to the property?

**Meir Berkowitz:** Yes.

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**Member Barilli:** You will probably set this up as a rental.

**Meir Berkowitz:** Yes. That's what it is. Set up as a regular house.

**Member Barilli:** How long was this vacant?

**Meir Berkowitz:** I don't know. But I was in contract for a while because this wasn't a normal property. So it was probably vacant for a while.

**Chairwoman Adams:** Well, we have a problem because in order to approve a use variance, there are four factors that must be met. One is financial report that shows that you have advertised and all the allowable uses. And that you advertised could not fill it. Problem there is you only owned it for two months before you applied for this change. Now time gone by and we're up to six months now, but it is an absolute requirement. Getting a use variance in New York State can be difficult. State laws.

**Meir Berkowitz:** It was a marketed by Dickie Baxter as mixed use.

**Chairwoman Adams:** You need to evidence of that. For each of the permitted uses of that building, we would need to have evidence and financial report on this building. We have to know that you can't use it for what is destined to be used for. What the allowable use right now. The allowed use is an office space and I believe that's all that it is. An office space in a commercial. Business Section three. You want it under the circumstances and we would need to see why you can't use it as such. We would also need to have if your hardship is unique and I'm not sure your hardship is unique because there are other empty buildings in the village that are in the B3 section. Also, you could probably make out fine, the character of the neighborhood. But the hardship is self-created because you bought it knowing what it was. You might not have understood that you couldn't change it, but you did buy it. You bought a piece of property in B3 that was used as a business. So it's very difficult. We can't really entertain this without all of that information. I would offer you that we leave the public hearing open. You gather your information and come back or would you like to just try to use it as it's zoned for? That is the documentation in the package you were given. Do you want us to keep the public hearing open?

**Meir Berkowitz:** Yes.

**Kathleen Greek:** 15 High St. The back of this gentleman's property is exactly 11.5 feet from my house. Building to building. When I originally purchased the house from Pete Millspaugh, I had e-mailed this town about the building because they were working on it. John Bosco had previously owned it and my fear was that they were going to make it residential. Pete had told us that those people did reside there at one point but it was changed back to commercial because it there was a lot of problems and it was always commercial. But I guess they had people living there illegally. We had emailed the town. Dean had kindly, we had a bunch of questions about the shed. He replied, it was currently being renovated. At 20 Ulster Ave it was being used for recreational area for the residents of 20 Ulster Ave. No one would be residing. I'm just here to make sure that happens. Because from what he said under the square footage, I look at it, it's not



a regular storage area. It has heat and a/c, has a half bath. It looks like a mini house. My concern, there was always people living in the white house, it was the girls from John Bosco. To be honest with you, there were some problems there. I don't have a problem with the people living in the house. My concern is that building 11.5 feet from my house. My propane tanks are back there. My air conditioning unit is back there. Is really going to be used for storage? What are they actually storing there? I just don't want people living in it. It's way too close. Here it seems like they want to change this to a rental and it's a foot and half more than my shed has to be from my house. I would love it if you could keep it, the white building residential, the red part commercial. I don't know if that's an option in this village.

**Chairwoman Adams:** There is no accessory buildings in the village. That building was allowed as a recreation, a place for girls to go out of their rooms. It's all one unit. Which right now is B3. It would be rented or used as B3. That might become a storage shed or something. But it's not for separate consideration.

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

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

**Meir Berkowitz:** I would like to have two additional units on the 1st floor. It does meet the parking requirements.

**Chairwoman Adams:** That property at one time was 4 family. It's non-conforming, R5 district. Again, we may have to go down the same path again. At first I wanted to take a vote, but we're going to hear the application even though it's past its deadline.

Member Matise made a motion to waive appeal being out of sequence. Seconded Member Sestrom. All ayes. Motion carried. All ayes. Motion carried.

**Chairwoman Adams:** Previous use variance was in 1999 and they changed it from 4 family to a downstairs office. At that time they used the same wording as you did in your application. You thought it would decrease the activity on the property and they had said that the proposed change to making it a business is to decrease the intensity of use of the property. What has changed?

**Meir Berkowitz:** Since I bought it, it was a pharmacy.

**Chairwoman Adams:** You purchased this property in November 2021 and you applied for a variance.

**Meir Berkowitz:** A year later.

**Chairwoman Adams:** In your paperwork you said it had been vacant for 3 years.

**Meir Berkowitz:** Close to. I had it 1.5 and the pharmacy was maybe a year.



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**Chairwoman Adams:** So, you purchased it knowing it had no inquires for the previous two years.

**Meir Berkowitz:** No. I stayed with the same management company and she told me then that it's been like 1-1.5. The sales pitch was the pharmacy just went out. We're going to find you something real quick. That was my understanding when I bought it. It was surprising that we didn't have any inquiries. I fired that management and I hired someone else. I think it was somewhere in September. She tried. I spoke to Dicke Baxter, he tried getting people in. I spoke to the Village Manager, he tried putting the word out. I tried all aspects to get it rented.

**Member Matise:** Is downstairs all one space?

**Meir Berkowitz:** It's one space, but could be easily divided. There's a door in front, door in the back. The middle is like a hallway. My idea was maybe try to get someone on the left side and someone on the right side. So it's lower rent. But I wasn't successful in that.

**Member Matise:** What types of business were sought?

**Meir Berkowitz:** Office. \*inaudible\* I tried to do nice mailing out.

**Chairwoman Adams:** This is your words. "The place has been vacant for almost three years with no real inquiries." This was in October when you applied. You bought it basically 11 months prior to that. What you're saying is, the other two years.

**Meir Berkowitz:** Close to it.

**Chairwoman Adams:** I'm using your words on the application. You actually bought this knowing that it wasn't \*inaudible\* and that it was a business. Correct?

**Meir Berkowitz:** No. When I bought it, I was told the pharmacy, a good place. It was always rented. Selling pitch. When I would confront them, they would say, I'm trying and trying.

**Chairwoman Adams:** Again this is a use variance. We will need to deal with all four of the items with this property. The same as I explained with 20 Ulster Ave. Would need to have a financial, dollars and cents to show that you tried to rent it for every single permitted use in that building downstairs. We will need all the details of what you want to do. Dollars and cents that you could not make a reasonable return from your investment. That it would not alter character of the locality. Which you have discussed because there is residential on both sides of you. But there's commercial on the other side. That the hardship is unique to that parcel and that it is not self-created. In a way it is self-created because you purchased it knowing what the zoning was. So, I can offer you the same thing. If you want, we can continue the public hearing for next month so you can gather more information to bring to us.

**Meir Berkowitz:** The hardship, I can prove. It was advertised.

**Chairwoman Adams:** The hardship is self-created, because you knew what you were buying. You bought a building that had 2 apartments upstairs and a commercial space downstairs. Now you have to show us that that hardship is in dollars and cents, but that hardship is not anything you can control. Were you planning on taking out a front area in there and making it look more like a residential area? Putting grass in the front? Because the rest of those house on both sides have a bit of a front yard.

**Meir Berkowitz:** I'm planning to do whatever it takes.

**Chairwoman Adams:** Why don't we continue this public hearing until next month. Gather information you need to present to us so that we can deal with the 4 factors that we must deal with in order to approve this.

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

**B. FORMAL APPLICATIONS:**

**B.1 38 Grant Street, Area Variance**

**Chairwoman Adams:** Thank everybody. This has been a long process. I want to thank all the parties involved for being respectful, even when they're might be questions that in some cases you didn't feel pertain. I want to thank you all for being respectful, for your thoughts and questions and comments and patience. Public hearing is now closed.

**Attorney Dickover:** You have really two types of variances. So your discussion should be with respect to both of them. Separately. You have the side of the set back variances and then you have a parking variance and your findings on those may be different. If you think that maybe one has a significant adverse effect on the neighborhood and the other one doesn't, that should be part of your discussion and the minutes should reflect that.

**Chairwoman Adams:** Whether an undesirable change will be produced and the character of the neighborhood or a detriment to nearby property to be created by the granting of each of the area set back variance and parking lot variance. We are looking at that it will not change the character of the neighborhood and it could be a detriment. We're trying not to be speculative. Need to stay on the facts only. There is this speculative problem that could be a detriment to nearby properties, but it is speculative.

**Member Sestrom:** I could see the neighborhood's character being changed if the church comes in. There are bars and there's a church. Doesn't quite seem to fit the neighborhood. On the other hand, it would be nice to have another church in our village.

**Member Scieurca:** I know that there have been \*inaudible\*, this one in particular has been very difficult for me. Mr. Olley has come back and answered all the questions. I believe just slightly.

**Member Matisse:** I do believe that it will create a change in the neighborhood. I could see that it wouldn't be a change if, in fact, it were the type of industrial where the church was functioning as a ministry to the neighborhood. In other words, places in New York City where the church is

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catering and they have a mission and they have a soup kitchen and they have all these different types of things that cater to the people that are working that locale. But I don't see this intended use doing that. There's a conflict between the existing uses, which are social and hopefully more industrial, which is what we zoned it for. There are a few residences there. There's a lot of truck traffic, train traffic. It's still a very industrial, commercial area, more so than commercial area. To me, a church, I would think that they would want to be in a nicer place. Unless they're catering to that community. I don't see that there is a fit.

**Member Barilli:** I don't see how it is really going to change the character for the neighborhood really. There are businesses there, how is that going to change the characteristic having a church there? I really don't have a problem with that aspect.

**Chairwoman Adams:** I look at this as a gathering place. The bars. A church and also the school for the children. Number two, whether the benefits sought by the applicant can be achieved by some method feasible by the applicant to pursue other than the area variance to each of the area setback variance or parking variance. I would that the benefit of a special use could not be achieved at this location without a variance. However, the applicant is not married to this location. They're leasing it only. From what we understand, it's a two year lease. So, another location could be sought. It's not like they own the property.

**Member Sestrom:** I don't think the length of the lease is relevant.

**Chairwoman Adams:** I would say that it's a 2 year lease, but it's a permanent change to the neighborhood, because the variance stays with the property.

**Member Sestrom:** I still don't think we should consider the length of the lease. Because the variance won't stay with the property if it goes empty for one year. Like with 150 East Main.

**Member Matise:** Only thing that effects is single family or 2 family.

**Attorney Dickover:** Your question was whether or not a variance granted could be conditioned upon the church remaining. I'm going to have to take a look at that, I don't know the answer to that of the top of my head.

**Chairwoman Adams:** We've got to remember, it's not a use variance. They're going for an area variance. A use variance would mean that if we changed it for a church only, it would stay a church. But they're not the owners.

**Member Sestrom:** If we grant a variance for them to use it and they leave after 2 years, somebody else can come in and claim 36 parking spaces? Worth thinking about.

**Member Matise:** I don't have an answer to this. Feasible for the applicant to pursue, in other words, the setback is not going to change because the building is already there. By granting a variance for the setback, we're acknowledging the physical existence of what's there. However, the parking it's not \*inaudible\* but certainly places where people don't have enough parking on

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their own property, they will rent parking space somewhere else. So, is it feasible? It might be. Is it something that they could look at? Yes.

**Member Barilli:** I don't really know how to answer this. I don't really have a problem. I don't know if this causes a problem later on with something else.

**Chairwoman Adams:** Next one. Whether the requested area variance for each of the areas setback variance and parking lot variance are substantial. Now, in my opinion, the setbacks are huge. The front yard is 13% change. They had a 44.1 foot. They are supposed to have 50. The side yard towards the railroad track 21.5 feet, it's supposed to have 50. That's 132%. However, the side yard facing Hepper Street is 2.9 foot and they're supposed to have 50. So, that's a 1700%. To me is huge. I would say it's a substantial request. I'm sure that the village board had a reason when they built the conditions for a church to have a 50 foot area all the way around it. And it could be a result of a lot of church being in a village that the area grew around it and it could be just for safety. Children. In this case, there's going to be a lot of people going in at one time and a lot of people leaving at the same time. You will have families walking to their cars. It's a hazard. Onto Hepper Street, if they walk out onto that street to get into their car. I see this as a problem. And substantial setback.

**Member Barilli:** I have to agree with that. It's quite a lot to request.

**Member Sestrom:** I agree with what was said about children why the setback is so big. Keep children safe. That is important.

**Member Scieurca:** I concur with the setback.

**Member Matise:** I agree.

**Chairwoman Adams:** Parking is just one spot, I would say that it's not substantial. They're only short one space based on calculation. They're using vans for multiple congregants. Mr. Olley said that the vans fit in one parking space.

**Member Barilli:** It's only 1 space.

**Member Sestrom:** I see it as substantial. Not the 1 space, but the influx of vehicles that's going to appear when they have services that is going to impact the neighborhood.

**Chairwoman Adams:** That's traffic. We're talking about parking.

**Member Matise:** I've noticed there is a lot of on street parking. It could be any day of the week. Morning, afternoon. There's been an awful lot of on street parking, occupied parking down in that area. Being one spot shy is not significant setback but parking in that whole area is not what it could be.

**Chairwoman Adams:** So, you agree with Bill that it is substantial?

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**Member Matise:** Yes.

**Chairwoman Adams:** #4. Whether each of the area setback variance and parking lot variance will have an adverse effect on the impact where physical or environmental condition of the neighborhood or district. This one gave me trouble. Physical isn't going to really change much except for the fact of the parking and traffic. I just really didn't think that this was going to change that much. The environmental conditions, the police and fire company does not feel that there's a problem with the parking. No more than other establishments at various times. Parking will be a first come first serve. Street parking may not be available, but the street spaces are allowed in total number of spaces. I do have an issue with the comp plan and to make sure that \*inaudible\* use with village economy, as Mr. Revella was very clear on. They've been working on this project with the comp plan for quite a while and we don't want to do anything that would cause that to be a problem. A church is allowed there with proper circumstances.

**Member Sestrom:** I think the parking is a big issue. And I think the setback is an issue.

**Member Scieurca:** How long has the comp plan been in effect?

**Member Matise:** 2005. Revised in 2010 and again in 2018.

**Member Scieurca:** My issue is that I cannot in good faith count the comp plan since it's been since 2005 and it has not been developed down there. It's been revised but has anything down there changed since 2005?

**Member Matise:** Yes. The packaged lighting building just sold.

**Chairwoman Adams:** It has changed hands. One person did clean it up. This is the current plan.

**Member Scieurca:** I understand that it's current, has anything changed aside from \*inaudible\* since 2005 in that area?

**Member Matise:** Yes, there's been additional uses on Elm Street, the old Nelco Building and the building adjacent to it. There all in use now. The fact of the matter is, just because things haven't happened, it's a long, slow process. That area was very run down. Nelco moved out and left a vacant building. Packaged Lighting which was active, until recent, that left a big vacant building. Somebody bought it and did the cleanup. Which is significant. The village actually put money into it. The railroad is still active in that area. There's limitation to the kinds of uses in that area. I know we're supposed to be speculative, but we also, I think can't then turn around and do something that's going to put the brakes on the ability on people to develop the uses in the neighborhood. Doing the mixed use there had its problem, because a lot of the businesses that there became non-conforming. It's still an area that's influx.

**Member Scieurca:** Thank you for the information.

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**Member Matisse:** I would just like to reiterate what John said, is that especially with a big building like Packaged Lighting, now that it's cleaned up and \*inaudible\* this is a whole different group of people who can develop a facility. If that is developed properly, there will be a lot of revenue to the village in terms of taxes and sales tax. That the village needs to offset cost for homeowners of what it cost to run the village. We still have to provide services to residents and commercial community.

**Member Barilli:** I know you talk about the big plan, but that hasn't happened yet. So, you're just waiting, waiting for something that may or may not happen. I have a feeling that having a church is not going to effect the neighborhood negatively. The way that the neighborhood develops may change how church feels about it. I don't know. I don't think it's really a problem.

**Chairwoman Adams:** Whether the alleged difficulty was self-created. Definitely self-created. There is no dispute. Mr. Olley acknowledged that in his presentation. They do not own the property. They could look elsewhere.

Consensus agreed

**Chairwoman Adams:** We have 62 days to make a final decision. I would recommend think about this discussion of factors and make a decision at a future meeting.

Member Scieurca made a motion to table the application until the next regular scheduled Zoning Board meeting. Seconded by Member Sestrom. All ayes. Motion carried.

**C. DISCUSSION ITEMS:**

**D. INFORMATION ITEMS:** None

**E. CORRESPONDENCE:** None

**3. COMMUNICATIONS:** None

**4. EXECUTIVE SESSION:** None

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

RESPECTFULLY SUBMITTED  
Marisa Kraus, Zoning Board Secretary