

MEETING MINUTES

IN

ZBA

Date: August 27th 2024

Time: 7:30 PM

Meeting called to order by: Bob Zimmer- Chair

ATTENDANCE

Bob Zimmer- Chairman
Chris Pavlacka- Attorney
Jamison Zajac- Village Engineer
Danielle Mulqueen- Secretary
Pete Hillebrand- Building Inspector
Jack Sirios- Board Member
Eric Kelm- Board Member
Mark Palmieri- Board Member
Victor Ludmerer- Alternate *Standing in for Jenny Lyons*

RETURNING APPLICATIONS

NO RETURNING APPLICATIONS

NEW APPLICATIONS

- 1- 97 Windermere Ave- Change of use application for new business "Shantilife".
- 2- 16 Linden Ave- Site Plan approval for working within the critical environmental area.

FIRST APPLICATION- 97 WINDERMERE AVE- SHANTILIFE

Bob Zimmer- Reads application into the record:

Applicants: John O'Connell & Kim Williamson, 24 Points of View, Warwick NY 10990.

Plans Prepared by: Sean O'Connell

Ownership Intentions: See proposed use

Location of development site: 97 Windermere Ave. GWL NY 10925

Tax Map Designation: Section 308 Block 2 Lot 18

Zoning District: Commercial (CS)

Current Use of Site: Fine Art & Photography with music events

Proposed use of site: Yoga, workshops, health care, etc. See additional page

Additional page: Number of Customers (peak): 10-15

Relocation and expansion of existing business; retail, wellness products, healing crystals, skin care, herbal teas, CBD products. Consultations for health, yoga classes, workshops. Art exhibitions. Juice bar, serving fresh fruits & vegetables. Coffee bar, tea parlor. Private events, customers will be able to sit in or dine out. Will eventually apply for beer & wine license, otherwise use local catering companies.

Total site area: 11,158 sq ft

State and/or Federal permits required: SLA

Will development be staged? No Number of phases: 1

Anticipated construction time: 30 days

Anticipated increase in number of residents, shoppers, employees, etc.? Same

For non-residential buildings, include total floor area and total sales area, number of parking spaces to be provided, other proposed structures, signs, fences, garage, sheds, etc. Blank

Building Inspector's denial letter and review.

Short EAF

Drawings,

Deed

Business Application for Shantilife

Bob Zimmer- Please explain to the board what you would like to do with the property.

John O'Connell- Basically we want to open a wellness center. With herbal teas and yoga, sound baths, anything that has to do with the well being of your body. The juice bar comes in, obviously coffee or tea but more of like a health type coffee and tea. And obviously beer and wine would be more for special occasions when having an event there, so that we can supply the beer and wine. We are not looking to be a bar or anything like that. It won't be set up for that, the beer and wine will just be for when there is an event.

Bob Zimmer- You describe it as the relocation of an existing business. What is the comparison of the business you have now to what you want to do here?

John O'Connell- The business right now is basically in a smaller location and is just retail. Whereas with this location there is room enough to do the yoga, massages, you know. There is room enough in that building to encompass all of that.

Bob Zimmer- In the space how would you proportion the space as far as retail sales versus these other activities?

John O'Connell- Obviously when you do a business you are hoping you will be 50/50 on it. When it comes to yoga and massages, sound baths and stuff like that, there is only a certain amount of people you can get in there. Say like a room here, if you were doing yoga, you would only have like six people. So, you can see kind of how it works space wise. It's not like you are going to have a tremendous amount of people at any one time.

Bob Zimmer- You listed the amount of people at peak times to be between 10 to 15?

John O'Connell- Yeah, that's quite possible. On the retail side you are thinking that you are going to have people coming in and out, they are not going to be hanging around. And then there is the outside seating area for serving juices, coffee and tea.

Eric Kelm- You are showing 64 seats on the outside, do you have any seating on the inside?

John O'Connell- Very little. But it could be adjusted but it still wouldn't be major seating.

Chris Pavlacka- I will note that since there is outdoor dining, a special use permit would be required under the code.

Bob Zimmer- Yes, and you probably knowing Danielle & Pete in the Building Department they probably already told you that outdoor dining requires a special use permit.

John O'Connell- Yes

Eric Kelm- Have you spoken to the Board of Health?

John O'Connell- I have not contacted them yet because...

Eric Kelm- Well, I can tell you there is a recent story here in the village where they did a bunch of work and then went to the DOH about the septic and they told them no. It's all about seating. Something like this it's based all on the seating. And you are showing 64 seats and they are going to look at that and want your septic to match that.

John O'Connell- Well the seating could change. Obviously when the seating is put in you are just looking at the space you've got and seeing what you could possibly go with. As the maximum possibly so, if it has to be brought done to whatever that's fine.

Bob Zimmer- Eric is trying to give you the advice of how you can figure that out.

Eric Kelm- Because we could say yes, it sounds great for the Village, cause it does. But then you go so far and then you get jammed up with the DOH.

John O'Connell- Yea, but I'm willing to take that risk. Because I know it shouldn't be an issue getting certain seating out there. Like I said it is not a restaurant, that is not where the livelihood is going to be coming from and in this day and age a lot of stuff is to go.

Bob Zimmer- What are your anticipated hours for the retail sales but then more importantly for the special events?

John O'Connell- Well the retail sales would probably be more daytime like normal hours, but then with the wellness like as far as the yoga and things like that would be done more in the evening. It will be daytime and evening.

Bob Zimmer- There are commercial uses to the right and left of you. Who is behind you?

John O'Connell- Residential, they are set back because of the parking lot in the back.

Bob Zimmer- Anyone else on the Board want to jump in with any questions?

Vic Ludmerer- Do you have the beer and wine license, or have you applied yet?

John O'Connell- No, not yet. We just want to get the shop up and running and then add as we go along. The beer and wine is not the important part of the business.

Jamison Zajac- Just FYI on that, that would be an additional change of use. So, you would have to come back in front of the board.

Chris Pavlacka- He will have to come back in front of the board anyway because of the GML, because it is a state highway.

Jamison Zajac- I mean if the beer and wine is not part of this application.

Chris Pavlacka- Yes, that is correct.

John O'Connell- That's fine.

Bob Zimmer- Just so you are aware. Jamie is speaking as the Village Engineer and Chris as the board attorney. Chris mentioned a local law that says because you are on a state road, once we decide that we have enough information on your application we have to forward it to the state to give them an opportunity to weigh in. Once we send it, they have 30 days to respond.

Chris Pavlacka- Okay if the building is under 4,000 sq ft. which makes it a Type II for SEQR purposes. Will the tables be at least 5' from the road?

John O'Connell- Yes

Bob Zimmer- Chris do you have any other comments on this application?

Chris Pavlacka- Just that under subsection 9 of SEQR it is a Type II action and so we would not have to do anything more where that is concerned.

Bob Zimmer- Let's let Jamie go through his comments that we shared with you before the meeting and then you can provide any answers as we go through.

Jamison Zajac-

-The applicant should clarify whether a beer and wine license is a part of this application.

-The applicant should identify the primary use.

-Outdoor dining. So, if there is outdoor dining it would require a special use permit. There is a question of what the definition of outdoor dining.

Overlapping conversation on the definition of outdoor dining...

Jamison Zajac-

-I agree with the recommendation of reaching out to the DOH now.

-Short for EAF, it looks like you already updated it.

Danielle this is something that should be added to the application. The requirement that the applicant fills out the short form EAF using the mapper on the DEC website. It is a useful tool for complete information for both the short and long EAF forms

-Handicap parking spot

John O'Connell- I adjusted the spot where I had it and moved it closer to the door.

-So, I would say that for next meeting produce a plan that shows these updates, signage- there is usually handicap spot signage and then no parking anytime signage in the aisle. It should show dimensions, it has to be striped per ADA requirements.

Chris Pavlacka- On new plans I would also like to see setbacks, especially with the tables and anything else new. Just so that we can make sure there are no variances required.

Bob Zimmer- And you are going to want to talk to the DOH because from other experiences of other business in the Village, you are probably not going to get 64 seats. They will give you a number that you can really think about working with.

Conversation about the juice bar requiring DOH approval. However, there would be no kitchen on premises for any kind of cooking.

Bob Zimmer- And just to clarify we are not addressing the beer and wine in this application?

No (multiple voices)

Eric Kelm- As far as the DOH is concerned. A drink is a drink, whether it's a juice or a beer. It's how many people you are going to have there drinking whatever drinks that they care about.

Vic Ludmerer- My understanding from earlier conversation is that when the applicant wants to add a beer and wine license he will come back before the board for another change of use.

Bob Zimmer- That is the way I understand it. That is why I wanted to clarify it.

John O'Connell- I did make it part of this paperwork. If I can get the approval right now so that I don't have to come back...

Jack Sirios- You have to come back anyway.

John O'Connell- I know but if I can start that process right now then I don't have to think about it later on.

Jack Sirios- You haven't spoken with the DOH yet. You don't know if your septic system is going to pass. It's all speculation right now.

Vic Ludmerer- So the applicant has now clarified he would like to make the beer and wine license a part of this change of use application.

Bob Zimmer- Yes, he just clarified it, so we are back to the beginning. I would like to hear from Chris and Jamie what the implications are of allowing beer and wine also. Does this pave the pathway to becoming a bar?

Mark Palmieri- Yes

Jack Sirios- Yes

Jamison Zajac- They could state their hours of operation.

Mark Palmieri- The site plan is incomplete if we are going to make a decision on a beer and wine license. Is there septic approval, what does the site look like, is there a bar, where are the coolers going to be, all that stuff needs to be on here I think if we are going to get to any approvals.

Jack Sirios- There is no dish washing service

Mark Palmieri- I think you are way far out, you should have DOH approval before you even come to us, the septic needs to be looked at, you need to know what your occupancy is, once you go through that then you can come back and say here is the paperwork, here is the floor plan, than we can say okay this may work. The SLA as you know wants to know everything, exactly where every seat, bathroom, exit, window, etc. is. You don't have any of that because you don't even know what your occupancy is yet.

Bob Zimmer- Yes, thank you for articulating that.

Mark Palmieri- We don't need to give you approval to go apply. You should do all that and then come back and see us with a full site plan.

Overlapping conversation...

Mark Palmieri- He is talking about events. What kind of events, where is the music going to be, how many people, inside or outside? There is a lot of work that needs to be done before we can think about approving this.

Bob Zimmer- Or remove the beer and wine from the application for now...

John O'Connell- Okay so let's leave that out for now so long as I can apply to the SLA without your approval.

Chris Pavlacka- You will need our approval to be an eating and drinking place but that includes even for the juice bar.

John O'Connell- Okay take out the beer and wine from this application and I will come back for that.

Overlapping conversation...

John O'Connell- My main objective today is to just get the approval for the basics of the business, which is the yoga, retail and juice bar.

Bob Zimmer- I would though like to get some hours put to the events. If you could put down some operating hours and then some lower and upper limits on the events hours.

John O'Connell- Yes, that wouldn't be a problem. Can I start doing some renovations in the meantime?

Bob Zimmer- No, because we can not give you approval because of the requirement that we wait 30 days for the GML.

John O'Connell- So, when do I need to be back here again?

Bob Zimmer- We can tentatively put you on for the end of September and if we haven't heard back from the GML by then we will have to put you on for October.

I open this meeting to the public, is there anyone here that would like to speak on this application?

No public comment.

Bob Zimmer- Closes public comment. Dismisses first applicant.

Board has discussion on procedures for public hearings

Bob Zimmer- Asks attorney Chris Pavlacka to look into the possible ways for the board to handle public hearings.

SECOND APPLICATION- 16 LINDEN AVE.

Bob Zimmer- Reads application into the record:

Applicant: Crevina Enterprises Inc. (on behalf of 16 Linden Ave LLC/Jen Gordon)

21 Cleveland Dr, West Milford, NJ 07480,

Plans prepared by: Same

Ownership Intentions: Install paver patio and hot tub in back yard.

Location of Development Site: 16 Linden Ave, GWL, NY 10925

Tax Map Designation: Sec- 309 Block- 3 Lot- 5

Zoning District: Blank

Current use of site: Full time rental property

Proposed use of site: Full time rental and short time rental (two houses on property)

Total site area: 8000 sq ft.

Will development be staged: No Number of phases: 1

Anticipated construction time: 2-3 weeks

Current condition of site: 2 houses, both in use

Anticipated increase in number of residents, etc.: N/A

Application Includes: Building Inspector's review, permit application and denial letter, owner authorization, short form EAF, survey with penciled in markings of proposed work.

Bob Zimmer- Please explain what you would like to do.

Mark Crevina- We as the builder are trying to put a paver patio and hot tub in the back of the house.

Bob Zimmer- What is there now?

Mark Crevina- There is currently grass and old slate patio. The owners would like to remove the old slate patio make it larger and then put a hot tub on the new concrete pad.

Board members look over drawing...

Bob Zimmer- I see outdoor kitchen. How in depth is that going to be. Will there be gas running out there, electric, water?

Mark Crevina- There will be electric for the hot tub and the concrete pad will be grounded. They are putting a BBQ area out there but no gas line it will be propane tank, no water.

Bob Zimmer- Asks the board members for their thoughts.

Eric Kelm- Asks what the ground coverage of the property is and what the allowable coverage is.

Mark Crevina- It is an 8,000 sq ft lot, with the houses and everything the impervious coverage I have as 2,900 sq ft.

Overlapping conversation...

Jamison Zajac- This is a small lot, there might be different requirements for that for coverage.

Mark Crevina- If I remember correctly there was something about small lots being exempt from coverage restrictions?

Jamison Zajac- It's possible, it definitely shortens the side yard requirements.

Building Department- Provides table of Bulk requirements, which shows there is no coverage requirement listed for small lots.

Bob Zimmer- I want to get Chris's interpretation...

Chris Pavlacka- The bulk table for small lot provisions does not have lot coverage on there and I read this as there is no lot coverage bulk requirement for small lots.

Bob Zimmer- It makes sense because if you have a house on a tiny lot, you would already be over.

Chris Pavlacka- Right. And I default to if the code is ambiguous, you read it in favor of the applicant. So, it is my view that there is no lot coverage requirement, therefore no variance required.

Bob Zimmer- Any other board members have comments.

Jack Sirios- The plans need to show gas, electric and water. This survey is not signed so it is just a map. Signature needs to be on here to be an accurate survey.

Overlapping conversation in regard to proper drawings needed with utilities, septic, etc. marked out.

Jamison Zajac- Just to clarify is the board also requesting that he shows proposed work? Or do you just want the stamped survey without these markups?

Bob Zimmer- Unless someone on the board opposes, I think what we are looking for is the signed survey that shows the utilities and then a separate one with the markups for proposed work. This way you are not asking him to certify your markups.

Eric Kelm- If we are going with that there is no lot coverage needed, why do they need to be here at all?

Chris Pavlacka- Because it is in within 100' of the water.

Eric Kelm- Just because it is within 100' of the water? Why have to go through all of this expense?

Bob Zimmer- Because there will be soil disturbance within 100' of the water and that is the Village code.

Eric Kelm- Okay

Jamison Zajac- Also the board just got burned a little bit from a similar application, where it was a simple project and it resulted in discharge into the lake, because there was no real site plan looked at, no silt fence or protections etc. So it is always my recommendation to protect the lake.

Bob Zimmer- Jamie, can we roll into your comments.

Jamison Zajac- I have some recommendations to the board that may complicate getting the stamped survey versus showing things. I have a few notes: Concrete pad detail, silt fence detail. I want some kind of note on here and I guess if the board fine with hand markups, differentiated the mark ups of the applicant versus the stamped survey.

Because technically it is illegal to take someone else's drawing and mark it up. Like he is showing the septic locations on here. The surveyor I assumed did not do that.

Mark Crevina- Do you want the surveyor to put the septic locations on there? These are based off the inspections they had done for clean outs.

Jamison Zajac- Do they have as builts?

Mark Crevina- They don't have as builts. Just a diagram.

Bob Zimmer- Can you provide those?

Mark Crevina- Yes

Jack Sirios- Just remember that that document is not a legal document it is a map.

Jamison Zajac- Right, exactly.

Vic Ludmerer- Does there need to be something on the plan to show how the hot tub would be drained? Would it go into the septic?

Jamison Zajac- No, it shouldn't go into the septic. It would have to go on to the grass and absorb that way. It is close to the lake and so there are things that you can do to limit the velocity of the discharge.

Vic Ludmerer- The question is, how do you protect the lake?

Jamison Zajac- Yes. So, I have a note that there should be precautions taken when draining as to not cause erosion. That is a note that the property owner is responsible for any E&S measure necessary to protect the lake. Again, the short form EAF should be filled out using that DEC mapper. If the property is going to be used for short-term rental there is very specific Village code for that. The first thing is that the septic system will have to be evaluated and brought up to current NYS code.

Bob Zimmer- Opens up to public comment.

No Public comments.

Bob Zimmer- Closes public comment.

So, we are asking you to come back. There are things that we are asking for, the two major things being the different plan signed and sealed and the second one marked by you with a note on it that it is marked by you. Closes this application for the night.

Bob Zimmer- Asks for a motion to adopt the past two meetings' minutes.

Jack Sirios- Makes a motion to approve that past two meetings' minutes.

Mark Palmieri- Seconds

All Aye?- All Aye

Bob Zimmer- Asks for motion to adjourn.

Jack Sirios- Makes a motion to adjourn meeting.

Vic Ludmerer- Seconds

All Aye?- All Aye

Bob Zimmer- Meeting closed at 9:03 PM

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