

# MEETING MINUTES

ZBA

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Date: September 24<sup>th</sup> 2024

Time: 7:30 PM

Meeting called to order by: Bob Zimmer- Chair

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## IN ATTENDANCE

Bob Zimmer- Chairman  
Chris Pavlacka- Attorney  
Jamison Zajac- Village Engineer  
Danielle Mulqueen- Secretary  
Pete Hillebrand- Building Inspector  
Jack Sirios- Board Member  
Victor Ludmerer- Alternate \*standing in\*

## RETURNING 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.

## NEW APPLICATIONS

No New Applications

## FIRST APPLICATION- 97 WINDERMERE AVE- SHANTILIFE

**Bob Zimmer-** Summarizes where the application left off, which was the applicant looking in to DOH approval.

**John O'Connell-** Explains that the DOH is now on the back burner along with SLA for beer and wine license due to issues proving the septic capacity. He would like to move forward with the retail, yoga and health and wellness components of the business for the time being.

**Bob Zimmer-** I am going to ask the board attorney to weigh in on this. Essentially the applicant is removing the juice bar and the wine and beer license from the application. So, I want to be clear what we are being asked to approve, I feel it might be easier if we had a new application.

**Chris Pavlacka-** I agree it would be helpful if we had an application that was just for the items being asked for now, given that at the last meeting the juice bar and the beer and wine license were integral to the initial application.

**Jack Sirios-** What Bob is trying to say is that, you should reapply with what you want and are capable of doing right now.

Conversation over the occupancy load of the building.

**Jamison Zajac-** Discusses parking requirements. He would need clear proposed use in order to calculate the parking requirements.

Further discussion about the application needing to be updated to clearly state what the approval being sought is.

**John O'Connell-** The septic is an issue because Greenwood Lake doesn't have anything in place to have information on the system. My two cents is that anytime a building is sold there should be this information provided.

**Jamison Zajac-** You get a septic inspection done when you buy a property.

Discussion about possible types of professionals that can be hired to inspect existing septic systems.

**Bob Zimmer-** I think that right now the application is very confusing as to what we would be approving.

**John O'Connell** – Okay, so if I redo this and drop off the new plan... You want me to fill out a whole new form?

**Bob Zimmer-** The description parts of the application. All of the attachments would be the same. Then once you get DOH approval you come back here for that approval.

**Chris Pavlacka-** This is a SEQR Type II action so, we wouldn't have an issue approving part of it and then going on because it would be a Type II action either way.

**Bob Zimmer-** I am still trying to figure out a way to approve conditionally so that he can at least get going on the retail side and yoga...

Discussion on whether Ag & Markets could be an option for this business model.

**John O'Connel-** Expresses that he will deal with other agency approvals for the additional uses later down the road. In the meantime, he would like to just get the store open and the business going.

**Chris Pavlacka-** Are you still doing outdoor seating?

**John O'Connel-** Obviously we would like to have a few tables with chairs out there for the next couple of months before it gets too cold. Obviously, spring time we would like for people to be able to sit out and take the sun, and hopefully by then we will have the other stuff.

**Jack Sirios-** As far as the food stuff,

**John O'Connel-** There will be no food stuff.

**Jack Sirios-** Okay, or drinks, is that going to be for on site or off site consumption?

**John O'Connel-** No, no consumption on site.

**Bob Zimmer-** Do you have any thoughts Vic?

**Vic Ludmerer-** You know it is a difficult thing when someone buys a piece of property and there is a change of use, we have to follow what we have to follow, but at the same time we also have to go out of our way, and I think we are trying to, to not make it impossible for new people to take over a store that was originally something else. I want the gentleman to be able to get on with his business as easy as possible, but the rules have to be followed. We have to outline the rules to get him into the shop as soon as he can.

**Jack Sirios-** I agree.

**Bob Zimmer-** Is there a way we can make this work with this application Chris?

**Chris Pavlacka-** So is it still a change of use?

**Bob Zimmer-** Yes, it is just that it is poorly described by the current application.

**Chris Pavlacka-** Not uncommon.

**Bob Zimmer-** Can we fix it in a resolution?

**Chris Pavlacka-** You can...

**Bob Zimmer-** What we are going to do is put the question to a vote, of allowing you a change of use for the retail sales, yoga and massage, but no food what so ever. That is good with you?

**John O'Connel-** When you say no food, what do you mean by that?

**Bob Zimmer-** Ingredients are okay, but nothing to be consumed onsite. Like teabags, that's fine that is part of your retail.

**John O'Connell-** Okay

The Building Department advises that the applicants business model may be eligible for Ag & Markets license.

**Jack Sirios-** That is another option that may be worth you looking into. You should revise your application and get it back to us so that we can give you an approval.

**John O'Connel-** I am fine with not doing the food right now, I just want to proceed with the yoga and other things.

**Jack Sirios-** Then re-submit an application with strictly that.

**Bob Zimmer-** I think we can vote on that tonight.

**Jack Sirios-** Okay

**Jamison Zajac-** There are a couple things outstanding still on my end. We still haven't decided on the parking because it is based off of proposed uses and if it multiple uses it is all of these combined. Now that they are redoing it, I would have to review and comment or what they usually do is provide some type of table or summary of the parking and requirements. I am not sure if these numbers are correct.

**Bob Zimmer-** It sounds like the Village Engineer is advising that I am a little too optimistic in thinking that we can vote on and approve this tonight. There are some significant hurdles in the layout that can't be resolved tonight.

**John O'Connel-** What is the issue with the parking?

**Jamison Zajac-** We generally ask for a parking detail...

**Bob Zimmer-** There is a good chance absolutely nothing. But until your application says exactly what you are asking for, we cannot figure out what your parking requirements are. And we can't ask the engineer to do it right here, right now, because that isn't fair to him.

Conversation regarding measurements of floor space between attorney and engineer...

**Jack Sirios-** In reality, we are not supposed to engineer the project for them. We can give him all the technical information we are allowed to. But he needs to sit with whoever is designing for him and they have to advise him according to what it is he wants to do.

**Bob Zimmer-** The way the regulation is supposed to work is that you propose what you want to do and then we approve it or not approve it. You can't ask us to figure it out.

Engineer discusses the formulas for figuring out parking.

**Chris Pavlacka-** By amending your application you would be decreasing your parking requirements. And if it is laid out that way the board then knows what it is approving.

**Bob Zimmer-** Have you had an engineer do any of these drawings for you?

**John O'Connel-** No, an architect.

**Jamison Zajac-** I can make up a comment letter.

**Bob Zimmer-** Once we have a revised application we can go forward.

**Jack Sirios-** Once it is done submit to Danielle immediately.

**John O'Connel-** Okay, so basically just streamlined?

**Bob Zimmer-** Yes

**John O'Connel-** Okay, I can probably get that in tomorrow.

**Bob Zimmer-** Well wait until you get the comments back so that you can submit the revised drawings with the revised application.

**John O'Connel-** Okay.

**Bob Zimmer-** Can I have a motion to open a public hearing. Open until the next appearance of this applicant?

**Jack Sirios-** I will make a motion to do so.

**Vic Ludmerer-** I second

**Bob Zimmer-** All in favor?

**All Aye**

**SECOND APPLICATION- 16 LINDEN AVE.**

Applicant passes out revised documents and drawings

**Bob Zimmer-** Asks the applicant to go over the changes made to the new drawings. I know we were looking for the inclusion of utilities on the property...

**Mark Crevina-** So, all of the utilities are on the survey. Utilities as well as both septic systems are marked on the survey which is sealed from the surveyor.

**Bob Zimmer-** And the proposed patio area does not intersect with any of that?

**Mark Crevina-** Right, they are all in the front of the house and this is in the back of the house. So, we did the underground utilities, the over head utilities, the stamps, the septic systems, the concrete pad details, silt fence details are on there. I noted on the plan that this was drawn by me and not an architect or the surveyor. And has a note for the drainage of the hot tub which is going to drain into the grass area.

**Bob Zimmer-** At a rate that doesn't cause, maybe you can write that in... The plan for the hot tub drainage just says that it is going to drain into the grass. Do we need a clause about the rate on there?

**Jamison Zajac-** My comments were that the home owner is responsible for implementing the necessary erosion and sediment control measures as needed to prevent turbulent waters to discharge. Precautions should be taken during the proposed draining of the hot tub to prevent excessive erosion or unwanted chemicals from directly entering the waters of Greenwood Lake. It would probably be good to include an additional note.

**Bob Zimmer-** You should echo the language from Jamie's comment sheet that it will drain in such a way as to not cause excessive erosion or discharge unwanted chemicals into the lake.

**Mark Crevina-** Understood.

**Vic Ludmerer-** A 4" pipe is pretty big and would cause it to drain very fast.

**Mark Crevina-** To be honest we own multiple hot tubs and we have a service company that services my hot tub and I have rarely seen them be drained.

**Bob Zimmer-** Well, you can appreciate the question as a 4" pipe is pretty big.

Overlapping conversation about the note being on the plan and the property owner's being responsible for handling the drainage in a responsible manner.

**Jamison Zajac-** So, my previous comment letter had a note about E&S measures, I know you have the silt fence, you show detail so that is good. My recommendation is that you add this note too, since you added this other note #7, because I think it is important that they know if it is more than the silt fence that is needed, they are responsible for that too.

**Mark Crevina-** So, you are saying adding a note to the plan echoing that they are responsible.

**Chris Pavlacka-** Asks for clarification between note #7 and note #8 for the drainage.

**Jamison Zajac-** It looks like he did everything else.

**Bob Zimmer-** Asks if Chris had any legal comments on the project.

**Chris Pavlacka-** No, I don't see anything from a legal perspective as long as the engineer and Building Inspector are happy.

**Jack Sirios-** So, we could actually make a motion to accept these plans as submitted but with the conditions. And the conditions could be added to the plans.

**Jamison Zajac-** Yes, the two additional notes and the corrected EAF.

**Bob Zimmer-** Chris, is Jack's motion sufficient for you?

**Chris Pavlacka-** Yes, and I assume we are going to have the usual conditions on there.

**Bob Zimmer-** Can I get a second on that?

**Vic Ludmerer-** I second the motion.

**Bob Zimmer-** All in favor?

**All (Jack, Vic and Bob)-** Aye

Board discusses finishing up resolution for Benjamin's Steakhouse and reaffirming their variances.

**Bob Zimmer-** Motion to adjourn?

**Jack Sirios-** I make a motion to adjourn.

**Vic Ludmerer-** I second.

**Bob Zimmer-** All in favor?

**All-** Aye

Meeting closed at 8:45 PM

DRAFT