

**REGULAR MEETING MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday, June 22, 2023**

**CALL TO ORDER TIME: 7:00pm**

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.**

**OFFICIALLY OPEN THE MEETING**

**Attendance:** Board Members: Scott McCarthy, Charly Long, Franco Zani (7:10), Carl DiLorenzo, Bill Meltzer, Sal Cuciti; Board Staff: Paul Van Cott (via Zoom), Andy Learn, and Sarah Van Nostrand

**Absent:** Board Members: Gerry Marion and Lambros Violaris

**Minutes to Approve at June 22, 2023 meeting**  
May 18, 2023 and May 25, 2023

Scott asked for a motion to approve the minutes.  
Motion made by Bill, 2<sup>nd</sup> by Charly.  
All ayes, motion passed to approve the minutes.

**Old Business**

**The Villages PRRD: Site Plan: SBL #95.2-2-3.211 & 95.2-2-9.100**

Applicant is proposing 197 independent living cottages and club house and an ALF.

Review Status: Updated plans circulated to the board  
Potential Action: Possibly set public hearing for July 27<sup>th</sup>.

John (applicant's agent) said that there was a question raised about the length of the streets and he believes that it was referring to the street specifications in chapter 89. The requirement is that no cul-de-sac should not be longer than 1,250 linear feet and the definition of cul-de-sac at least in the subdivision regulations refers to essentially a dead-end street where there is only one-way in and one-way out. Their engineer identified two spots on their proposed site plan where there are two cul-de-sacs, where there is only one-way in and one-way out and he measured both of those. One was about 300-400 feet the other one was less than 1,000 feet.

Andy said that he came to the same conclusion that none of them exceeded 1,200 feet.

Sal said that he would have to look at that. One-way in and one-way out doesn't mean you circle around a loop and go back to where you started, it means you go out to another part of the road. The development goes back to one entrance way on Mayer Drive.

John said it is a web of streets within that infrastructure.

Sal said that it still goes back to one point.

Andy said what he thinks their engineer and he looked at was the fact that there was the one primary entrance, but there are two emergency access entrances that would count towards that access and the cul-de-sac length.

Sal said he is not sure he agrees with that.

Andy said that is what is in the fire code, what is required is access points.

Sal said he is talking about the Town Code not the Fire Code.

John said all those streets are different and all have different names.

Sal said you have 197 houses all coming back onto one driveway. Realistically it is not a road circulation you get 197 houses coming back to one entrance way.

John said they did an extensive traffic study showing the one-way in and one-way out, so this is not a new concept that they are proposing.

Sal said he is looking at under site plan review, and it has a list of things the board has to consider before they approve a site plan. The first one is do they think that the traffic pattern on the site is good.

Kelly (a part of the applicant's team) said when looking at a roadway system there are two scenarios to look at, one is the conformance to the Zoning Code and the definition in the code and the second is the SEQRA review and the safety issues. Any safety issues and code compliance was addressed as part of SEQRA. From a SEQRA perspective they have analyzed the roadway system and the accessibility for fire and emergency services as part of that SEQRA review. The second part of it is conformance with the code and the definition of the code. The definition of the code says the maximum length of the cul-de-sac is no longer than 1,250 linear feet. The definition of cul-de-sac is a road that has one-way in and one-way out. When that definition is applied to their site plan, there are two roads that are applicable that are cul-de-sacs called Peach and Pear. They have measured the length from the start of the road to the end of the cul-de-sac and in both scenarios, they are under 1,250 feet.

Andy said it seems that the issue may not be a cul-de-sac issue, but more of how the system is going to work.

John said that should have been covered in the traffic analysis.

Scott said that the board should review it to see if it does comply with the code or not.

Sal said that there is only one-way out for the residents.

John said wasn't the traffic study that was prepared study that.

Sal said that the traffic analysis didn't look at three different options and say why this was the best option. It just said this is what it is, and this is the number of cars, and it took it outside the site from there.

Carl said that the code doesn't address the number of homes that can be on a cul-de-sac.

John said that is correct. The requirement might be two-fold, it might be traffic flow but also safety if something were to happen on that road as they want to limit the number of people who are stuck.

Carl said you have that left turn off of 9W that gives them access to that area and also access in and out on Mayer which he feels should cover the access.

Andy said that the main access to the site is Health Care Center Lane, but there is also emergency access off of Apple Lane which can be used if there is an issue. There is also another emergency access that goes down through the storage facility. There is three points of egress to the site, the only cul-de-sac technically is the road at the top and the one in the center that goes to the clubhouse.

Sal asked why are you not using Apple Lane for access.

Kelly said it was deemed early in the process that it was preferred from the applicant's standpoint and the municipality's standpoint that it was an emergency ingress and egress only.

John said that nothing has changed in years with the ingress and egress and is surprised that it is an issue now.

Sal said now they are doing site plan review.

John mentioned that the board did site plan review for SEQRA.

Sal said that traffic study doesn't talk about the internal circulation of traffic.

Carl asked if the traffic study mentioned stacking at Mayer Dr, due to the light.

Kelly replied yes it did. She mentioned that the project was referred to county planning. The other item is to work on the phasing plan which they are currently working on.

Scott asked for an update on DOT approval.

Kelly said that they had a Zoom call, and DOT gave them a series of comments that they wanted addressed and are in the process of working on those.

Sal asked if there is a revised phasing plan.

Kelly said they are not revised, what was provided to the board was phasing of units. What was asked of them was to create a construction phasing plan, which they are working on.

Scott asked for a motion to schedule a public hearing for July 27<sup>th</sup>.

Motion made by Franco, 2<sup>nd</sup> by Bill.

All ayes, motion passed to schedule the public hearing for July 27<sup>th</sup>.

## **Public Hearings**

### **Peppino's Food: Amended Site Plan: 304 Station Rd.: SBL #86.4-1-22.100**

Applicant is seeking an amended site plan to construct a 70' X 165' building for produce storage.

Review Status: Public hearing set for June 22, 2023

Potential Action: Open public hearing

Patti (applicant's agent) said that she has a revised site plan in front of the Planning Board to add an additional 65 x 70-foot storage building on an existing concrete pad from a former cold storage building. This is a 4.62-acre parcel of land that formally was cold storage and packing house facility. It has been a warehouse facility since 2007. When they made the application, they realized they would be increasing the non-conforming maximum lot coverage and made an application to the Zoning Board of Appeals and have a public hearing scheduled for July. At the first meeting with the Zoning Board, they asked if an alternative could be found, to try to lessen the variance. The owner is conveying an additional 1.59-acre to the parcel. They have made a formal submission of the lot line adjustment today, so they will be taking the pre-existing non-conformity and making it less non-conforming through this action. She knows that this public hearing will have to remain open due to the Zoning Board process and the lot line revision.

Charly said that the last time it was mentioned that you could drive around the building.

Patti said yes.

Charly said was it discussed why they were going to have that be a drive around. The

board is concerned about the buffer from the farm and the gravel road and that they may be needed it for fire protection.

Patti said she never stated that the only reason was for fire protection. She will have to check with Dave because she knows that after a certain square footage of building there must be fire access around it. It is also for good accessibility around the building, not that you are going to have tractor trailers running around it, you don't now, but to be able to have company vehicles. There is already a tree line berm, a drainage swale at the bottom of the property. She has talked about the elevation of that gravel area going around the building is at a higher elevation then the improved area next to it.

Charly asked is it the buffer that is supposed to be there.

Scott said that he was concerned about the road around the building and that it will turn into storage or parking.

Charly said that the buffer isn't there to protect the farmer, it's to protect that lot, away from the farming, away from the spray. That is a food place, so there is food there, there is packaging. If the board doesn't have something from the fire department saying that they would require it to fight a fire there, he feels then the gravel should be taken out and there should be no access around the parcel, there should be trees put back, it should be put back to a buffer.

Patti said that there were never trees there in the first place as it was a railroad bed, and she is not sure if they could plant trees there. Right now, the building is about 55-feet off the property line, if the board feels that it is important that they have some kind of berm there and plant some trees to protect this facility from whatever farming operations that take place.

Charly said that the board would want something put on the plan as notes saying that it's not going to be used as storage, not going to be used for parking, unless they have a letter from the fire department.

Patti said whether or not it is required for fire access it's good planning, not to be able to have access around two structures of this size, she is surprised to hear a Planning Board say that would be something that they wouldn't want to see. She understands their concern about the buffer, she understands if they want a berm with trees, but to say you don't want full circulation around two buildings this size is not good planning.

Sal said the buffer applies to a parking lot, but does it apply to a road.

Charly asked how do you get around the building.

Patti explained the circulation around the building.

Sal suggested that maybe they put a fence up to prevent stuff from piling up.

Scott said maybe they could put some kind of gate up to limit access around the building.

Patti asked what the purpose of that is.

Scott said more for parking, the board doesn't want it to turn into parking. He said that access should be limited, but if there is an emergency then open it up.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2<sup>nd</sup> by Sal.

All ayes, motion passed to open the public hearing.

Chuck Andola (Neighbor) asked how high would the building be, and would sprinklers be required?

Patti said the building will be 29-feet. She isn't sure if a sprinkler system would be required as that gets reviewed by the building department when the permits are issued.

Chuck said his concern is the pond that is in front of his house, he gave rights that it could be used as a fire hydrant, there was a fire nearby, the pond was a lot deeper then. He is concerned that his pond will be used, and he feels that it won't get the job done anymore.

Patti said that they will get input from the fire chief regarding water sources and suitability and can check with the building department to find out what the sprinkler requirements are. It is a metal building, so she thinks that sprinklers won't be required.

Scott Anzalone (neighbor) said that just because his field is not planted up to the property line today doesn't mean he cannot tomorrow. New York Farms and Agricultural Markets allow him to use every inch of his property. He welcomes a buffer, he welcomes plantings it does state in the town code that it has to be natural vegetation, it doesn't mean grass to be mowed. It does state that is to be no parking, he feels that the overhead door where the gravel driveway is, it is his hope that the removal of those overhead doors on the side of the buffer would be removed to allow access through where the new loading docks are, where the parking lot is going to be. If there is to be a buffer, you wouldn't want an overhead door as they have food and sell food. They are at a higher elevation, so that spray drift or anything else that drifts, drifts down. The Town Code states that an agricultural buffer needs to be a minimum of 50-feet but can be up to 100-feet at the discretion of the Planning Board. Even though the east side is used only for access, vehicles are parking there and if the overhead doors are left there and saying that they cannot have parking there, then what is the use of having the overhead door there as eventually there will be a vehicle parked there to be loaded.

Scott asked how someone gets around the building if the parking spaces to be added are

filled?

Patti replied that you don't.

Scott that goes a little bit more into why he suggested a fence on both sides, so it cannot be accessed. He suggested that the owner and neighbor help each other to mitigate any possible issues.

Patti said that this operation has been around for 15+ years and there has never been an issue.

Sal asked where the overhead door that was mentioned is.

It was pointed out on the site plan.

Franco asked how many trucks are currently run.

Joe (Applicant) said 8 trucks.

Franco asked at the end of the day where do they park the trucks.

Joe said on the side of the building.

Franco pointed out on the map where it would be.

Joe said yes.

Scott said didn't the board ask for truck turning movements.

Patti said that the board only asked for that last week.

Joe said that they bought the place in 2001. He has spent a lot of money fixing the property up. His company has been growing and has been trying to do the right things. The reason he needs more is because he has another place at 85 North Rd, that they use as storage and go back and forth, he doesn't need more trucks, he just needs more space. It has been almost a year since the parking has been removed and they never park on the gravel area. If the board wants him to put up a fence he will and if they don't want parking over there, he will make sure that there is no parking. The only reason they use the overhead door is that it is the only door that they can use to get the stuff in and out of. He plans on putting an overhead door in the corner of the new building.

Patti said he is talking about the southeast corner of the new building and that the overhead door will replace the other one.

Joe said that he plans on closing off the overhead door and not use it again. The reason

there are palettes outside is because they have no room, which is why they need a bigger place. He currently has 45 people working for him.

Scott asked what hours do the people work.

Joe said from 7am-8pm.

Scott asked if there was anything on the building that showed lighting.

Patti said yes.

Joe said that they put lights all around and they will place them on the new building as well.

Scott asked is there ample parking for the 45 people working there.

Andy asked how many spaces do you have.

Patti said it is required to have 1 space per 2,000 square feet, plus any required for the office, the parking spaces required are 14, they are providing 40. That is more parking than they have now, and they currently have been able to accommodate all the employees with what they have now. They are not increasing the number of employees by shutting down the North Rd site and consolidating into one location, same number of people just consolidating the storage.

Charly asked that new building is it just for storage, there are no added utilities, no bathrooms or anything.

Joe said no.

Franco said it's dry storage.

Joe said right now they store bulk goods at the other site and that is what the new building will be used for.

Andy said that there are currently 45 people working there.

Joe said no some people sell and he has 45 people on pay roll.

Andy said are you transferring people from the other site to here.

Patti said no, everybody who is on there now is staying there all he is doing is closing the North Rd storage facility and moving the storage to here.

Andy said there are no people regularly scheduled for there that are going to be working here more frequently.

Joe said no.

Scott said that he suggests that on the map there is a note that states no parking along the buffer side of the building.

Andy suggested that signs would be a good idea.

Scott said this all based on what the fire department suggests to the board.

Scott asked for a motion to keep the public hearing open.

Motion made by Bill, 2<sup>nd</sup> by Franco.

All ayes, motion passed to keep the public hearing open.

**Relyea, Susan: Lot Line Revision: 1 Maple Ave & Brinkerhoff Ave,  
SBL #88.17-10-3.200 & 88.17-10-4**

Applicant is seeking a lot line revision to convey a 0.44-acre parcel from tax parcel 88.17-10-4 to tax parcel 88.17-10-3.200. The resultant parcels will be lot #1 a 0.79-acre parcel containing all the improvements currently appurtenant to the lot and lot #2 a 0.18-acre parcel with an existing 2-family dwelling and attached garage and will require an area variance.

Review Status: Public hearing set for June 22, 2023

Potential Action: Open public hearing, close public hearing, resolution

Patti (applicant's agent) said this is a lot revision between two parcels of land located on Maple Ave and Brinkerhoff Ave, there is a 0.39-acre parcel that contains a single-family house and part of a garage. There is a 0.62-acre parcel that has a two-family house in the past that has been used as a business, which she believes is back to residential, that lot owns the other half of the garage, the pool, the pool house, and accessory entities that is used by the single-family house. They did need some area variances which they obtained from the Zoning Board of Appeals on June 8<sup>th</sup>. The area variances have been stipulated on the map per the resolution. The changes made on the map was the clarification of the access easement, that lot #1 has over the corner lot at the corner of Maple, Vineyard, and Brinkerhoff, over the existing blacktop driveway. She located the blacktop driveway, showed it on the map and noted the right-of-way and added the area variances that were granted. There were some issues with the fact that there are multiple retaining walls and fences, she has reviewed them with the building department, and they were all pre-existing conditions that were not a part of this application since this is a simple lot line revision and that they would not be entertained at this point in time.

Andy said his primary concerns were about easements for retaining walls and access and sounds like those issues are resolved.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2<sup>nd</sup> by Bill.  
All ayes, motion passed to open the public hearing.

\*No public comment\*

Scott asked for a motion to close the public hearing.  
Motion made by Franco, 2<sup>nd</sup> by Bill.  
All ayes, motion passed to close the public hearing.

Scott read the resolution.

Scott asked for a motion to approve the resolution.  
Motion made by Franco, 2<sup>nd</sup> by Bill.  
All ayes, motion passed to approve the resolution.

**Walton, Gia Marie: Lot Line Revision & Subdivision: 1, 25, and 27 Picnic Woods Rd, SBL #94.2-2-18.130, 94.2-2-18.141, 94.2-2-18.142**

Applicant is seeking a 2-lot subdivision with 2 lot line revisions. Proposed lot #1 will be 2.01-acres in size and is improved with an existing house, well and septic system. Proposed lot #2 is a new buildable flag lot 2.04-acres in size and will need an area variance. Proposed lot #3 will be a 2.06-acre lot improved with an existing house, well and septic system. Proposed lot #4 is a previously approved vacant residential lot that will be increased in size from 4.05-acres to 4.17-acres, so the existing driveway is located entirely within the lot bounds.

Review Status: Public hearing set for June 22, 2023  
Potential Action: Open public hearing, close public hearing, resolution

Patti (applicant's agent) said there are three parcels of land on the westerly side of Picnic Woods Rd, the proposal is to add a 0.12-acre parcel to the most northerly lot which is known as lot #4, it will be increased from 4.05-acres to 4.17-acres. The middle lot which is improved with a single-family dwelling will be reduced in size from 2.39-acres to 2.06-acres and they will be conveying a 0.21-acre parcel of land to the southernly parcel which will be subdivided into two. One will be a 2.01-acre parcel and a 2.04-acre. Right now, there are 3 lots that are 4.05, 2.39, and 3.84. They will end up with 4 lots being 2.01, 2.04, 2.06 and 4.17-acres in size. An area variance was required from the Zoning Board of Appeals because the acreage requirement in the A-Zone is 2-acres and you are not allowed to count the "flag pole" portion of the flag lot as part of the acreage that was 0.16-acres in size, so they required a 0.12-acre area variance which was granted on June 8<sup>th</sup> and has been noted on the plat.

Andy said before the last meeting he spoke with Patti as he is requiring sediment and erosion control plans for the project based on expected area of disturbance. He did get the maps but has a few comments that still need to be addressed, he is okay if the board made those comments a condition of approval as it wouldn't affect the outcome of the lot lines, it is just construction phase things that need to be taken care of.

Carl asked if there was a maintenance agreement for the shared driveway for the flag lot.

Patti said that there is not a shared driveway for the proposed flag lot.

Andy went through the Short Environmental Assessment Form Part II with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board agrees no to small impact.

2. Will the proposed action result in a change in the use or intensity of use of land?

Board agrees no to small impact.

3. Will the proposed action impair the character or quality of the existing community?

Board agrees no to small impact.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board agrees no impact.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Board agrees no to small impact.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board agrees no to small impact.

7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?

Board agrees no to small impact.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Board agrees no to small impact.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Board agrees no to small impact.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board agrees no to small impact.

11. Will the proposed action create a hazard to environmental resources or human health?

Board agrees no to small impact.

Scott asked for a motion to accept the negative declaration.

Motion made by Franco, 2<sup>nd</sup> by Charly.

All ayes, motion passed to accept the negative declaration.

Scott asked for a motion to open the public hearing.

Motion made by Carl, 2<sup>nd</sup> by Sal.

All ayes, motion passed to open the public hearing.

\*No public comment\*

Scott asked for a motion to close the public hearing.  
Motion made by Charly, 2<sup>nd</sup> by Carl.  
All ayes, motion passed to close the public hearing.

Scott read the resolution.

Andy asked if a condition could be added in that they have to address all comments from the Planning Board's engineer.

Scott asked for a motion to approve the resolution as amended.  
Motion made by Bill, 2<sup>nd</sup> by Sal.  
All ayes, motion passed to approve the resolution as amended.

### **Continued Public Hearings**

#### **180 South Street LLC: Commercial Site Plan: 180 South St. SBL: #87.3-5-14.**

Review Status: Public hearing opened on 4/27/23  
SEQRA Status: Unlisted Action  
Potential Action: TBD

Brian (applicant's agent) said that some of the issues that were brought up was the flood plain development certificate that before a building permit is issued, they must seek one from the flood plain developer manager. They discussed hours of operation, and that there were some open engineering comments, that of this afternoon have been addressed. One of the comments that they were not prepared to speak about at the last meeting was the look and feel of the building.

Andy said he has some comments regarding stormwater still, there was some drainage survey requirements. There were some offline discussions, and he thinks there was some clarity on what was required but hasn't had a chance to look at the maps yet.

Scott said that the board brought up the issue of the pallets outside the building and maybe before construction even starts to get that sorted out and cleaned up before.

Peter (A part of the applicant's team) said that he brought boards to show the owners other buildings.

Brian said that he has been to the site numerous times and hasn't seen as bad as the pictures that were shown. The building department did request that a note be added to the map that there is to be no outdoor storage.

Scott said he is concerned about the issue as it has been brought to his attention a few times.

Brian said he mentioned to the owner that outdoor storage is a concern with the board going forward, he didn't know it was an issue now. He also let the owners know that there was also an

issue with people taking breaks on the septic system.

Scott said the board is not an enforcement agency, but the building department is and it's something that they have asked and would like to see something done with it.

Brian said he will let the owners know.

Peter showed examples of the owner's other buildings. The owner said that he would like a lighter tone for this one.

Sal asked what they were going to use for the siding.

Peter said it was an architectural metal.

Scott said like how the car dealerships are done.

Peter said not that smooth, it's an architectural metal, he uses the one with the hidden fastener. He showed the board the siding.

Franco said he was okay with it being a neutral color.

Sal suggested that they think about breaking the color by using an accent color, to make it seem like there is a bay there. Where the offices are with all the glass you can pop that up and make it all one color, so that reads as another piece. What you have now is kind of a monolithic box.

Scott said just to break it up a little bit, to give it a little more character than it just being all one color or look like a solid wall going down the highway.

Peter said he hates to break the panel up in the same plane as then you have a flashing joint, he can outset the girts on the top and inset them on the bottom, so you have a shadow line. It is an inexpensive way to make it look better.

Scott asked if they were putting a second floor on the building.

Peter said in the office area, yes.

Franco asked just in the office area.

Peter said yes.

Scott said that he thought they were just going to add a parapet wall around the top to hide what was up there and to make it level.

Franco asked if there were mechanical drawings for the project.

Brian said that the board should have on record from the April meeting a number of architectural

elevations which the renderings were made from.

Sal said that he would like a hard copy of the elevations, he would also like a plan that shows basically the outline of the existing building at footprint and the extension in contrast. He knows that they are squaring it off but cannot grasp how they are doing it.

Plan was shown and Brian explained it to the board.

Sal said that there should be a drawing just for the board to see how it fits.

Brian said that they were not aware of the 2<sup>nd</sup> floor either, that design is done internally. They submitted a floor plan showing all the different additions that were made to the building and when they were done.

Sal said that he wants to see the outline of the building and then darker for the added parts.

Scott asked how high is the building.

Peter said they are just working on the architectural plans now.

Existing building footprint plans were shown.

Scott asked for elevation drawings.

Brian said that the elevation views were provided.

Scott said that he doesn't remember seeing the height of the building or the second floor.

Franco said the height is 33-35 feet.

Brian said that land slopes, so they are trying to show the roof height in relation to ground.

Franco said there won't be a problem with truck turning.

Brian said one of the comments that they had from the board and have provided them.

Carl asked if parking has been addressed.

Brian said that they have provided the required parking.

Chuck (neighbor) said he has concerns that they cannot handle the little things, how can they handle the bigger things. He envisions the building to look like what they are proposing and not what it looks like today. He feels that they can succeed there, but not run year-round or all night. His engineer submitted a letter and the main concern was the flood plain and with the extra roof line there will be more water running off. He doesn't see how a truck is going to get around that area without disturbing the septic area. There are pallets stacked up against the septic field.

Scott asked for a motion to keep the public hearing open.  
Motion made by Bill, 2<sup>nd</sup> by Sal.  
All ayes, motion passed to keep the public hearing open.

Brian asked if there was anything else the board wanted done before the next meeting.

Scott said something done with the pallets.

Charly said there was a question about some drainage in the front of the building, that the board wasn't sure if it was there or not.

Brian said he believes what was brought up was a culvert that is not there.

Franco said there is supposed to be a pipe that runs from the west side of the road to the east side of the road.

Chuck said correct.

Brian said that may be but it's not on this property.

Discussion regarding the culvert took place.

Sal said that for SEQRA there is a question regarding development in the flood way, and he looked at the FEMA map, it appeared to be really close to the flood way.

Andy said that he thinks the flood way and flood plain boundary are shown on the maps.

Brian said they are shown on the maps and they are different. Development in both the flood plain and flood way are allowed. They are not proposing any improvements in the flood way. The development they are proposing would fall into the flood plain. He said that the base flood elevation is 410-feet, the proposed building, the finished floor elevation is 414.7-feet, the code requires 2-feet above.

Discussion regarding the culvert took place.

Brian said the board wants revised renderings that break up the façade like the board asked.

Scott said maybe give the board some options to look at.

Brian asked if there was anything about the floor plan.

Sal said if you give the board a floor at least it helps them understand.

Brian said they have a first-floor plan, but nothing showing the second floor.

Peter said that he has to check with the owner to make sure that they are going to have a second

floor on the building as they have talked about many things as they probably have room to place it all one floor.

Scott said when it originally came before the board it was going to be one floor and you were going to put a parapet wall up to show that it was one solid roofline going across.

### **Administrative Business: Referrals from ZBA**

#### **Rozzi, Thomas: 3 Orchard Lane: front yard variance and front yard setback for a garage**

Scott asked if the owner could be called to let him know that the board was going to come over.

Bill said that he looked at the map and saw that there were three other houses near by and that there appeared to be buffers.

Paul said that he thinks it is okay if this board outlines its concerns if they have no specific recommendations.

Scott said the one main concern is buffering, to make sure that there is some kind of screening between properties.

Sal asked they are only seeking a variance for it being in the front yard.

Paul said yes, and he feels that Dave made a pretty good case with why it is the only viable location.

Scott asked is it for material or equipment.

Franco suggested maybe a privacy fence.

#### **Peppino's Food: 304 Station Rd: Commercial area variance for building and lot coverage**

Paul said once the subdivision map comes in that variance may go away or be significantly minimized.

#### **Motion to Adjourn.**