

**PLANNING BOARD
VILLAGE OF WARWICK
September 10, 2024**

Minutes

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:30 P.M.
MAXIMUM OCCUPANCY- 40**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, September 10, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Chairperson, Jesse Gallo, Board Members: Kerry Boland, Scot Brown, Bill Olsen and Alternate Vanessa Holland. Absent was Board member Bryan Barber. Also, present was the Planning Board Secretary, Kristin Bialosky, Village Engineer Keith Woodruff, Planning Board Attorney Elizabeth Cassidy and Vanessa Mann, Joe Irace, Ron D'Aurizie, Natasha Walkowitz, Bob Krahulik, Pete Proulx, Paul LeDuc, Marie Sisti, Mr. and Mrs. Sinclair, Kirk Rother, Mr. and Mrs. Eurich and Bo Kennedy.

Chairperson, Jesse Gallo called the meeting to order and led in the Pledge of Allegiance. The Planning Board Secretary, Kristin Bialosky held the roll call.

Alternate Vanessa Holland to be voting member for September 10th Planning Board meeting

A **MOTION** was made by Kerry Boland, seconded by Scot Brown and carried for the Acceptance of Alternate Vanessa Holland to be voting member for September 10th Planning Board meeting.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye
Scot Brown Aye Bill Olsen Aye

Acceptance of Planning Board Minutes

A **MOTION** was made by Scot Brown, seconded by Bill Olsen and carried for the Acceptance of Planning Board Minutes: August 13, 2024.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Abstain
Scot Brown Aye Bill Olsen Aye Vanessa Holland Abstain

Applications

1. 15 Elm Feed & Grain – <https://villageofwarwick.org/15-elm-feed-grain/>

Flood Plain Application – Site Plan

Discussion

The owner of the property, Joe Irace introduced his flood plain application. The original site survey was reviewed, showing the layout before buildings were removed. The speaker noted the locations of key structures, including a grain building with a small addition, all the other buildings have been demolished, and the site now consists of the grain building with a small addition and impervious surfaces. Although the foundations have been removed, the site remains hard-packed and partially excavated. The remaining buildings on-site are 6 to 10 feet higher due to being level with nearby railroad tracks. A secondary road and primary road are indicated on the survey. The survey was conducted after the applicant purchased the property, following the demolition by the previous owner. Only the tower and driveway remain from the original structures. Mr. Irace discussed the history of the property, noting that all original buildings, including a store and grain tower, were removed at the same time. A recent survey was presented, based on one from five years ago, showing topography and floodplain details. The FEMA floodplain and floodway were mapped, with the property mostly in the floodplain but not in the floodway. Mr. Irace explained a landscaping project involving the creation of a berm using certified fill to support planting efforts, which previously failed due to poor soil quality from the site's industrial past, the goal is to raise the grade a few feet to improve the landscape, with a future possibility of building, seven, single-family apartments. However, due to floodplain restrictions, such construction might require raising the buildings about eight feet, making it challenging. For now, the focus is on landscaping, which has already shown results with grass, wildflowers, and trees. Mr. Irace noted the need for a permit due to the site's location in a floodplain and provided information based on engineering reports, including topography, floodplain lines, and the amount of fill being added. Mr. Irace clarified that they are not proposing to build anything at this time, only the fill and landscaping. The Planning Board Engineer, Keith Woodruff said to remove anything on the map that is not being proposed at this time. Board member Scot Brown wanted to know if the applicant was excavating the compacted soil underneath and Mr. Irace stated that he was putting the soil right over as it is all gravel. Board member Kerry Boland wanted to know if the soil was already there, and Mr. Irace clarified that the soil was already brought in, and all of the soil was licensed and tested material. When Mr. Irace had built the original building, they had gone through the process and the previous Planning Board Engineer Dave Getz approved of this and just wanted to make sure the soil was tested. Mr. Irace said that they never finished filling in the site. Mr. Irace said it's the same site it was before he is just raising the land with fill to give it a more aesthetically pleasing look. Ms. Cassidy, Esq., the Village Planning Board Attorney advised the Board they could decide tonight whether the proposed amendment to a previously approved site plan requires a public hearing, as per section 145-96 of the Village Code, and since the site plan is within 500 feet of NYS Route 94, the application must be reviewed under section 239. Ms. Cassidy, Esq. stated the applicant submitted a short form EAF dated July 10, 2024, indicating the project is an unlisted action under SEQR. Ms. Cassidy advised the Board to have a discussion whether the

amendment is to the extent that the Board decides the project should have a public hearing. The Board had a discussion and asked Mr. Woodruff to go through his comments. As a condition of approval, the board should require the applicant to provide an as-built report after completing earth disturbance and fill within the floodplain. The board must also assess if the development could result in physical damage to adjacent properties. The applicant is replacing impervious surfaces with fill in the same locations, a change not deemed drastic by FEMA based on the 2009 study. However, the addition of parking in the lower corner could be significant, warranting a technical analysis to ensure it does not negatively impact downstream or upstream properties or alter flooding conditions at the Elm Street culvert. Mr. Woodruff stated there are ways for the water to get around objects as the water could essentially go around the building, this is not stopping the water from following the same path, it would be just confining the water to the interior portion of the parking area. It is a change from the previous floodplain development permit when it was issued. Mr. Irace said the fill is for plantings and by raising the area they are able to look at the river. Board member Kerry Boland asked if the work was done, and it was further clarified by Mr. Woodruff that work was being done without a permit and the building inspector was notified. This is when Mr. Woodruff and the Building Inspector had an inspection on site to look at what was being done on the property, and that's where the recommendation came from to file the permit with the planning board for a flood plain application. Mr. Woodruff went on to say the application is only for fill in the flood plain. The board asked Mr. Woodruff if this project was significant enough to require a public hearing. Mr. Woodruff explained that with flood plains and floodway development you can affect not just your neighbors or people across the street, water can impact people downstream and upstream. The Board discussed properties that could be affected. Chairperson Gallo said a public hearing would likely be necessary so people and businesses in the area are notified. Board member Scot Brown said he would like to make a motion to require a public hearing for October 8.

15 Elm Feed & Grain – Schedule of Public Hearing

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland, and carried to schedule a public hearing for October 8, 2024, on the 15 Elm Feed & Grain Flood Plain application.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye

15 Elm Feed & Grain – GML 239 Application referral to Orange County Department of Planning

A **MOTION** was made by Kerry Boland, seconded by Scot Brown, and carried to GML 239 application referral to Orange County Department of Planning on the 15 Elm Feed & Grain Floodplain application.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

2. 13 Forester Ave. – Kennedy - <https://villageofwarwick.org/13-forester-ave/>

Amendment to Site Plan

Discussion

The applicant's Engineer, Mr. Kirk Rother explained the amended site plan. He explained during construction, some changes have occurred that require reapproval from the board. The key updates involve modifications to the sidewalks. Initially, the sidewalk plan included a section (as shown on the provided map). However, during the permit process, the building department's consultant, Martin Rogers, requested an additional sidewalk segment to connect the sidewalk on Forester Ave. to the parking lot. This sidewalk was challenging to implement due to tight space and access issues. Subsequently, as the building plans evolved—particularly with the addition of more doorways for a restaurant near Church Street—a new sidewalk was introduced to facilitate material delivery to the restaurant without disrupting pedestrian traffic. Consequently, the former sidewalk shown will be eliminated in favor of the new one, which offers a more practical connection to Forester Ave. and better serves pedestrian traffic. The plan is to eliminate the rain garden and revise the sidewalk. The Board had a discussion and were all in favor of having the new sidewalk implemented as there is more traffic on the far side of the building. Ms. Cassidy, Esq. commented that the amendments are governed by 145 -96. The Board must decide if the extent of the changes warrants a public hearing, which is at the discretion of the Board. The project has undergone a full SEQR review. There were two iterations: one in 2022 without an upstairs use and another in 2023 with changes. The applicant is requesting SEQR consistency statement to either reaffirm the existing findings or confirm that the changes align with SEQR requirements. Ms. Cassidy said that she would defer to the Planning Board Engineer for engineering-related questions. Mr. Woodruff explained that it was noted that stormwater management is not required as the total disturbance is under an acre. It was requested that this be documented in the plans. Verification was also sought for the locations of stormwater discharge, specifically whether leaders will follow the same pipe or trench as the footing drains. Additionally, the Board needs to confirm if it will maintain previous leniency regarding the parking requirement. The applicant is increasing the parking space count by one, which was previously approved despite the requirement for 75 spaces. The applicant provided calculations showing that the mix of apartment, retail, and restaurant uses results in offsetting peak times, justifying the reduced number of parking spaces. Chairperson Gallo asked the Board if they wanted to take a vote on whether or not a public hearing would be appropriate, and the Board decided this did not warrant holding a public hearing regarding sidewalks.

13 Forester Ave. – Kennedy – Public Hearing Not Required

A **MOTION** was made by Vanessa Holland, seconded by Bill Olsen, and carried to not hold a public hearing on the 13 Forester Ave. amendment to site plan regarding the sidewalks.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

Mr. Rother stated that if a consistency statement were issued, it would confirm that the proposed changes will not lead to increased water consumption, sewer discharge, or traffic. Additionally, there will be no significant increase in impervious areas—only a minor addition due to sidewalk expansion. There will be no changes to lighting, stormwater impacts, erosion and sediment control, or any other conditions previously adopted by the board. Mr. Rother further noted that the area has been reconfigured, resulting in a narrower island due to the removal of a sidewalk. Additionally, the parking spaces have been adjusted: while the typical space width was nine feet, ADA requirements are eight feet, which allowed for an extra three feet of space. This adjustment, combined with a five-foot reduction in another area, enabled the addition of another parking spot. Board member Scot Brown asked if there were any unmet conditions that would prevent the Planning Board from approving the amended site plan at the meeting. The attorney clarified that although a typed resolution was not prepared in advance, the prior 2023 resolution should be referenced and incorporated into the current approval. The planning board had previously determined that the amended site plan approval would benefit public convenience, safety, and welfare, and is in the best interest of the applicant and the Village. The attorney noted that the construction timeline appears to be on track. Ms. Cassidy was drawing up the Resolution of Approval.

13 Forester Ave. – Kennedy – Changes proposed DO NOT change SEQR findings

A **MOTION** was made by Scot Brown, seconded by Kerry Boland, and carried to declare the changes proposed do not change the SEQR findings.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

13 Forester Ave. – Kennedy – Grant Amended Site Plan Approval to Terms and Conditions of the June 24, 2022 and July 11, 2023 approval.

A **MOTION** was made by Kerry Boland, seconded by Scot Brown, and carried to grant amended Site Plan approval to terms and conditions of the June 24, 2022, and July 11, 2023 approval.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

The Board commented they liked how the building was coming along and that it looked good.

3. 21 Woodside Drive – Shea - <https://villageofwarwick.org/21-woodside-drive/>
<https://villageofwarwick.org/21-woodside-drive-zba/>

Application for Final Site Plan Review

VILLAGE OF WARWICK
PLANNING BOARD
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Planning Board of the Village of Warwick will hold a public hearing at the Village of Warwick Village Hall, 77 Main Street, Warwick, NY 10990 on September 10, 2024 at 7:30 p.m. or as soon thereafter as possible on the site plan application of Natasha Walkowicz Shea to allow for the construction two additions together with modifications to the existing porch to the existing single family-home located at 21 Woodside Drive (SBL 203-2-3). A copy of the application is available for review in the Building/Planning Department located at 77 Main Street, Warwick, NY 10990 during regular business hours. By order of the Planning Board of the Village of Warwick.

By Order of the Planning Board of the Village of Warwick,

JESSE GALLO
CHAIRMAN

DATED: AUGUST 14, 2024

Discussion:

Chairperson Gallo introduced the application. The applicants Ron D’Aurizie and Natasha Walkowicz brought their plan to present to the board. Mr. Woodruff made comments on the site plans and said the plans have been updated to show roof leader discharge points, with details left to the contractor. A specific condition for final approval should require the contractor to direct stormwater onto Woodside Drive to avoid misdirection. The plans now include approximate locations of existing service utilities, the placement of proposed air conditioning units and condensers on a concrete pad at the rear of the building, and the location of proposed silt fencing along the adjoining property line. Overall, the plans have been sufficiently updated. Chairperson Gallo asked Ms. Cassidy if she had any action items and she said she did not. Chairperson Gallo asked the Board if they had any questions or comments, and the Board did not. It was decided to open the Public Hearing.

21 Woodside Drive – Walkowicz – Open the Public Hearing

A **MOTION** was made by Bill Olsen, seconded by Vanessa Holland, and carried to open the public hearing on 21 Woodside Drive.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

Chairperson Gallo read the public hearing notice.

VILLAGE OF WARWICK
PLANNING BOARD
NOTICE OF PUBLIC HEARING

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By Order of the Planning Board of the Village of Warwick,

JESSE GALLO

CHAIRMAN

DATED: AUGUST 14, 2024

Ms. Cassidy confirmed the mailing receipts were received by the Planning Board Secretary. Chairperson Gallo asked if there was anyone that wishes to speak on the application. Beth and Herman Eurich came to speak and stated they were worried about the water being discharged towards their property and after looking at the plans were satisfied the water would be discharged to the street by way of underground pipes. No one else came to speak regarding the application.

21 Woodside Drive – Walkowicz – Close the Public Hearing

A **MOTION** was made by Bill Olsen, seconded by Scot Brown, and carried to close the public hearing on 21 Woodside Drive.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye

Ms. Cassidy, Esq. clarified the application was a type II action under SEQR. Ms. Cassidy, Esq. stated she could type up a resolution if the Board agreed. Chairperson Gallo requested to expedite the Resolution for Approval as the Village Code for the ZBA requires building to commence within 6 months of the ZBA decision. Ms. Cassidy, Esq. stated she thought the ZBA decision expired in December. She told the applicants to apply for the building permit as soon as possible.

21 Woodside Drive – Walkowicz – Accept the Final Site Plan

A **MOTION** was made by Vanessa Holland, seconded by Bill Olsen, and carried to accept the Final Site Plan for 21 Woodside Drive.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

It was clarified that the site plan needed to be signed and stamped by the surveyor and then Chairperson Gallo and Planning Board Engineer Keith Woodruff would sign it.

4. 9 Campbell Road – Prolux - <https://villageofwarwick.org/9-campbell-road/> <https://villageofwarwick.org/9-campbell-rd-zba/>

Application for Final Site plan approval.

VILLAGE OF WARWICK PLANNING BOARD NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Planning Board of the Village of Warwick will hold a public hearing at the Village of Warwick Village Hall, 77 Main Street, Warwick, NY 10990 on September 10, 2024, at 7:30 p.m. or as soon thereafter as possible on the site plan application of Laila and Peter Proulx to allow for the construction of a single family home and accessory garage at 9 Campbel Road (SBL 213-1-8). A copy of the application is available for review in the Building/Planning Department located at 77 Main Street, Warwick, NY 10990 during regular business hours. By order of the Planning Board of the Village of Warwick.

By Order of the Planning Board of the Village of Warwick,

JESSE GALLO
CHAIRMAN

DATED: AUGUST 14, 2024

Discussion:

Chairperson Gallo introduced the application. The applicants' architect Joe Irace presented the planning board checklist and asked Keith Woodruff if he had additional comments. He said that the water service is called out as and ABS pie, which is typically like the black plastic pipe. Mr. Woodruff said its not an approved potable water supply line and typically it's a copper pipe or PVC. The discussion included details about the pipe material, sewer service elevations, and pipe bedding for water and sewer services. The board was reminded to discuss and decide on the sidewalk in front of the home, which had been previously addressed. Additionally, it was recommended to remove the Environmental Assessment Form (EAF) language from the plan set, as this is a Type II action, and SEQRA review is not required. The removal of the EAF would simplify the plans and prevent the inclusion of unnecessary or inaccurate

information. The EAF is only required for Type I or unlisted actions, not Type II. Including the Environmental Assessment Form (EAF) in the plan set could lead to confusion, causing the board to search for negative declarations or other documents that don't exist. Additionally, if any inaccurate information is included on the EAF, it may not reflect the board's review, since the document is not required for this Type II action. Therefore, it was recommended to remove the EAF from the plans to avoid unnecessary complications. It was clarified that if the applicants put a sidewalk in front of their house, they would be the only house on that side of the street with sidewalks. The Board decided to not require the applicant to have a sidewalk only in front of their home as there were no other sidewalks on that side of the street. The Board all agreed the code should be discussed regarding sidewalks.

9 Campbell Rd. – Proulx– Open the Public Hearing

A **MOTION** was made by Kerry Boland, seconded by Scot Brown, and carried to open the public hearing on 9 Campbell Rd.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

Chairperson Gallo read the Public Hearing.

VILLAGE OF WARWICK PLANNING BOARD NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Planning Board of the Village of Warwick will hold a public hearing at the Village of Warwick Village Hall, 77 Main Street, Warwick, NY 10990 on September 10, 2024, at 7:30 p.m. or as soon thereafter as possible on the site plan application of Laila and Peter Proulx to allow for the construction of a single family home and accessory garage at 9 Campbell Road (SBL 213-1-8). A copy of the application is available for review in the Building/Planning Department located at 77 Main Street, Warwick, NY 10990 during regular business hours. By order of the Planning Board of the Village of Warwick.

By Order of the Planning Board of the Village of Warwick,

JESSE GALLO
CHAIRMAN

DATED: AUGUST 14, 2024

Chairperson Gallo asked the speaker to stand and state their name. Fran Sinclair clarified that Prime 36 used to have a sidewalk on their side of the street but stated that the sidewalk has not been maintained and the grass has just grown over it, which was the side that people walked on. The side that is 9 Campbell never had sidewalks there. Ms. Sinclair stated the sidewalks are not being maintained on the side of 36 Prime. Mrs. Sinclair asked if the applicant had pictures of what the house would look like.

Mr. Irace showed a picture and explained what the house was going to look like. Mr. Woodruff explained that a condition of the ZBA approval was the garage would be used as an accessory garage to a single-family dwelling and shall not be used for residential or business purposes.

9 Campbell Rd. – Proulx– Close the Public Hearing

A **MOTION** was made by Vanessa Holland, seconded by Scot Brown, and carried to close the public hearing on 9 Campbell Rd.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

Board member Holland asked if the members that lived on the street needed to abstain from voting and Ms. Cassidy, Esq. expressed to the Board members if they feel they can act on the application in an unbiased manner, they could vote but if you expressed opposition Ms. Cassidy, Esq. recommended the Board members abstain from voting. Mr. Woodruff issued a memo with minor technical comments that do not affect the site plan. The applicant will update the plans accordingly and submit them to both Mr. Woodruff and the attorney. Once the updates are reviewed, Mr. Woodruff and Ms. Cassidy will issue a letter confirming that all concerns have been addressed satisfactorily. At that point, the Chairperson will be authorized to sign the plan. It was noted that requiring additional changes at this stage could unnecessarily delay the project by a month, which is not considered practical.

9 Campbell Rd. – Proulx– Final Approval to the Site Plan subject to Conditions from the Attorney

A **MOTION** was made by Bill Olsen, seconded by Scot Brown, and carried to approve the site plan subject to conditions from the Attorney on 9 Campbell Rd.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Abstain Scot Brown Aye
Vanessa Holland Abstain Bill Olsen Aye

5. M&L Equity Auto – <https://villageofwarwick.org/M-and-L-Equity-Auto-LLC/>
<https://villageofwarwick.org/ml-equity-auto-zba-2/>

Application for Lot line Change – Public Hearing was left Open

VILLAGE OF WARWICK
PLANNING BOARD
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Planning Board of the Village of Warwick will hold a public hearing at the Village of Warwick Village Hall, 77 Main Street, Warwick, NY 10990 on August 13, 2024, at 7:30 p.m. or as soon thereafter as possible on the minor subdivision application of M&L Equity Auto LLC and Vanessa Mann located at 42 Orchard Street (SBL 210-11-5) and 18 Elm Street (210-11-16.22). A copy of the application is available for review in the Building/Planning Department located at 77 Main Street, Warwick, NY 10990 during regular business hours. By order of the Planning Board of the Village of Warwick.

By Order of the Planning Board of the Village of Warwick,
Jesse Gallo, Chairman
DATED: JULY 8, 2024

Discussion:

Chairperson Gallo asked the Planning Board Attorney, Ms. Cassidy to explain what had transpired since the last planning meeting. Ms. Cassidy explained at the last meeting, there was discussion regarding whether a new site plan was required. Upon reviewing historical files, it was determined that this subdivision does indeed trigger a site plan review. Even if it did not, it is the attorney's opinion that a site plan is required. The original site plan on file was for a smaller piece of land, but the applicant's predecessor had purchased an adjacent property and merged it without updating the site plan. The original site plan dates back to the 1990s, and the applicant has been provided with a copy. Chairperson Gallo asked Ms. Cassidy, Esq., what the options were, and Ms. Cassidy, Esq. explained the board had two options regarding the lot line improvement and site plan. The first option is to re-notice the matter as a lot line improvement and site plan amendment, with the possibility of deciding that the changes do not require a public hearing. Alternatively, since a public hearing is already in progress, the board could hold it open to allow time for the submission of the site plan. Most elements of the site plan are already reflected in the current plans, with only minor labeling and application updates needed. Mr. Woodruff will review how much the plan set may need to change, as the board must make specific findings during the site plan review. Mr. Woodruff explained that his comments were not of a substantial nature that would warrant re-noticing the public. Mr. Woodruff noted that there is significant detail on the plans, and that the comments provided are more just cleaning up the plan set, not necessarily dictating any major changes. A lot of the floodplain development, or limits of the floodplain, or on the subdivision plan as provided by Schmick surveying, whereas it's not on the engineering drawing. But that's an easy change that can be added to it, so it's not a complete omission, it's just a cleanup. The only significant change would be the screen from the adjoining property owner. But again, that could be a condition of the final approval and Mr. Woodruff stated he did not think it was significant enough unless the board is looking to review the visual aspect of it prior to making a motion. Ms. Cassidy explained to the Board that the paperwork and maps could be updated to reflect the subdivision and site plan. The application materials would be updated to reflect both. The review can be governed by the same

documentation. Board member Scot Brown clarified that the Board is working on the assumption that the Village Board approves the correct zoning map change between industrial and residential. Since the Public Hearing was left open Chairperson Gallo asked if the Planning Board Secretary had received any comments from the Public and it was established no comments were submitted. Chairperson Gallo asked if the site plan components were all on the plan. Mr. Krahulik presented the most recent map prepared by their engineer, which has been retitled as both a subdivision and site plan. The map identifies all buildings, including the existing Vacuum Center, which was part of the notice to remedy. For screening, the engineer has proposed a continuation of the existing fence, as requested by Ms. Mann. The only item still missing from the plan is the location of the floodplain. Mr. Woodruff explained that the floodplain was on the three-sheet set and two plans were prepared by Bob Schmick, and then there's the third sheet, from Friedler Engineering, which has the detailed engineering design information. But again, because one sheet of the set provided that information, I would say it's more of a cleanup issue than an actual actionable item. They're fully aware of the constraints and that the proposed improvements to the landscaping and the fencing wouldn't necessarily impact the floodway due to the landscaping. The fence is the fence, but it's a small portion. It actually may prevent damage from the adjoining property owner, as it would prevent flood waters and debris from intruding into their backyard, and the landscaping will allow water to continue to pass through. The planting detail is new to the discussion. Board member Bill Olsen asked if it was Arbovitae and Mr. Woodruff explained that they requested that tree because they are fast growing, durable and robust. Ms. Cassidy commented that the trees are staggered so it creates a buffer. Mr. Krahulik stated regarding application materials that they identified this map as a site plan and a subdivision map. After discussion, Ms. Cassidy stated that two separate applications should be filled out and submitted however the EAF was fine for both therefore having it on record. Board member Scot Brown was concerned about the vehicle service on site and Ms. Cassidy, Esq. explained the Building Inspector made several determinations regarding the uses of the property and their compliance with zoning codes. Specific areas, such as one bay being converted into a lube bay and the sale of tires, were found to be compliant. However, no clear determination was found regarding the installation or use of vacuums on the property. The discussion noted that various building permits had been issued for certain parts of the property. These permits were interpreted as confirmation that the projects complied with zoning regulations. Additionally, there was mention of a structure known as Detail Garage, which was previously a barn or garage. A merged piece of land, not part of the original site plan, was also integrated into the property. The conversation highlighted the Building Inspector's role as the primary authority in determining zoning compliance and issuing permits accordingly. Ms. Cassidy, Esq. went on further to state It was discussed that no new construction is currently proposed, and the matter at hand is essentially a cleanup of existing uses. Since previous determinations by the Building Inspector have been made and not challenged, these will stand as final. Moving forward, if new construction is proposed, the Building Inspector will be consulted to determine whether it complies with the existing site plan. If a change in use is involved, the Building Inspector will need to issue a determination on whether that change requires additional approvals. This process ensures that all future developments and changes are in line with the zoning and site plan requirements. Board member Scot Brown agreed with the explanation. The lot line improvement will be recorded with the county clerk. Mr. Woodruff explained the plan set consists of three sheets. The first sheet is the subdivision plan, prepared by the surveyor, which is the only one required to be filed with the county to meet filing requirements. The second sheet,

also prepared by the surveyor, contains the Zoning Board of Appeals (ZBA) variance determination. The third sheet is part of the full set. Both the second and third sheets will remain on file with the village clerk. This clarification ensures that proper documentation is filed with the appropriate authorities, maintaining compliance with both county and village requirements. Board member Scot Brown commented that there were several motions to make. Ms. Cassidy, Esq. stated the public hearing that was left open should be closed. Chairman Gallo asked if anyone would like to speak regarding the application. No one provided any comments.

M & L Equity Auto. – Close the Public Hearing

A **MOTION** was made by Bill Olsen seconded by Scot Brown and carried to close the public hearing on M&L Equity Auto.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

M & L Equity Auto. – Negative Declaration under SEQR

A **MOTION** was made by Bill Olsen seconded by Vanessa Holland and carried to a Negative Declaration under SEQR.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

It was determined to show the sewer easement on the map and Mr. Woodruff's outstanding comments to be addressed. Ms. Cassidy was going to add landscaping to be maintained in perpetuity. The plan is not authorizing any encroachment it's just shown for an existing condition. The fence will be on M&L's property; however, a building permit would need to be filled out. A six-foot vinyl fence of tan color will be installed. Ms. Cassidy, Esq. said to submit a plan that would be updated. So just to review those conditions, subject to zone change, subject to ZBA determination, subject to confirmatory easement, and then showing the sewer easement location subject to satisfaction of Keith Woodruff's outstanding comments, he will issue a letter when they are for the chair to sign. Landscaping to be maintained in perpetuity. Submission of site plan application not approving any off-site conditions encroaching fence, a fence to be six feet consistent with existing we're going to include a finding regarding the fence, that it's better for flood plains and the appearance of the buffer between the light industrial and residential zones.

M & L Equity Auto. – Public Hearing Not Required for Site Plan Updates

A **MOTION** was made by Kerry Boland seconded by Vanessa Holland and carried that public hearing is not required for Site plan updates.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

M & L Equity Auto. – Approval of Site Plan and Subdivision Map

A **MOTION** was made by Scot Brown seconded by Bill Olsen and carried to approve the site plan and subdivision map.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

M & L Equity Auto. – Approval of Resolution

A **MOTION** was made by Scot Brown seconded by Bill Olsen and carried to approve the Resolution.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

Adjournment

A **MOTION** was made by Bill Olsen, seconded by Scot Brown, and carried to adjourn the regular meeting at approximately 9:30 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Kerry Boland Aye Scot Brown Aye
Vanessa Holland Aye Bill Olsen Aye

Kristin Bialosky, Secretary to the Planning Board