# **July 8, 2020 REGULAR MEETING PUBLIC HEARING**

# **OF THE BOARD OF TRUSTEES**

# **CALL TO ORDER**

Mayor Harter will call the meeting to order with the Pledge to the Flag at 7:30 p.m.

Board Members Present: Mayor Harter Trustee Fuller Trustee Barczak Trustee Slattery Trustee Olejniczak

Board Members Absent: none

Also, Present: Clerk Wierzbicki Treasurer Geller Attorney Cassidy Building Inspector Burchianti

Approximate Number in Audience: **25 in person 32 Zoom**

1. **PUBLIC HEARING – INTRODUCTORY LOCAL LAW 5**

Clerk Wierzbicki read the affidavit of publication as published in the Warwick Valley Dispatch.

No correspondence had been received.

*Comments on the Zoom from Omar Abrahim questioned the need for the $5.00 fee for residents.*

*Trustee Olejniczak stated that it would be simply to recoup the cost of the sticker itself and maybe somehow we could incorporate in with other bill.*

Mayor Harter stated that we are using this basically for the safety of park goers since both incidents were from dogs this would require registering of all dogs.

Resident Adam Romonoski stated that it should be free for the kids they already have no where to go

Mayor Harter stated that he has no objections to no fee

There was a short discussion about keeping the Public until next meeting

**Motion to keep Public Hearing open by Trustee Barczak seconded by Trustee Fuller**

##### **VOTE: YES 5 NO 0**

1. **PUBLIC HEARING-INTRODUCTORY LOCAL LAW 6**

Clerk Wierzbicki read the affidavit of publication as published in the Warwick Valley Dispatch

**A letter was received by the Planning Board and read by Attorney Cassidy**

***Resident John Fucello sent an email regarding if and when the environmental impact of the wetlands has been addressed***

***Resident Kevin Lundell asked email if the DEC has been provided testing***

***Via Zoom several residents stated their concerns such as:***

***Traffic flow and congestion***

***Wetlands and habitant harm***

***Height of building and view obstruction***

***Property value decrease***

***Building becoming Section 8 housing due to not being able to rent***

***Cost of rent to seniors***

***Type of building***

***Dan Harter Sr. Village of Florida Police officer voiced his concerns over the need for more officers, both fire and police garbage pick up etc.***

***James McAteer stated that he wanted to know why this project was going forward after his was rejected last year (pre-existing non-conforming) across the street***

***Patrice Davis resident was concerned that her property would now back up to both a factory and all commercial properties***

***Linda Dubin resident said she moved here because she wanted to get away from the traffic and she cant pull out from the road now without almost getting killed***

***Ed Raso resident wanted to know where the entrance would be and stated that this isn’t Middletown he moved here from Slate Hill because of the small-town feel***

***Mike Costello resident stated that he thinks it’s a great idea just not for the Village of Florida or that particular site.***

***Melodie Palacino wanted to know the type of commercial stores on the bottom of building***

***Robert Knebel asked if he could answer and the Board gave him permission he stated it would be professional, lawyers nail salons etc***

***Richard Grogan expressed his displeasure with rental units stating that renters are “losers” because they usually are not responsible enough to have good credit to buy a house.***

***Robert Knebel briefly described the project and his other properties in Village***

***Mayor Harter stated that he welcomes any other comments via email and this public hearing will stay open until the August 12,2020 General Meeting***

**Motion to close Public Hearing request by Mayor Harter**

**Motion by Trustee Fuller second by Trustee Slattery**

##### **VOTE: YES 5 NO 0**

1. **MINUTES**

Motion made by Trustee Olejniczak seconded by Trustee Olejniczak to approve the minutes of the June 10th, 2020 Meeting.

##### **VOTE: YES 5 NO 0**

Motion made by Trustee Fuller seconded by Trustee Olejniczak to approve the minutes of the June 17th, 2020 Special Meeting.

##### **VOTE: YES 5 NO 0**

##### **III. FINANCIAL REPORTS**

1. **Treasurer’s Report**

Motion made by Trustee Fuller seconded by Trustee Olejniczak to accept the Treasurer’s report as submitted.

VOTE: YES 5 NO 0

**2. Payment of Vouchers**

Motion made by Trustee Fuller seconded by Trustee Olejniczak to approve payment of the vouchers as audited.

**VOTE: YES 5 NO 0**

1. **ANNOUNCEMENTS, CORRESPONDENCE & PRESENTATIONS**
2. **Gary Randall of Randall St sent a letter stating he did not have a sewer line.**
3. **Stauber sent their continued compliance report for June 2020.**
4. **Orange and Rockland sent a letter regarding their Pole Inspection program.**
5. **Judge Richard Shuback sent confirmation of sending Records and Dockets letter.**
6. **YMCA of Middletown sent a letter regarding reaching out to Governor Cuomo for youth related activities.**
7. **Orange County Department of Planning sent notice regarding the review of Agricultural Districts.**
8. **Ms. Nancy Champagne of Country Club Drive sent a notice regarding a penalty on her water bill.**
9. **Mr. Frank Rinaldi sent a letter of notification that a Liquor License renewal will be effective August 1, 2020.**
10. **NYCOM sent a notification regarding NYS new criminal discovery reform and modifications as of July 2nd, 2020.**
11. **Altice sent a notification of channel relocation and tiered channel programming.**
12. **Chelsea Brandt submitted her letter of resignation and two-week notice.**
13. **NYSDOT sent out annual CHIPS funding letters.**

**V. REPORTS OF THE TRUSTEES**

1**.** Thomas Fuller – Police, Justice, Emergency Management

2. Craig Olejniczak – Youth Recreation, Animal Control, Building & Planning

3. Brian Slattery – DPW and Parks, Buildings and Grounds

4. John Barczak – Sewer and Water

**VI. PUBLIC COMMENT – AGENDA ITEMS ONLY**

**VII. UNFINISHED BUSINESS**

1. **Water Plant Update**

**There was a brief summary regarding the water plant pilot from Fusco Engineering**

**VIII. NEW BUSINESS**

1. **Introductory Local 5 of 2020 –Parks**

INTRODUCTORY LOCAL LAW 5 OF 2020

A LOCAL LAW TO AMEND CHAPTER 87, ENTITLED PARKS

**BE IT ENACTED BY THE VILLAGE BOARD OF TRUSTEES as follows:**

**Section 1.        Legislative Intent.**

It is the intent of the Village Board of Trustees to regulate the use of the Village’s public park at Glenmere Park to ensure the health, safety and welfare of Village residents as well as protect the park environment.

**Section 2.        Chapter 87, entitled “Parks” shall be amended to read as follows:**

**§ 87-1 Use of Glenmere Lake Park.**

The use Glenmere Lake Park shall be open to all individuals between the hours of 7 a.m. to 9 p.m. weekdays and 8 a.m. to 9 p.m. on weekends subject to the prohibitions and regulations contained in this chapter.  Park hours may be altered by resolution of the Village Board of Trustees or, in the case of an emergency, the chief of police.

**§ 87-2 Permits.**

            A permit shall be effective May 1st through April 30th of the following year.

            A permit shall be required for the following:

1. Parking at Glenmere Lake Park.
2. Use of the Boat Launch at Glenmere Lake Park.
3. Walking of Dog(s)
4. Use of a park outside of normal hours.
5. Use of the pavilion at Glenmere Lake Park
6. Use of ball fields and refreshment stand at Walter R. Sturr Memorial Park
7. Use of any park facilities by groups in excess of 10 individuals.
8. Camping

Applications for seasonal permits for parking, use of the boat launch and walking of dogs may be obtained by the Village Clerk.

Application for reservations for group events may be secured from the Village Clerk.  The application shall be filed by a responsible person, who represents the group requesting the use of the park.  Applications shall be processed in order they are received by the Village Clerk.  The permit granted entitles the holder to only that portion of the park or building so stated on the permit.

The Application fees for such permits shall be established by the Village Board of Trustees pursuant to Chapter 8 of the Village of Florida Code, entitled “Fees.”

**§ 87-3 Prohibitions.**

The following shall be prohibited in Village Parks:

1. Campfires and fires outside of designated areas
2. Use of glass bottles and glass receptacles
3. Possession of alcoholic beverages
4. Use or possession of snowmobiles, and all-terrain vehicles (ATVs).
5. Camping in Village parks without permission
6. Hunting
7. Swimming in Glenmere Lake
8. Use of gasoline or diesel motors on or within 25 of Glenmere Lake.
9. Horseback riding

**§ 87-4 Dogs**

All dogs must be licensed wearing appropriate identification (CAT).  Dogs must be leashed while in Village parks unless permission is given in writing to organizations using the park for the training and showing of dogs or within any designated dog park enclosure.  Dog owners shall be responsible for the conduct of his/her dog and must pick up and properly dispose of dog feces.  Dogs within the park shall also be subject to regulations contained within Chapter 55 of the Village of Florida Code, entitled, “Dogs and other Animals.”

**§ 87-5 Camping**

No person shall bring into any Village park or be in possession of any tents, nor shall they camp, start or maintain any type of fire without a special issued by the Village of Florida.

**§ 87-6 Trash**

All persons using any Village park shall be responsible for the removal and clean-up of any trash or debris.  All such trash or debris shall be deposited in designated receptacles provided or removed from park property.

**§ 87-7 Vehicles**

1. Vehicles are prohibited on all park property except on designated roadways and parking lots.
2. Overnight parking of vehicles on park property is prohibited.
3. The parking of vehicles, boats or trailers between the shoulder and the roadway at Glenmere Lake is always prohibited.
4. The parking of vehicles, boats, or trailers on the roadways adjoining the park at Glenmere or the Village reservoir (Glenmere Lake) is always prohibited.
5. All vehicles and boats shall display a season permit issued pursuant to § 87-2.

**§ 87-8 Boat Storage**

Leaving boats unattended or stored at Glenmere Lake Park is prohibited.  Owners of such boats violating this provision are subject to the immediate removal of such boats without notice, the cost of storage of such boats and the penalties as provided in § 87-8.

**§ 87-9 Penalties for Offense**

1. Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding $ 250.00 or by imprisonment for a term not exceeding 15 days, or both such fine and imprisonment.  [Tiered punishment].  The continuation of an offense against any provision of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
2. Should any person or group violate the provisions of this chapter, in addition to the penalties set forth in Subsection A above, the permit for said person or group may be revoked by the Village Board of Trustees, and said person or persons will be asked to leave the park premises and said persons or group may be barred from use of the park for a period of time to be determined by the Village Board.

**Section 3.        Authority.**

            This local law is adopted pursuant to section 10 of the Statute of Local Governments which provides local governments the power “to adopt, amend and repeal ordinances, resolutions and rules and regulations in the exercise of its functions, powers and duties”.

**Section 4.        Severability.**

            If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof , but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5.        Effective Date.**

***This local law shall take effect immediately upon filing with the Secretary of State.***

**Motion made by seconded by**

**VOTE: YES NO Tabled to August 12 meeting**

1. **Introductory Local Law 6 of 2020 – A Local Law to Amend the Zoning Law to Expand the General Commercial Zone**

WHEREAS, the Village Board of Trustees has received a petition to amend the zoning code to add two parcels to the General Commercial Zone in the vicinity of South Main Street and Village Drive and modify the General Commercial Zone to allow for mixed-use commercial and residential apartments by of Robert Knebel of Village Drive Commons; and

WHEREAS the Village Board of Trustees has reviewed and considered the petition and determines it is desirable to create a limited expansion of the General Commercial zone in that area where other commercial uses have existed for years; and

WHEREAS allowing properly scaled mixed-use commercial/residential development in the General Commercial zone is consistent with the existing Village character; and

WHEREAS, the Village Attorney has reviewed the draft text changes and prepared a draft Introductory Local Law; and

NOW THEREFORE BE IT RESOLVED, that Introductory Local Law 6 of 2020 entitled, “A Local Law to Amend the Zoning Law to expand the General Commercial Zoning District” is hereby introduced before the Village Board of Trustees of the Village of Florida;

BE IT FURTHER RESOLVED that said introductory local law shall be laid upon the desk of each member of the Board; and

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby declares itself to be Lead Agency pursuant to the State Environmental Quality Review Act (SEQR) and further declares that this is a Type I action pursuant to SEQR (6 NYCRR 617.4(b)).

BE IT FURTHER RESOLVED that a public hearing shall be held on July 8 at 7:30 p.m. or as soon thereafter as may be heard at the Village of Florida, Village Hall, 33 South Main Street, Florida, NY 10921 or in the alternative via video conference as per the executive order of Governor Andrew Cuomo if said executive order is in place. Video conference information shall be available on the Village’s website at least 24 hours in advance of the public hearing.

BE IT FURTHER RESOLVED that the Village Clerk shall cause to be published public notice in the official newspaper at least 10 days before the public hearing as is required by law.

BE IT FURTHER RESOLVED that a copy of said local law shall be sent to the Village Planning Board for review and comment as well as Orange County Department of Planning in accordance with General Municipal Law § 239 et seq.

BE IT FURTHER RESOLVED that the applicant shall post the property in accordance with § 119-35 of the zoning code.

Motion by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Second by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Vote:

1. **Treasurer**

**Motion made by Trustee Barczak seconded by Trustee Olejniczak to appoint Marvin Geller as Village Treasurer effective July 8, 2020.**

**VOTE: YES 5 NO 0**

1. **Meeting Schedule**

July 15th, 2020 6:30 PM Work Session

August 5th, 2020 6:30 PM Work Session

August 12th,2020 7:30 PM Work Session Public Hearing

August 19th, 2020 7:30 PM Work Session

1. **PUBLIC COMMENT**

***Mayor Harter would like to wish Chelsea Brandt best of luck . She was a great employee and she will be missed.***

***Bob Scott stated that there was an excellent turnout for the meeting and he wishes that they would come out for the Comprehensive Plan meeting for the entire Village and not just for the things that effect their neighborhood***

***Chris Kimiecik said he drives down 94 every morning from Warwick to Florida and he wants to know when the grass is going to be cut on the blue house across from El Azteca.***

***Mayor Harter stated that it is being addressed***

1. **ADJOURNMENT**

Motion made by Trustee Fuller seconded by Trustee Slattery to adjourn the meeting at 9:15 PM.

**VOTE: YES 5 NO 0**