

**VILLAGE OF FLORIDA
PLANNING BOARD REGULAR MEETING
April 26, 2023**

CALL TO ORDER:

Chairman Scott called the meeting to order at 7:34 P.M. with the Pledge of Allegiance.

BOARD MEMBERS PRESENT:

Chairman Robert Scott
Member Howard Cohen
Member Marvin Kissinger
Member Jeanne Uszenski

Member James Sosler was excused.

PROFESSIONAL'S PRESENT:

Penny Schlagel, Recording Secretary
Elizabeth Cassidy, Esq.
Sean Hoffman, Eng.
Matt Roach, Trustee

MINUTES:

Motion made by Member Cohen for the approval of the March 29, 2023 Minutes. Seconded by Member Kissinger.

On Roll Call, all votes Yes, and Chairman Scott declared this set of Minutes adopted.

CORRESPONDENCE: None

PUBLIC HEARING:

- 1. 12 Roosevelt -Continuation Public Hearing**

**Re: Amended Site Plan
Hydrogen Tank/Ramp**

Brad Cleverly, Eng. for the applicant approached the board and gave a brief presentation on the scope of this site plan application.

Public Comments:

Daniel Harter, Sr.
11 Harter Dr.
Warwick, NY

Omar Taylor
11 Lauren Ct.
Florida, NY

Shea Brach
APPLICANT
12 Roosevelt
Florida, NY

Mr. Harter asked about the water and sewer for this project, as he has concerns with regard to the impact.

Mr. Hoffman advised that the applicant has added a grease trap and a sewer and water tap. This can be a field change as we move forward, as it is not in the site plan amendment. Will work with the DPW on this issue.

Mr. Taylor then asked if an Impact Study was done?

Mr. Cleverly replied no, as there is no noise on a hydrogen tank and it is non-flammable.

Mr. Taylor asked if after the initial training is completed by everyone, will there be continuous training?

Mr. Cleverly responded yes, there should be

Mr. Brach and Mr. Taylor then had a conversation with regard to a nitrogen tank not exploding as it is non-flammable.

Member Cohen moved a motion to close the Public Hearing on this application. Seconded by Member Kissinger.

On roll call, all voted yes, and the Chairman declared the public portion closed.

2. 42 No Main St.

**Re: Site Plan Approval
Apts./1 Suite**

Secretary Schlagel read the following Legal Notice into the record:

**VILLAGE OF FLORIDA
PLANNING BOARD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that the Village Planning Board of the Village of Florida will hold a public hearing at the Village of Florida, Village Hall, 33 South Main Street, Florida, New York 10921 on April 26, 2023 at 7:30 P.M. or as soon thereafter as possible on the Application of Buddy One LLC for conditional use and site plan approval for the conversion of an existing structure into a mixed use building with commercial located in the ground floor with 8 loft style apartments located on the second floor located at 42 No. Main St, Florida, NY 10921 , SBL: 105-1-16. A copy of the application is available for review in the Building/Planning Department located at 33 South Main St, Florida, NY 10921.

By order of the Planning Board of the Village of Florida, Robert Scott, III, Chairman.

Brad Cleverly, Eng. on behalf of the applicant gave a short presentation of the scope of the project with regard to the renovation for the one-bedroom apartments that will be 600 to 750 sq. feet.

Public Comments:

Daniel Harter, Sr.	Jerrold Werner	Frank Pierce	Robert & Harold Robert Jr. Knebel
11 Harter Dr. Warwick, NY	45 Glenmere Ave Florida, NY	20 Maple Ave Florida, NY	Florida, NY APPLICANT

Mr. Harter asked how many parking spots were provided for the commercial suite.

Mr. Getz replied that since it is in a CS zone, it has not been provided.

Mr. Harter then asked how far away is the furthest parking lot for the tenants.

Mr. Getz replied 150 feet, which is owned by the same owner.

Mr. Werner expressed his concern with regard to delivery trucks using his driveway to make deliveries to Barrell 28.

Mr. Knebel felt that this was an issue that was outside the scope of this application and would like to discuss this matter privately amongst each other.

Mr. Pierce then expressed that he has lived in the village for over 50 years and that they never used to get water in their basements until all the trees and grass in this area were removed. All the neighbors now use sump pumps because there is nothing there to absorb the water.

Mr. Hoffman stated that the applicant will prove that there will be a drainage design and gravel that is there at present is current.

Mr. Knebel stated that previously catch basins were ran and tapped into the storm drain that runs into the river. He will do whatever needs to be done so that there are no more water issues.

Mr. Harter stated that Main St. is very busy especially from the hours of 3:00 P.M. to 6:00 P.M. and there will only be one exit and entrance.

Mr. Knebel replied that there are actually three ways of exits and entrances. Four if you count the Barrell 28 entrance and exit.

Mr. Harter stated that a parking spot was taken away on Main St. due to the tightness of the exit and entrance by the old Subway.

Mr. Hoffman replied that DOT probably took the spot due to the widening of the crosswalk.

Mr. Mattingly asked how wide is the driveway going to be?

Mr. Knebel replied that there is not going to be a widening of the driveway, but would like he and Mr. Mattingly to work together.

Mr. Harter asked if a fire truck could fit in this area if there ever was a need.

Mr. Knebel stated that Goshen has the biggest one around, not sure of the model, but yes it could get in if need be. The fire department has already been out to this site.

Mr. Getz also agreed.

Member Uszenski stated that to her knowledge the nearest fire hydrant is in the front of Rookies.

Mr. Hoffman stated that NYS Building Code allows less than 30 feet to the nearest fire hydrant if you have a sprinkler system, which this project will.

Member Cohen asked if Mr. Getz could check to make sure that if the out riggers on the fire truck were taken into consideration if there were indeed an emergency in this area.

Mr. Getz replied that he would certainly look into this issue.

Ms. Cassidy, Esq. indicated since the application now includes two additional lots for parking, the public hearing should remain open and be re-noticed (only to include the additional properties within 300 feet.

Member Cohen moved a motion to continue the Public Hearing of 42 No. Main St. (The Lofts) for May 24, 2023. Seconded by Member Uszenski.

On Roll call, all voted yes and Chairman Scott declared the public hearing closed.

APPLICATIONS:

1. 12 Roosevelt Avenue
Re: Amended Site Plan

Present: Brad Cleverly, Eng.
Hershel Blum, Applicant

Mr. Hoffman discussed the gas main and sewer lateral which had been added to the plan and he suggested that these items be removed, as they can be handled with the DPW and the Building Inspector.

Ms. Cassidy, Esq. reviewed the potential resolution conditions such as obtaining all permits, payment of all fees, submission of final signed and sealed plans, initiation of construction with six-month, maintenance of the landscaping in perpetuity, compliance with previous approval conditions, revise the plan per Engineer Hoffman's technical comments, installation of a sign regarding delivery of rules. (Ms. Cassidy did note for the record that the sign has been hung up.)

Chairman Scott moved a motion to have Ms. Cassidy Esq. draft a Resolution with regard to this Amended Site Plan. Seconded by Member Uszenski.
On roll call, all voted yes.

2. 42 No Main St. (The Lofts)

Re: Site Plan

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Present:

Daniel Getz, Eng.
Robert, Harold and Robert Jr. Knebel.

Ms. Cassidy, Esq. discussed the different ownership of the applicant's parcels. Too Blue Eyes, LLC is the other ownership.

Mr. Knebel stated that he has no problem putting ownership over to Buddy One, he does still technically own it anyway.

Ms. Cassidy, Esq. then discussed the turning radius and apparatus encroachment; maintenance of the rear fence of the proposed converted building, submitted additional SEQRA information, pre-existing non-conforming use conditions.

Discussion of the code requirement on landscaping screening and whether existing stockade fence complies with the code.

3. 87 Meadow Road
Re: Amended Site Plan

Present: Daniel Getz, Eng.
Craig Hamlin, Owner

Ms. Cassidy Esq. read from a draft resolution she was in the process of preparing which included, compliance with technical comments, payment of all fees, obtain floodplain development permit or letter from the Building Inspector indicating that a floodplain development permit is not required, obtain a building permit within one year or extensions, provide information confirming the suitability of proposed earth fill, obtain all other approvals, obtain DOH approval if 25 or more employees, revise the plan to indicate dusk to dawn lighting, compliance with the Village noise ordinance, interior storage of refuse.

RESOLUTION TO APPROVED THE AMENDED SITE PLAN APPLICATION OF ZIRCAR ZIRCONIA, INC. FOR AMENDED SITE PLAN APPROVAL FOR 87 MEADOW ROAD (SBL: 121-1-1)

WHEREAS, the Village of Florida Planning Board is in receipt of an application by Zircar Zirconia, Inc. for amended site plan approval for 87 Meadow Road to allow for approximately 4,800 square foot addition to the existing manufacturing facility located on site. The property is located in the Industrial Park (IP) Zoning District.

WHEREAS, the Planning Board received and considered the following:

1. Site Plan for Zircar Products, Inc., Factory & Warehouse, prepared by John Lehman, PE approved for filing February 28, 1996.
2. Amended Site Plan Application dated March 1, 2023 including:
3. Application forms and plan check list
 - a. Project Narrative (last revised 4/14/23)
 - b. Agricultural Data Statement
4. Short Form Environmental Assessment Form, dated March 1, 2023.
5. Amended Site Plan prepared by Engineer & Surveying Properties, PC as follows:
 - a. C-101 Amended Site Plan – Last Revised 4/14/23
 - b. C-102 Lighting Plan – Last Revised 4/14/23
 - c. C-301 Construction Details – Last Revised 4/14/23
6. Correspondence by Engineering & Surveying Properties, dated April 14, 2023;
7. Figure F-1, Fire Access Lanes, prepared by Engineering & Surveying Properties, PC dated March 23, 2023;
8. NYSDEC species information sheets (Northern Harrier, Short-eared Owl & Upland Sandpiper);
9. Comment memorandum of Sean Hoffman, Eng.
10. Comment memorandum of Elizabeth Cassidy, Esq.
11. County Department of Planning response to 239 referral, dated April 3, 2023.

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board determined that the proposed project is an Unlisted

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Action and that an uncoordinated review pursuant to the State Environmental Quality Review Act (SEQR) was warranted; and

WHEREAS, the Planning Board declared lead agency pursuant to SEQR on March 29, 2023; and

WHEREAS, given the scale, scope and location of the proposed addition the Planning Board determined that a public hearing was not required by Resolution dated March 29, 2023.

WHEREAS, the Orange County Department of Planning has indicated that this matter is a local determination.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants amended site plan approval subject to the following conditions:

1. Prior to plan signing:
 - a. Applicant shall comply with the comments of the Village Engineer's memorandum dated April 25, 2023;
 - b. All fees regarding this application must be paid in full, including all application fees, and the fees of the Planning Board consultants (including all engineering and legal fees) as required by Village Code §8. The Chairperson will not sign the plan until all such fees are paid in full. The Village reserves the right to request additional deposits to the project review Escrow Fund if necessary to cover additional costs. All additional fees, escrow monies, bonds or other security, and any other payments required by this Resolution shall be paid or deposited in a timely manner.
 - c. Applicant to put a note on the plan that exterior lighting will be from dusk to dawn.
2. The Planning Board Chairman is hereby authorized to sign the site plan upon the confirmation by the Village Engineer and Planning Board Attorney that the final site plan confirms to the terms of this approval resolution.
3. Prior to the issuance of a Building Permit:
 - a. Applicant shall obtain a Floodplain Development Permit in accordance with Chapter 67 of the Village Code. In the alternative, the Applicant may provide a letter to the Building

Inspector that the proposed construction is not subject to Chapter 67.

4. In the event the applicant does not obtain a Building Permit within 1 year of the filing of this Resolution, this approval shall be deemed null and void. The applicant may request extension upon good cause shown.
5. Applicant shall demonstrate the suitability of fill material through a laboratory analysis to the satisfaction of the Village Engineer.
6. The Resolution of Approval is further conditioned upon all other approvals that are needed by operation of federal, state or local laws, regulations and orders, whether or not noted above in the Conditions of this Resolution, including but not limited to the United States Army Corps of Engineers, New York State Department of Health, Orange County Department of Health, the Village of Florida Board of Trustees, and compliance with the Florida Village Code, New York State Uniform Fire Prevention and Building Code, and all federal, state and local laws and regulations.
7. As a condition of amended site plan approval, the Applicant or its successors in interest shall be required to obtain a Department of Health public water system approval if the number of employees reaches 25 individuals per NYSDOSH Sanitary Code Part 5, Drinking Water Supplies, Subpart 5-1 Public Water Supplies.
8. The Applicant is subject to the Village of Florida Noise Ordinance. See Chapter 83 of the Village Code.
9. Applicant shall store all refuse within the structure. In the event the applicant wishes to install an exterior dumpster, the Applicant shall submit an amended site plan application.

BE IT FURTHER RESOLVED, that the Planning Board Clerk shall file a copy of the Resolution with the Village Clerk within 5 days of the Planning Board's determination.

Motion made by Member Cohen, Seconded by Member Kissinger.

On roll call, all votes Yes, and Chairman Scott declared this Resolution adopted.

4. Edward J. Lempka Dr.
Re: Application (Self-Storage)

Present: Andrei Lukianoff, Eng

Mr. Lukianoff described the application and modification since the applicant's last appearance.

Mr. Hoffman stated that he did not prepare a comprehensive review memo since the zoning code will be modified shortly.

Elizabeth Cassidy, Esq. then discussed the following:

1. Anticipated adoption of the zoning code modifications next week;
2. Whether the proposed is a minor or major subdivision and noted the Code definition relative to new streets and utility extensions;
3. Brining Reme Plaza to street specification;
4. Each lot accessed through public or private street;
5. Village Law 7-736;
6. Hammerhead relocated to Village Park property will require Board of Trustee's approval and action by the NYS Legislature;
7. GML-239 referrals
8. Historical NYSDOT issues and SEQRA Type 1 determination.

NEW/UNFINISHED BUSINESS:

1. Keystone Fireworks:

Will be discussed at our next Regular Meeting.

PUBLIC DISCUSSION:

Since no one from the public entered any discussion, the Chairman closed this portion of the meeting.

ADJOURNMENT:

Member Cohen moved for the adjournment of this meeting. Seconded by Member Kissinger.

On roll call all voted Yes, and the Chairman declared this meeting adjourned at 10:00 P.M.

Penny Schlagel, Secretary

