

**VILLAGE OF FLORIDA
PLANNING BOARD REGULAR MEETING
JUNE 28, 2023**

CALL TO ORDER:

Chairman Scott called the meeting to order at 7:30 P.M. with the Pledge of Allegiance.

MEMBERS PRESENT:

Chairman Robert Scott
Howard Cohen
Marvin Kissinger
James Sosler
Jeanne Uszenski

PROFESSIONAL'S PRESENT:

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

CORRESPONDENCE:

None

APPLICATIONS:

1. 42 No. Main St. (Loft's) Site Plan:

Mr. Getz advised the board with regard to this application on the survey topography, they will be adding another catch basin. The drainage calculation was completed for current and future (5-year system flow.)

The fire excess was revised to show access without going off the property.

Architecture was revised to confirm to a more Victorian style and a letter was received to this effect.

The lighting plan would be a condition of approval.

Member Uszenski asked if there were going to be gutters.

Mr. Getz replied no.

Member Uszenski asked if a different door could be used for the maintenance shop door, as the one in drawing doesn't flow with the rest of the doors.

Mr. Knebel replied that was done so that the public would use this door as an entrance thinking it was an office.

Discussion ensued with Ms. Cassidy, Esq. with regard to preparing the Resolution.

Mr. Hoffman stated that the drainage can now pass the 5 yr. requirement, the drainage calculation has been re-calculated.

Discussion with regard to mitigation and Mr. Getz showed on the plan how there will be rain gardens 10 feet from the building, the gravel area will be restored with soil, mulch grass.

Also discussed was that if the use of the building was ever changed the owner would need to come back for site plan approval.

Member Cohen also suggested that the fire department has a pre-plan inspection.

**VILLAGE OF FLORIDA
PLANNING BOARD**

**RESOLUTION TO ADOPT A NEGATIVE DECLARATION PURSUANT TO
THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

BUDDY ONE LLC – 42 NO. MAIN ST. (SBL-105-1-16)

WHEREAS, the Village of Florida Planning Board is in receipt of an application by Buddy One, LLC for site plan and conditional use approval for 42 North Main Street to allow for the conversion of an existing barn into a mixed use containing commercial and 8 loft style apartments.

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board determined that the proposed project is an Unlisted action and declared lead agency on March 29, 2023, and

WHEREAS, upon review of the various application materials and public comment, the Planning Board prepared a "Negative Declaration" annexed hereto,

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby adopts said Negative Declaration;

Member Sosler moved the motion, and seconded by Member Cohen.

On roll call, all voted yes and Chairman Scott declared this resolution

adopted.

**VILLAGE OF FLORIDA PLANNING BOARD
RESOLUTION TO APPROVE THE SITE PLAN AND CONIDITIONAL USE
APPLICATION OF BUDDY ONE LLC**

WHEREAS, the Village of Florida Planning Board is in receipt of an application by Buddy One, LLC for site plan and conditional use approval for 42 North Main Street to allow for conversion of an existing barn into a mixed use containing commercial and 8 loft style apartments.

WHEREAS, the Planning Board has received and review the following in connection with the application:

1. Application dated March 7, 2023
2. Environmental Assessment form last revised May 10, 2023.
3. Site Plan prepared by Engineering & Survey Properties, dated March 7, 2023, last revised June 13, 2023 consisting of 4 sheets as follows:
 - A. C-101 Site Plan
 - B. C-102 Landscaping Plan
 - C. C-301 Details
 - D. C-302 Details
4. Fire Access Plan, prepared by Engineering & Surveying Properties, dated June 9, 2023.
5. Drainage Areas, prepared by Engineering & Surveying Properties, dated June 13, 2023.
6. Storm Drainage Pipe Design Worksheet, prepared by Engineering & Surveying Properties, dated June 13, 2023.
7. Letter from Irace Architecture P.C. dated June 8, 2023, last revised June 22, 2023.
8. Correspondence from Engineering & Surveying Properties dated as follows:
 - a. June 13, 2023
 - b. May 10, 2023
 - c. April 14, 2023

d. Projective Narrative, dated March 7, 2023.

WHEREAS, the Planning Board declared lead agency and further classified the action as an unlisted action pursuant to the State Environmental Quality Review Act (SEQR) on March 29, 2023; and

WHEREAS, the application was referred to the Orange County Department of Planning pursuant to General Municipal Law §239 et seq which responded via letter dated April 3, 2024; and

WHEREAS, the application was referred to the Florida Fire District.

WHEREAS, a duly noticed public hearing was held on April 26, 2023 and May 24, 2023 at 33 South Main St. Florida, NY 10921 where member of the public provided comment.

WHEREAS the Planning Board, after consideration of all the materials adopted a negative declaration on June 28, 2023;

NOW, THEREFORE, BE IT RESOLVED, that after review and consideration of the application materials, consultant comments and public hearing comments, the Planning Board hereby grants site plan, condition use approval, and Architectural Review approval subject to the following conditions:

1. Prior to plan signing:
 - a. Applicant to comply with all outstanding comments of the Village Engineer's memorandum.
 - b. Applicant to unify ownership of all three lots by transferring ownership of SBL 1-5-1-14.2 to Buddy Once LLC.
 - c. Applicant to provide cross easements and declaration addressing the shared parking arrangement and the maintenance of On-site improvements for approval by the Village Attorney. Upon approval, such cross easements and declaration shall be recorded and the recording information shall be noted on the site plan prior to signature.
 - d. Applicant to provide easement to the Village confirming the location of the Village sewer line.
 - e. Applicant to incorporate all approved drawings, architectural renderings into one complete set.

- f. Applicant to submit a lighting plan subject to the approval of the Village Engineer.
 - g. Applicant to submit final signed and sealed site plan for signature to the chairman.
 - h. All fees regarding this Application must be paid in full, including all applications 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 payment required by this Resolution shall be paid or deposited in a timely manner.
 - i. 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.
2. Prior to construction:
- a. Applicant to obtain all necessary permits including but not limited to the Building Department.
 - b. Applicant may not exceed the footprint of the pre-existing structure.
 - c. As a condition of this approval, the building shall be sprinklered.
 - d. Applicant to verify the size and location of the existing water main to the satisfaction of the DPW Superintendent.
3. Prior to the Certificate of Occupancy:
- a. Parking lot to be suitably paved.
 - b. Applicant to install a sign indicating no through traffic behind site.
 - c. Project to conform to the renderings and materials approved. Materials include grey vinyl vertical siding. (materials list)

4. This approval permits retail stores, personal services, business, professional and government offices, artist studios, and galleries and printing. In the event a new tenant/occupant seeks a use that falls outside these uses or represents a significant increase in intensity as determined by the Building Inspector, the applicant shall seek amended site plan approval.
5. Applicant shall commence construction within 6 months or this approval shall expire. The applicant may apply to the Planning Board for an extension of such time if necessary.
6. Proposed and existing landscaping buffer to be maintained perpetuity.

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

Motion moved by Member Cohen and seconded by Member Sosler.
On roll call, all voted yes, and Chairman Scott declared this Resolution adopted.

**VILLAGE OF FLORIDA PLANNING BOARD
CONDITIONAL USE RESOLUTION
42 NO. MAIN ST.**

This conditional use permit is issued to Buddy One LLC for the conversion of an existing barn into mixed use containing commercial and 8 loft style apartments pursuant to §119-34 (d) (16) of the Village of Florida Zoning Code.

FINDINGS

The board determines after a review of all the application materials, consultant comments and public comments, that the applicant/owner has satisfied the findings required by the Village Code §119-34, in particular.

1. That all proposed structures, equipment or material shall be readily accessible for fire and police protection.

2. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to orderly development of adjacent properties in accordance with the zoning classification of such properties.
3. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the said residential district or conflict with the normal traffic of the neighborhood.
4. The location and height of the buildings and the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
5. Section 119-34(d)(16) permits multiple dwellings in the Central Shopping District by conversion of existing structures. It is the intent that the Village maintain its historic downtown character. Apartments shall not be located on the ground floor, shall have a minimum of 600 square feet of livable space and shall provide parking in accordance with the parking schedule.

Based upon the findings, the Planning Board approves the Conditional Use Permit subject to the following conditions:

1. The applicant shall utilize the existing foundation in the conversion of the building
2. The terms of this Conditional Use Permit are expressly conditioned to the terms of the site plan approval dated June 28, 2023, which are incorporated herein as if set forth fully at length.

3. Village Dr. Commons (Wall)
Amended Site Plan

**VILLAGE OF FLORIDA PLANNING BOARD
RESOLUTION TO DECLARE LEAD AGENCY, SET PUBLIC HEARING
AND REFER TO PURSUANT TO GENERAL MUNICIPAL LAW 239
VILLAGE DR. COMMONS
SBL: 112-1-4 & 12**

WHEREAS, the Village of Florida Planning Board is in receipt of an application by Robert Knebel to amend a previously granted site plan approval dated May 26, 2021, which authorized the construction of a mixed use residential and commercial developments in the GC zone at the intersection of Village Dr. and NYS Route 94; and

WHEREAS, the applicant seeks to modify grading into the adjoining lot (SBL-112-1-5) for the purpose of eliminating a retaining wall, create an additional residential unit within the proposed foot print together with related site plan amendments.

WHEREAS, a Short Environmental Assessment Form (EAF) dated May 9, 2023 was submitted for review and;

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted Action and that an uncoordinated review pursuant to the State Environmental Quality Review Act (SEQR) is warranted; and

NOW THEREFORE, BE IT RESOLVED that the Planning Board hereby declares itself to be lead agency for the purposes of SEQR review;

BE IT FURTHER RESOLVED, a public hearing shall be held on this application at the Planning Board's Regular Meeting on July 26, 2023 at 7:30 P.M. or as soon thereafter as the application may be heard. The applicant shall be responsible for ensuring public notice is sent in accordance with the Village of Florida Zoning Code.

BE IT FURTHER RESOLVED, that a copy of the application shall be transmitted to the Orange County Department of Planning pursuant to General Municipal Law §239 et seq.

Motion made by Member Cohen, Seconded by Member Uszenski.
On roll call, all voted yes, and Chairman Scott declared this Resolution adopted.

4. Leuner Realty: Subdivision:

No action taken

NEW/UNFINISHED BUSINESS: None

PUBLIC DISCUSSION:

1. Heather Ubides
70 Farries Ave
Florida, NY 10921

Ms. Ubides stated that the Planning Board initially gave the approval to chain link this portion of the road, why?

Member Uszenski replied that at the time, there was no through traffic, as this was going to be a new development.

2. Kim & Chris McGoldrick
85 Farries Ave
Florida, NY 10921

Mrs. McGoldrick advised the board how the chain was taken down on this road, and now cars are flying up and down the street, and she has children. Also, stated that she wants it put back immediately.

Chairman Scott stated that he was not aware or the other board members that the chain had been taken down.

Ms. Cassidy advised that there was an emergency and apparently the emergency vehicle attempted to go this way not realizing there was a chain link fence across the street, so they had to turn around and go another way.

Mr. McGoldrick asked if the Planning Board can put it back up?

Chairman Scott explained how it is not up to the Planning Board as to whether the fence should be put back up or not. This matter would need to be addressed by the Village Board.

Mr. McGoldrick stated that the mayor had absolutely no right to make this decision by himself to take this fence down and proceeded to exit the room.

At this time, it was suggested by Ms. Cassidy, Esq. that the board go into client/attorney session.

ADJOURNMENT:

Member Sosler moved for the adjournment of this meeting at 9:10 P.M., seconded by Member Uszenski.

On roll call all votes yes, and Chairman Scott declared this meeting adjourned.

Penny Schlagel, Secretary

