

**VILLAGE OF FLORIDA ZONING BOARD
REGULAR MEETING
February 27, 2024**

CALL TO ORDER:

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

BOARD MEMBER'S PRESENT:

Chairman Martin Dellatto
Member Steve Caldwell
Member Frank Dagele
Member Zen Wojcik
Alison Orlando

PROFESSIONAL'S PRESENT:

Penny Schlagel, Secretary
Robert Krahulik, Esq.

MINUTES:

Member Caldwell moved a motion for the approval of the January 22, 2024 Regular Meeting Minutes. Seconded by Member Wojcik.

On roll call, all voted yes and Chairman Dellatto declared this set of minutes adopted.

APPLICATIONS:

1. Aaron & Heather Ubides
70 Farries Ave
SBL: 106-1-32.1
Area/Height Variance

DETERMINATION OF THE ZONING BOARD OF APPEALS OF THE
VILLAGE OF FLORIDA, NEW YORK

WHEREAS, Aaron Abides, has applied to this Board for a Variance of the Bulk Area Requirements of the Code, and

WHEREAS, a public hearing on this application was held at Village Hall, 33 South Main Street, Florida, NY on January 22, 2024, and continued on February 27, 2024, and

WHEREAS, at said hearing all interested persons were given an opportunity to be heard, the Board finds as follows:

FINDING OF FACT AND CONCLUSIONS OF LAW

1. Applicant is now the owner of the property located at 70 Farries Avenue, Florida, New York and designated on the Village tax map as Section 106 Block 1 Lot 32.1.
2. The application has been made for a variance from Section 199-8(D)(7) of the Code to construct an 18' x 28' 504 square foot accessory building (storage shed) where 576 feet square feet are permitted (there presently exists a 12' x24' 208 square foot storage shed for a total of 712 square feet) and from Section 199-8(D)(1)(a) allowing construction 21' high accessory building (storage shed) where an accessory building height of only 15' is permitted.
3. The evidence and testimony as summarized from the meeting shows that:
 - a. An undesirable change will not be produced in the character of the neighborhood and a detriment to the adjacent properties.
 - b. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the variances.
 - c. The requested variances are numerically insubstantial.

- d. It has been shown that construction of the shed would not have an adverse effect or impact upon the physical or environmental conditions in the neighborhood or district,
- e. The alleged difficulty was self-created. The lot was purchased subject to existing zoning.
- f. The minimum variances are sought, are necessary and adequate and at the same time, will preserve and protect the character of the neighborhood and the health, safety and welfare of the community have not been requested.

The proposed action is a Type II action and no further consideration under SEQRA is necessary.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that it is determined that the application be approved for a variance from Section 119-8(D)(7) of the Code to construct an 18' x 28' 504 square foot accessory building (storage shed) where 576 square feet are permitted (there presently exists a 12' x 24' 208 square foot storage shed (for a total of 712 square feet) and from Section 119-8(D)(1)(a) allowing construction of a 21' high accessory building (storage shed) where an accessory building height of only 15' is permitted.

Motion moved by Member Caldwell and seconded by Member Orlando.

On roll call, all voted and yes and Chairman Dellatto declared this Resolution adopted.

- 2. Leuner Realty
Re: Variance
Lots: 103-1-6, 7.1 & 7.2

Public Hearing:

Mr. Cleverly presented a brief explanation as to why this the applicant is seeking a variance for proposed Lot #2 on the subdivision map entitled "Leuner Realty LLC Tax Map Parcels Re-subdivision.

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

DETERMINATION OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF FLORIDA, NEW YORK

WHEREAS, Leuner Realty, LLC has applied to the Board for a variance of the Bulk Area Requirements of the Code, and

WHEREAS, a public hearing on this application was held at Village Hall, 33 South Main St., Florida, NY on February 27, 2024, and

WHEREAS, at said hearing all interested persons were given an opportunity to be heard, the Board finds as follows:

FINDING OF FACT AND CONCLUSIONS OF LAW

1. The applicant is now the owner of the property located at 101 Randall St., Florida, NY and designated on the Village Tax Map as Section 103, Block 1, Lots 6, 7.1 and 7.2.
2. The application has been made for a variance from Section 119-Attachment 2 of the Zoning Code of the Village of Florida for the creation of a lot (proposed Lot #2 on the subdivision map entitled "Leuner Realty LLC Tax Map Parcels Resub division")
3. The evidence and testimony as summarized from the meeting show that:
 - a. An undesirable change will not be produced in the Character of the neighborhood and a detriment to the adjacent properties.
 - b. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the variances.

- c. The requested variances are numerically substantial pursuant to the interpretation of the Village Zoning Code by the Village of Florida Planning Board.
- d. It has been shown that the variance will not have an adverse impact upon the physical or environmental conditions in the neighborhood or district.
- e. The alleged difficulty was self-created. The lot was purchased subject to the existing zoning.
- f. The minimum variances are sought are necessary and adequate and at the same time, will preserve and protect the charter of the neighborhood and the health, safety and welfare of the community.

The proposed action is a Type II action and no further consideration under SEQRA is necessary

RESOLUTION

NOW THEREFORE, BE IT RESOLVED that it is determined that the application be approved for a variance from Section 119-Attachment 2 of the Zoning Code of the Village of Florida for the creation of a lot (proposed Lot #2 on the subdivision map entitled "Leuner Realty LLC Tax Map Parcels Resubdivision") consisting of 42,164 square feet where 80000.00 square feet is required.

Motion moved by Member Caldwell, seconded by Member Dagele .

On roll call, all voted yes and Chairman Dellatto declared this Resolution adopted.

NEW/UNFINISHED BUSINESS:

None

PUBLIC DISCUSSION:

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

ADJOURNMENT:

Member Caldwell moved for the adjournment of this meeting. Seconded by Member Wojcik at 8:15 P.M.

On roll call, all voted yes, and Chairman Dellatto declared this meeting adjourned.

Penny Schlagel, Secretary

