

**VILLAGE OF FLORIDA ZONING BOARD
REGULAR MEETING
June 3, 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
Member Alison Orlando

Alt. Member Nigeria Forde

PROFESSIONAL'S PRESENT:

Penny Schlagel, Secretary
Robert Krahulik, Esq.
Trustee Matt Roach
Mayor Dan Harter

MINUTES:

Member Caldwell moved for the approval of the Regular Meeting Minutes dated May 6, 2024. Seconded by Member Dagele.

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

Chairman Dellatto welcomed Nigeria Forde as our new Alternate Member.

PUBLIC HEARING: Roe St. (Vacant Property)

**LEGAL NOTICE
PUBLIC HEARING**

A Public Hearing before the Zoning Board of Appeals of the Village of Florida will be held on the 3rd day of June, 2024 commencing at 7:30 P.M. at Village Hall, 33 South Main St., Florida, NY 10921 to consider the following application:

AARON TAUB for the property located at Roe Street, Florida, NY and designated on the Village of Florida tax map as Section 101 Block 5 Lot 21.1 in the R-1 District for a variance from Chapter 199-14 Attachment 2 of the Zoning Code to construct a single family house on a lot containing 16,391 sq. ft. of land where 20,000.00 sq. ft. are required; allowing a lot width of 66 feet where 100 feet are required; and allowing a combined side yard setback of 39.4 feet where 45 feet are required.

The above application is open to inspection at the office of the Board of Appeals, 33 So. Main St., Florida, NY. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communications in writing in relation thereto may be filed with the Board, or at such hearing.

Martin Dellatto, Chairman Zoning Board of Appeals

At this time Chairman Dellatto informed all that today we did receive the 239 back from Orange County.

Ms. Schlagel stated that she just received the Proof Mailing from Mr. Niemotko before the start of the meeting.

David Niemotko Architect for Applicant: (Not the owner, a potential buyer)

Mr. Niemotko advised the board that he read the previous Resolution on this property and he feels that he has addressed all the comments within the Resolution. The plan design of the location of the house has been changed, so now it will setback 7 feet from the street and now meets the bulk requirements. Also, with regard to the lot size, he researched that there are several homes in the area that have small lots. With regard to the design of the house, the applicant is willing to design to whatever style this board may want. As for the soil

containments, a study was done and they went down 6 inches. The applicant is willing to construct the home without a basement.

Mr. Niemotko then advised the board that he serves of the Federation Board with Robert Scott, and felt that this home would be a great starter home for a family or a retired couple.

Member Wojcik stated that he believed the soil sample testing was done where the parameter of the previous house was going to be built.

Member Dagele replied that going to 6 inches is not a good soil sample test. It should be at least 6, 7, 8 feet at the minimum.

Member Wojcik also stated that he remembers that there was ponding of water when it rains, is this property in the Wetlands?

Member Dagele stated that he used to play ice hockey in the winter on this lot as a child.

Mr. Niemotko replied that the lot is too small of a lot to be classified as wetland area. However, a drywell is a viable option.

Member Orlando asked if there is a setback/home size difference now then from the previous application?

Mr. Niemotko replied yes.

Attorney Krahulik asked if there was a way any more land could be acquired?

Mr. Niemotko replied no.

Member Dagele stated that this property is on a bottom of a hill that is steep and it ponds.

Chairman Dellatto asked if there was a standard procedure for soil testing?

Member Dagele replied that he doubts there is any soil there as this is an old railroad bed. There has to be 8 to 10 feet of coal.

Mr. Niemotko stated that Mr. Taub would like to buy the property if he can put a home on it.

No further comments from the board Members.

Chairman Dellatto then read the following letter into the record:

June 1, 2024

TO: Martin Dellatto, Chairman
Village of Florida, Zoning Board of Appeals
33 So. Main St.

RE: Request for variance to build house-Section 101 Block 5 Lot 21.1

Dear Mr. Dellatto:

We are the owners of the above properties which are in close proximity to the property owned by SCI Management.

We heartedly oppose the request for this variance. The vacant parcel is 3,609 square feet smaller than the requirement. The Village should abide by their regulations. Additionally, this is a walking route to and from the elementary school and having construction where they walk is dangerous.

We are hoping you deny this request for a variance.

Thank you.

Wayne Dietz, Elizabeth Dietz, Adam Clark, Mia Clark a/k/a Mia Cassimus

PUBLIC HEARING:

1. Peter Wanczyk
32 Roe St.

Mr. Wanczyk stated to the board that the way they want to sit this house at an angle will no way match/fit in with the rest of the homes and it is way too close to the next home.

2. Ken Kowalyk
92 Willet St. Ext.

Mr. Kowalyk stated that the property in question was subdivided. It used to be the old Archel property and he parked his machinery on this spot of land and it has now been subdivided. This situation is not fair to the neighbors at all. We are now putting up with 3 types of fencing, wood, chain link and turkey wire fence. Let's not forget the fact there is a down tree on this property since winter.

3. Johanna Franco
28 Roe St.

Ms. Franco stated that this home will be way to close to her home and the kids won't be able to even play. There has been no maintenance done to this property, the grass is overgrown and it's too small to put a house on, will be too close to my house. Please say no.

4. Alyssa Kamrowski
91 Willet St.

Ms. Kamrowski asked the board to please do not grant this variance. This home would be way to close to the existing house.

5. Mia Cassimus
17 Roe St.

Ms. Cassimus stated that we all know this property is too small per the zoning code. This area contains habitat suitable for endangered species, the Short- Eared Owl, the Northern Harrier and the Indiana Bat. Not only this, but this area is in the wetlands.

6. Patricia Hoeg

Ms. Hoeg stated that she moved to the Village 4 years ago and absolutely loves the Village. Loves the rural as her lot is 150 x 100 and loves the fact that the homes are not close. Please do not say yes to this application.

Member Wojcik asked how close was the fence that is currently up to the next doors property?

Ms. Franco replied maybe 3 feet. Kids cannot even play outside if this application is approved.

Member Dagele stated that there are like 20 miles of railroad bed that all the homes and businesses have behind there dwellings. The owners had the option of buying this railroad bed land years ago and many did so.

It was then concluded by the members that the continuation of the Public Hearing would be scheduled for July 9, 2024. It was then recommended that the applicant seek an Environmental Investigation which included the soil-Fuel hydrocarbons and testing 5 feet deep at the minimum as well as a Perk Test to determine the soil type should the applicant wish to proceed with this application.

Mr. Niemotko stated that he will advise his applicant of these testings in order to proceed with the application. He also pointed out that there were similar lots in the area that are very small is size.

Attorney Kraulik asked Mr. Niemotko to provide proof of this data at our July 9th meeting.

7. Ed Lempka
31 Roe St.

Mr. Lempka stated that if a drywell goes in where would the water leach to??? We don't want it running on our property just so the board knows.

Member Dagele moved a motion to continue the Public Hearing at our next meeting that is scheduled for July 9, 2024 at 7:30 P.M. Seconded by Member Caldwell.

On roll call all voted yes, and Chairman declared this motion carried.

Atty. Kraulik stated that that there is no SEQRA review process for this application.

ADJOURNMENT:

Member Caldwell moved for the adjournment of this meeting. Seconded by Member Orlando at 8:30 P.M.

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

Penny Schlagel, Secretary

