

MINUTES OF REGULAR MEETING
FLORIDA PLANNING BOARD
APRIL 23, 2014

I. CALL TO ORDER

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

BOARD MEMBERS PRESENT: Scott, Uszenski, Sosler, Kissinger, Cohen

BOARD MEMBERS ABSENT:

ALSO PRESENT: Attorney Kunert, Engineer MacDonald, BI Mateosian

II. MINUTES

A motion was made by Sosler and seconded by Kissinger to accept the minutes of the regular meeting of March 26, 2014 as printed.

VOTE: 5 YES 0 NO

Motion Carried

III. CORRESPONDENCE

1. The Florida Focus—April issue
2. The Orange County Chamber Business Watch—April/May issue
3. The Florida Public Library flyer
4. Letter from Orange and Rockland announcing April as safe digging month

IV. UNFINISHED BUSINESS

1. Rosenberg PAC-Glenmere Preserve—113-4-2.1, 2.2, and 16—210 units for 55+ older adults

Public Hearing on scoping session closed at 1/27/10 meeting—scoping outline accepted at Feb. 24, 2010 meeting—alternate plan 1C handed out at March regular meeting—DEIS draft submitted to be reviewed by Planning Board

Interim Project Progress Report by Carpenter Environmental Associates has been received.

Public Hearing set for August 25, 2010 at 7:30 PM in the Senior Center

Copies of revised DEIS were submitted to members.

Public Hearing closed 8/25/10

Public has twenty days to submit written comments concerning DEIS—

All members were given copies of the written comments received at this time

Transcript of public hearing meeting minutes sent to all members

Final Environmental Impact Statement disk received and included in work session packet; notebook form also received

FEIS review to be done by Planning Board and accepted/corrected.

Revised FEIS presented for review

PAC zoning amendments reviewed and submitted to Village Board with comments—

Revised FEIS has been prepared and given to all members for review

Site Plan reviewed by fire department—nothing needs to be changed

Jan. 2012 revision of FEIS received—work session packet

Comments regarding FEIS were distributed

Waiting for new site plan

Revised site plan in work session (10/16/12) packet

Public Hearing for site plan and subdivision has been scheduled for January 23, 2013

Preliminary approval for site plan and subdivision granted at January 23, 2013 meeting—six month extension granted at July 24, 2013 meeting—will expire at the Jan. 2014 meeting

Copy of letter from DOT is in work session packet 5/21/13

Village Board meeting 6/12/13 voted to allow Glenmere Preserve to hook up to the Village Sewer System

Letters from DOT and Department of Health received

Preliminary approval was granted a six month extension at the Jan. 29, 2014 meeting. Extension will expire at the regular July 2014 meeting.

Chairman Scott: Is there anything new?

BIMateosian: J. Rosenberg hopes to start digging in the fall.

2. Chelmsford Hills—122-1-1—112 lots for 56 duplex buildings in planned adult community— Prelim approval extension granted to 9/24/08—prelim extended six months to March 25, 2009—preliminary approval extended through 9/23/09— at 9/15/09 meeting six month extension of preliminary approval granted through 3/24/10 –six month extension granted through Sept. 22, 2010—Set of plans for complete project and Phase 1 distributed at March meeting

Received Stormwater Pollution Plan for Chelmsford Hills and copy of Hill-n-Dale Abstracters, Inc. letter insuring title to “gore parcel”

Public Hearing closed May 26, 2010

Final approval with conditions granted at June 23, 2010 meeting

Orange County Dept. of Health—Certificate of Approval of Realty Subdivision Plans --received Ninety day extension granted through March 23, 2011

Invitation to R. Winglovitz extended to attend meeting

At March 23, 2011 meeting a 180 day extension was granted through Sept. 28, 2011 with conditions granted at June 23, 2010

Letter received 9/20/11 requesting an extension of 180 days. Extension granted through March 28, 2012

New site plan included in work session packet 11/9/11

Applicant contacting fire department—letter received and plan is ok

Letter from R. Winglovitz—copies in work session packet

Revised application received for Jan. 25, 2012 meeting

Waiting for new site plan

Revised site plan and letter in work session packet 6/19/12

Amended subdivision plans 11/27/12 in December packet

Nothing new as of 8/20/13

Letter sent (3/4/14) to applicant requesting status of application

Response received from R. Winglovitz (3/26/14)

Chairman Scott: Is there anything new on this application? They did respond to our letter and basically stated nothing was happening due to the economic conditions.

Kissinger: Do they need an extension?

Chairman Scott: They don't have approval for this latest application. They do have final approval for the duplex application but they never came in and withdrew it before coming in with this other plan. We will have to wait and see what they plan to do.

3. BASK Auto Detailing—102-3-16—101 C N. Main Street—

Application in packet, ARB form for sign in packet, colored pictures of sign

Approval granted at July 28, 2010 meeting.

Needs a building permit and a C of O. Building permit has been gotten.

Building Inspector to meet with applicant

Applicant may be ending his lease with landlord

4. Big V Re One, LLC—158 N. Main St.—102-1-4—renovation of space for retail on first floor—rec'd 2/14/11—copy in last month's work session packet—application and site plan

Drainage Report submitted

Final approval with conditions granted at May 31, 2011 meeting.

Corrected EAF in packet

Revised traffic plan presented by Lanc & Tully—to be signed and stamped when all conditions are met—received and Engineer MacDonald stated they are ready for signing and stamping if cross parking agreement has been submitted and all fees paid

Waiting for cross parking agreement—letter sent Sept. 12, 2013

Chairman Scott sent a letter (3/31/14) to J. Rosenberg and D. Cordisco requesting cross parking agreement

5. Stauber (Pharmline Inc.) 107-1-4.2 minor subdivision—lot line change

Application and map in Dec. work session packet

Public Hearing set for Wednesday, January 29, 2014

Sub-division approval granted on Jan. 29, 2014—waiting for maps to be signed and stamped

Chairman Scott: We are waiting for the maps to sign and stamp.

Uszenski: Have they done the new deeds that were to be done?

Attorney Kunert: They haven't done the one with the Village.

Uszenski: How can you sign and stamp the maps if this condition hasn't been met?

Chairman Scott: We won't sign and stamp anything until all conditions are met. We always ask our Engineer to review the new maps to be sure all conditions are met before we do any signing and stamping.

V. NEW BUSINESS

1. Florida Historical Society—13 Bridge Street—107-2-39

Applicant wishes to create an apartment for a tenant to watch over the property

Letter and partial application in packet (3/18/14)

Tabled until April meeting

Layout of rooms in Green House and

Lot layout of Green property and enlarged lot layout are included in work session(3/18/14) packet

Gary Randall and Linda Dubin were present for the application.

Chairman Scott: When the application was first before us, it was for an apartment for a tenant to be upstairs and downstairs would be rooms for the development of a museum and place for educational programs to be held. This was discussed at the work session in March. Several questions came up during that discussion—possible zone change, membership club etc. The building is located in the R2 zone now and the property does abut the CS zone. The Planning Board members felt the application was incomplete and thus had the applicant take the application back and complete it. The application was tabled until the April meeting. At the work session in April a drawing of the floor plan was presented along with a rough site plan.

Secretary: I did put before you a new floor plan layout and a brief history of the Florida Historical Society which was given to me by the applicant.

Engineer MacDonald: I did read in the work session minutes that there were questions pertaining to why I included comments from the new NYSDEC Environmental Mapper. When the section, block and lot along with the address are put into the mapper, it will bring these items up along with the answers. The Mapper answered “yes” to the site being in an archeological sensitive area, the site contains species of animal or associated habitats that are listed by the State or Federal government as threatened or endangered and the site is located in the 100 year flood plain. Since there is no new building planned at this time, these DEC warnings/ notifications don't apply to this application but may apply in the future.

Uszenski: My question is on page 2 of 4 question 5a. Is the proposed action a permitted use under the zoning regulations? And the applicant checked off yes. I thought it was a conditional use.

Engineer MacDonald: The EAF doesn't differentiate between permitted and conditional.

Uszenski: When a piece of property gets a variance, the variance remains with the property when it is sold.

Attorney Kunert: That is correct.

Uszenski: When a property gets a conditional use does that remain with the property when it is sold?

Attorney Kunert: If the property is used for the same purpose, the answer is yes.

Engineer MacDonald: If the answer was no, then the applicant would have to have a hearing.

Uszenski: My next question refers to #9—Does the proposed action meet or exceed the state energy code requirements? They answered “yes” and I don’t even know what the energy codes are.

BI Mateosian: The energy codes vary depending on the building—if it is new construction that requires one set of codes, additions to an existing building require another set and an old building having no new construction would have another set of requirements.

Engineer MacDonald: You will see in my report that I calculated the required number of parking spaces but now having the new layout of the rooms, I see they have changed the number of meeting rooms to just one room. This would seem they would only need half the number of spaces I calculated. If this is a multi-use application, then the number of parking spaces may be different.

BI Mateosian: The concern is whether it is a membership club or is it used for recreational purposes.

Chairman Scott: I think we have to determine which section of the code this falls under.

BI Mateosian: Reads the membership club, recreational use under community uses.

Uszenski: The problem is we don’t have a definition for membership club.

Randall: We want to be a Membership Club.

Attorney Kunert: Are you withdrawing the part about the apartment for a tenant?

Randall: Yes.

Uszenski: I tried looking up the definition of a membership club on the computer. They basically had membership and fraternal clubs together.

BI Mateosian: Membership clubs and fraternal clubs are not permitted in the R1 zone. They would have to get a use variance.

Rnadall: All we would like is to have a place for our members to meet and a place to display the many artifacts the Historical Society has along with the materials from the Green house.

BI Mateosian: Will you be having events where the public is invited?

Randall: We may have hours for viewing the materials.

BI Mateosian: That isn’t permitted in the R1 zone but would be okay in the CS zone.

Attorney Kunert: Doesn’t it say in the will the building is to be used as a museum?

BI Mateosian: So does that mean membership club is out?

Attorne Kunert: The primary purpose is for a museum and also a meeting place for the members.

Engineer MacDonald: Where does the Historical Society meet presently?

Randall: We hold our meetings at the Senior Center. We do have the small building which has some of our artifacts but there is no heat or water in the building.

Attorney Kunert: Is the Green building in the R2 zone now?

BI Mateosian: Yes.

Kissinger: Where does a museum fit? Which zone?

Attorney Kunert: The best thing for you to do is to go get a zone change so the apartment house next door and the Green building change to CS zone. You may have to do a minor subdivision and you will need to get the property surveyed—at least the house portion of the property.

BI Mateosian: This seems more like a fraternal club.

Kissinger: What would the zone change be?

Attorney Kunert: They would request a change to CS which borders the apartment house now.

Randall: What is the procedure that I should follow to move ahead with this application?

Attorney Kunert: A survey is needed and you will have to go to the Village Board and make a request for a zone change in that area.

BI Mateosian: Certain codes will kick in when the zone change takes place—for instance occupancy will be based on square footage now.

Randall: What should I do? I need to have a survey and go to the Village Board and then come back here. Is that the procedure?

Chairman Scott: Yes. Is there anything else you would like to say? We will leave the application on the agenda under unfinished business and wait for you to get all that needs to be done.

2. Alora Laser Spa—45 S. Main St.—108-1-48

Incomplete application in work session packet—(returned application with checklist and asked to have it completed)

Chairman Scott: Since we have not received the completed application from this applicant, we are going to remove it from the agenda until the completed application is received.

C. INACTIVE APPLICATIONS

1. SBJS PARTNERSHIP—111-2-16—10 lot subdivision—Highview Extension--haven't received anything—copy of letter from DEC in 10/20/09 packet

2. Robert Cannillo—96 Glenmere Ave.—109-2-6—4 lot subdivision—nothing received

3. Excel Physical Performance, Inc. ---105-1-17—38 N. Main St.—

Needs to have ARB approval for sign. Letter was sent to applicant and nothing has been submitted.

D. Discussion—Group Homes

Chairman Scott: Did you do any research on group homes?

BI Mateosian: I downloaded a lot of material. It all depends on the definition of group home. I was getting confused when reading all the material.

Engineer MacDonald: Social Services would provide you with a definition. I know the Town of Chester and Town of Goshen both have group homes in their definitions so you may want to check with them.

Attorney Kunert: The Village of Warwick may also have a definition in their codes so this is another place to check.

Chairman Scott: Since we have had an inquiry about a group home, we need to get definitions and codes to be prepared.

E. ADJOURNMENT

A motion was made by Kissinger and seconded by Cohen to adjourn at 9:12 P.M.

VOTE: 5 YES 0 NO

Motion Carried

Respectfully submitted,

Shirley Coughlin, Secretary