

**VILLAGE OF FLORIDA
PLANNING BOARD MEETING MINUTES
SEPTEMBER 17, 2024**

CALL TO ORDER:

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

MEMBER'S PRESENT:

Chairman Robert Scott
Member Marvin Kissinger
Member Howard Cohen
Member Craig Grybowski
Alt. Member Diane Puglisi

EXCUSED: Member James Sosler

PROFESSIONAL'S PRESENT:

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

MINUTES:

Member Cohen moved for the approval of the Regular Meeting Minutes dated August 20, 2024. Seconded by Member Kissinger.

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

PUBLIC HEARING:

Legal Notice

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 September 17, 2024 at 7:30 P.M. or as soon thereafter as possible on the Application of Sapphire Realty for a special use permit and amended site plan approval to allow for a veterinary clinic located at 74 North Main Street, Florida, NY (SBL: 105-1-10). No external construction is proposed. A copy of the application is available for review in the Building/Planning Department located at 33 South Main Street, Florida, NY 10921.

By order of the Planning Board of the Village of Florida.

Robert Scott, Chairman

Mark Annunziato, Applicant:

Amanda Kiselak, Tenant

Attorney Cassidy confirmed the applicant submitted the affidavit of mailing as well as the proof of mailing.

PUBLIC HEARING

Mr. Annunziato provided a brief explanation of a change of use from a sleep center to a veterinary clinic.

No one from the public was present with any comment on this application.

Secretary Schlagel confirmed that there were no written comments either on this matter.

Chairman Scott closed this portion of the meeting

Mr. Annunziato discussed with the board that the village requirement for installation of vegetative screening along residential district boundaries as well as advising that no exterior improvements were proposed in connection with this application, and therefore asked if the board could waive this requirement.

Attorney Cassidy then stated that reviewing the code, it does not appear to be any waiver in the code.

Discussion with regard to trees, shrubs as to whether it is a previous non-conforming.

Attorney Cassidy stated that she will reach out to the Building Inspector on this issue for a determination.

Member Grybowski stated that if no one from the public had any issues with this application, he agreed to refer to building inspector.

Member Grybowski moved a motion seeking the building inspector's interpretation for 74 No. Main St. Seconded by Member Puglisi.

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

Member Cohen asked if there was going to be any retail sales?

Amanda Kiselak (tenant) replied no, just prescriptions

Member Kissinger asked if there would be any overnight stays?

Amanda Kiselak (tenant) replied no.

Attorney Cassidy asked what the hours of operation would be as well as boarding.

Amanda Kiselak replied hours would be from 8:00 AM to 9:00 PM, absolutely no boarding.

Member Puglisi asked about the cleanup of waste from the animals.

Mr. Annunziato stated that there will be a grass area parking spot with cleanup bags for all pet waste.

Attorney Cassidy stated that this is a Type 2 under SEQR.

**RESOLUTION TO APPROVE THE AMENDED SITE PLAN AND SPECIAL
USE PERMIT OF SAPPHIRE REALTY DEVELOPMENT LLC/74 NO. MAIN
ST. SBL: 105-1-10**

WHEREAS, the Village of Florida Planning Board is in receipt of the amended site plan and special use permit application of Sapphire Realty Development LLC to authorize the use of the existing office space for a veterinary clinic. No external construction is proposed.

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

- a. Cover letter and Application dated July 20, 2024;
- b. Short Form Environmental Assessment Form dated July 29, 2024;

- c. Site Development Plan, by Cirillo Architects PC dated July 20, 2024;
- d. Demolition and Proposed Floor Plans prepared by Cirillo Architects dated July 20, 2024;
- e. Affidavit of Mailing Public Hearing Notice dated September 6, 2024.

WHEREAS, the proposed project is a Type II action pursuant to the State Environmental Quality Review Act (SEQR) and no further environmental review is required; and

WHEREAS, the Planning Board held a duly noticed public hearing on September 17, 2024;

WHEREAS, the Building Inspector determined, as indicated in his September 30, 2024 correspondence, the existing lack of landscape screening along the residence district boundaries is a legally preexisting nonconforming condition;

WHEREAS, the application was referred to the Orange County Planning Department pursuant to General Municipal Law §§239-1, m and n. A response was received dated September 11, 2024, recommending that the matter was one for local determination, but offering the following advisory comment:

- a. Applicant to comply with any outstanding comments of the Village Engineer's memorandum dated August 15, 2024.
- b. Applicant to provide easements for shared parking spaces, if any, for review and approval by the Planning Board Attorney.
- c. Applicant to submit a final signed and sealed site plan for signature by the Chairman.
- d. 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.
- e. 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.

- f. Confirm to the satisfaction of the Building Inspector the NYS Fire Code Requirement to provide a fire apparatus access road to every building and to revise the plan to show any fire lanes required by the Building Inspector.
- g. Confirm to the satisfaction to the Building Inspector the NYS Building Code requirement to provide an accessible route from the parking spaces to an accessible building entrance.

2. Prior to Construction:

- A. Applicant to obtain all necessary permits including but not limited to Building Department.

3. 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.

4. Proposed and existing landscaping to be maintained in perpetuity.

5. The Planning Board established the hours of operation of the proposed veterinary clinic use to be approximately 8 a.m. to 9 p.m. except in the case of an emergency care of overnight patient boarding.

6. Use authorizes up to 15 interior kennels to be used incidental to veterinary clinic use. Boarding of non-patients is prohibited.

7. Site to be kept clean from pet waste. Medical waste shall not be disposed in Village garbage or via sewer.

8. Applicant to obtain Architectural Review Board approval prior to installation of signage.

9. The Planning Board is not approving the propriety or any existing encroachments.

BE IT FURTHER RESOLVED, that the Planning Board 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 Kissinger.

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

2. Loft's

42 No. Main St.

Site Plan Amendment

Present: Dan Getz, Eng.

Harold Knebel (Owner)

Tim Brunswick, DPW Supervisor

Attorney Cassidy stated that last month this application was referred to the ZBA for two variances. Last night (September 16, 2024) at the ZBA meeting, the two variances were granted with the condition that either the fire hydrant goes or the parking spots. The written Resolution has not been circulated as of this evening.

Engineer Getz stated that the fire hydrant installed could be replaced with just a flushing hydrant and the spots could remain. That is what we are looking to do.

Engineer Hoffman explained that this is not what the ZBA voted on. It's either the spots or the hydrant.

Mr. Knebel stated that he wants the spots and will remove hydrant.

Mr. Brunswick stated that he believes that this hydrant would be beneficial for flushing hydrant purposes and providing increased fire protection to the area. There is not a whole lot of water service in this area.

The board then entered into a discussion whereby they agreed that the fire hydrant will remain and the parking spots would be eliminated.

Atty. Cassidy recommended that no further work shall commence until this issue is resolved. All agreed.

Attorney Cassidy explained how 3 spots would have to be eliminated per NYS Fire Code.

RESOLUTION TO APPROVE THE AMENDED SITE PLAN OF BUDDY ONE, LLC

WHEREAS, the Village of Florida Planning Board is in receipt of an amended site plan application by Buddy One, LLC to authorize modification of the parking lot, existing retaining wall and dumpster enclosure which received initial site plan approval by resolution of the Planning Board dated June 28, 2023.

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

- a. Cover letter by Daniel Getz, Engineering & Surveying Properties dated June 5, 2024;
- b. Amended Planning Board Checklist dated June 5, 2024;
- c. Short Form Environmental Assessment Form dated June 5, 2024;
- d. Amended Site Plan dated June 5, 2024, last revised

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 July 16, 2024; and

WHEREAS, the application was referred to the Orange County Department of Planning pursuant to the State Environmental Quality Review Act (SEQR) on July 30, 2024 indicating local determination/approval; and

WHEREAS, the applicant applied for and received an area variance from Village Code 119-20D permitting 12 existing parking spaces with great of 5.5% to 12.3% where only 5% maximum grade is permitted in parking areas serving five or more vehicles; and an area variance from the front yard parking setback requirements under VC 119-20A permitting a parking space within 1' of the front property line where 15' is required from the Village of Florida Zoning Board of Appeals.

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

WHEREAS, given the nature of the application, the Planning Board elected not to hold a public hearing; and

WHEREAS, the Planning Board, after consideration of all the materials finds that the proposed amendment does not alter the finds established by the Board's previously issued negative declaration dated June 28, 2023. Said findings are to be incorporated into this resolution as it fully set forth at length.

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

1. This approval is subject to the completion of any outstanding conditions as set forth in the resolution dated June 28, 2023 and on the signed site plan, dated June 28, 2023.
2. This approval is expressly subject to the terms and conditions of the Conditional Use Permit issued June 28, 2023.
3. Subject to the decision and order of the Zoning Board of Appeals dated September 16, 2024 and the conditions contained therein.
4. Prior to plan signing:
 - a. Applicant to comply with any outstanding comments of the Village Engineer's memorandum dated June 17, 2024.
 - b. Parking space 23 to be restricted to owner parking only.
 - c. Applicant to eliminate 3 parking spaces (32, 33 & 34).
 - d. Applicant to revise the sheet title from Amended Parking Layout to Amended Site Plan
 - e. Applicant shall confirm satisfaction of the NYS Building Code accessible parking requirement for Building A and Building No. 46 with the Building Inspector
 - f. 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.
 - g. Applicant to provide easement to the Village confirming the location of the Village sewer and water line.
 - h. Applicant to submit final signed and sealed site plan for signature to the chairman.
 - i. 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 Village reserves the right to request additional

- j. deposits to the project review Escrow Fund in 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.
 - k. The Planning Board Chairman is hereby authorized to sign the site plan upon the confirmation by the Village Engineer and Planning Boad Attorney that the final site plan confirms to the terms of this approval resolution.
5. 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. Applicant to verify the size and location of the existing water main to the satisfaction of the DPW Superintendent.
6. Prior to the Certificate of Occupancy:
- a. Parking lot to be suitably paved and striped;
 - 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 aiding.
7. 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.
8. 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.
9. Proposed and existing landscaping buffer to be maintained in 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.

Member Cohen moved a motion to approve this resolution. Seconded by Member Grybowski.

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

3. 22 Meadow Road

ARB Approval-Sign Permit

SBL: 102-1-8

Present: Nesley Munoz Gomez, (Tenant)

Along with an Interpreter

It was confirmed by the members that the business presented is a business office/personal is permitted in the GC district.

The members reviewed the application for the proposed sign and determined that it will not likely comply with the sign regulations.

Ms. Munoz interpreter asked various questions with regard to the signage code, and it was recommended by the board to possibly seek a sign shop for guidance.

The board agreed to table this matter for 3 to 4 months to re-submit to the board or the application could be withdrawn.

NEW/UNFINISHED BUSINESS:

1. Lempka Warehouse Application

Secretary Schlagel advised the board that Mr. Muhlrud is now continuing with his application and will be slated for our agenda next month.

PUBLIC DISCUSSION:

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

ADJOURNMENT:

Member Kissinger moved a motion for the adjournment of this meeting at 9:12 P.M. Seconded by Member Cohen.

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

Penny Schlagel, Secretary