

**VILLAGE OF FLORIDA ZONING BOARD
REGULAR MEETING
September 16, 2024**

CALL TO ORDER:

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

BOARD MEMBER'S PRESENT:

Member Steve Caldwell
Member Frank Dagele
Member Alison Orlando

Member Martin Dellatto and Nigeria Forde were excused.

PROFESSIONAL'S PRESENT:

Penny Schlagel, Secretary
Jeremy Havens, Esq.
Matt Roach, Trustee

MINUTES:

Member Caldwell moved a motion for the approval of the Regular Meeting Minutes dated July 9, 2024. Seconded by Member Dagele.

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

PUBLIC HEARING:

1. Loft's (Harold Knebel)
42 No. Main St.
Grade/Handicap Parking Variance

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Florida will hold a public hearing on Monday, September 16, 2024 at 7:30 P.M. at the Village Hall, 33 So. Main St., Florida, New York, to consider the following application(s) on behalf of:

BUDDY ONE, LLC, regarding property located at 42 No. Main St., Florida, NY 10921, and designated on the Village tax map as Section 105, Block 1, Lots 14.2, 15 & 16 and located in the CS District for an area variance from Village Code 119-20D permitting 12 existing parking spaces with grades of 5.5% to 12.3% where only a 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 199-20A permitting a parking space within 1' of the front property line where 15' is 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 other representative. Communications in writing in relation thereto may be filed with the Board, or at such hearing.

BY THE ORDER OF VILLAGE OF FLORIDA ZONING BOARD OF APPEALS.
MARTIN DELLATTO, CHAIRMAN

Dan Getz, Eng. On behalf of the board was present.
Harold Knebel, Owner

Attorney Havens advised that the 239 was completed and the county deemed it a local determination and Secretary Schlagel just received confirmation of the legal notice.

Engineer Getz stated that there is a Temporary CO in place. The parking lot was paved in a different way leaving the parking spaces greater than 5% code, and the front setbacks for handicap parking spots. Therefore, we are seeking two variances.

Chairman Wojcik asked if the cars that are parked in the lot are mostly tenants?

Mr. Knebel replied yes, and for customers as well, which is leaving room open in the municipal spot parking.

Chairman Wojcik asked about the water drainage, as he only saw two catch basins.

Engineer Getz stated the Planning Board engineer reviewed the plans, and there are other basins that go out to Maple Ave to existing basins. Calculations were done for a 5-year storm.

Chairman Wojcik asked about the fire hydrant being located in front of parking spots.

Mr. Knebel stated that a fire hydrant was installed on the side of the building, and yes, it is 15 feet within parking spot. Spots 29, 30 & 31.

Member Orlando stated that with the fire hydrant and the code it is taking up 3 spots.

Mr. Knebel stated that he would be more than willing to just utilize as a flushing hydrant and cap it.

Chairman Wojcik stated that we are not here to discuss this issue, just the handicap spots and the slopes.

Member Dagele stated that it is his understanding that with the parking lot changes, retaining wall was removed and now it has been re-graded with a steeper slope that is greater than 5%, it is more opened for better fire turns.

All members agreed.

Member Orlando asked how the water run-off was?

Mr. Knebel replied that there have not been any issues.

1 Phil Hammond
100 No. Main St. (Zircar)

Mr. Hammond wanted to know where all the catch basins were located. Engineer Getz then showed Mr. Hammond the plans as to their locations.

Chris Pskowski was also in attendance to see as well on the plans as to where all catch basins were located.

Discussion ensued with these gentlemen about the water run-off and grading.

Attorney Havens advised the public that the SEQR review was done and the Planning Board was declared lead agency. The water runoff is under SEQR.

Member Dagele also stated that this issue has to do with the Planning Board and questions or concerns should have been expressed to the Planning Board way back when under the Public Hearing.

Member Orlando stated that she knows she is new to the board, but we are discussing items that should be addressed to the Planning Board correct.

All members agreed.

Chairman Wojcik then closed the Public Hearing on this application.

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

WHEREAS, BUDDY ONE, LLC. Has applied to this Board for Area variances of the Requirements of the Code, and

WHEREAS, a public hearing on this application was held at Village Hall, 33 So. Main St., Florida, New York on September 16, 2024; and

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Applicants are the owners of premises located at 42 No. Main St., Florida, NY 10921 and designated on the Village Tax map as Section 105, Block 1, Lots 14.2, 15 & 16, within the CS Zoning District.
2. The application has been made for area variances from VC 119-20D permitting 12 existing parking spaces with grades of 5.5% to 12.3% where only a 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.
3. An inspection of the site, and/or the evidence and testimony as summarized from the meeting(s) show that:

- a. An undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by granting of the area variance.
 - b. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than the variance.
 - c. The requested variance is not substantial.
 - d. The proposed variance will not have an adverse effect or impact upon the physical or the environmental conditions in the neighborhood or district.
 - e. The alleged difficulty was self-created.
 - f. This area variance should be granted based upon a consideration of the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.
 - g. The minimum variance 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 has been requested.
4. The proposed action is a Type II action under SEQRA regulations §617.5 c (18) and will not result in any significant adverse environmental impact for the reasons hereinbefore set forth.
 5. A GML 239 Referral was made to the OC Planning Department and a recommendation for a local determination was received on July 30, 2024.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that it is determined, based on the information and analysis presented to the board, that the proposed action is a Type II action under SEQRA regulations and will not result in any significant adverse environmental impact.

Motion moved by Member Caldwell and seconded by Member Dagele.

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

NOW, THEREFORE, BE IT RESOLVED, that the application for an area variance from Village Code 119-20D permitting 12 existing park spaces with grades of 5.5% to

12.3% whereby only 5% maximum grade is permitted in parking areas serving five or more vehicles is hereby granted under the following condition:

Removal of fire hydrant or parking spaces #29, 30 and 31 block same.

Motion moved by Member Orlando and seconded by Member Dagele.

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

NOW THEREFORE, BE IT RESOLVED that the application of an area variance from the front yard parking setback requirements under Village Code 119-20A permitting a parking space within 1' of the front property line where 15' is required is hereby granted.

Motion moved by Member Caldwell and seconded by Member Orlando.

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

NEW/UNFINISHED BUSINESS:

Secretary Schlagel stated that we have a new application for 80 Jayne St. The meeting has been scheduled for October 21, 2024.

PUBIC DISCUSSION:

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

ADJOURNMENT:

Member Caldwell moved a motion for the adjournment of this meeting at 8:48 P.M. Seconded by Member Dagele.

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

Penny Schlagel, Secretary

