

**VILLAGE OF FLORIDA
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
April 21, 2025**

CALL TO ORDER:

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

BOARD MEMBER'S PRESENT:

Steven Caldwell
Martin Dellatto
Zen Wojcik
Allison Orlando
Frank Dagele
Alt. Mem. Nigera Forde

PROFESSIONAL'S PRESENT:

Penny Schlagel, Secretary
Robert Krahulik, Esq.

MINUTES:

Member Wojcik moved for the approval of the November 24, 2025 Regular Meeting Minutes. Seconded by Member Caldwell.

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

LEGAL NOTICE

A public hearing before the Zoning Board of Appeals of the Village of Florida will be held on the 21st day of April, 2025 commencing at 7:30 P.M. at Village Hall, 33 South Main Street, Florida, NY 10921 to consider the following application:

ARON TAUB for the property located at Roe St., Florida, New York and designated on the Village of Florida tax map as Section 101 Block 5 Lot 21.1 in the R-1 District for variance from Chapter 199-14 Attachment 2 of the Zoning Code to (i) construct a single family house on a lot containing 16,391 sq. ft. of land where 20,000 sq. ft. are required; (ii) allowing a lot width of 66 feet where 100 feet are required; and (iii) 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, 3 South Main St., Florida, NY. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communication in writing in relation thereto may be filed with the Board, or at such hearing.

Martin Dellatto, Chairman

Chairman Dellatto confirmed with Secretary Schlagel that the Certification of Mailing was completed.

Ms. Schlagel replied yes.

PUBLIC HEARING:

Present on behalf of the applicant: David Niemotko, Architect

Architect Niemotko approached the board and advised that he is here tonight to address the concerns that the board had at our last meeting. The soil testing was done and the company went down 8 feet and the soil came back clean.

Architect Niemotko then read Page 3 into the record from ERS Consultants:

“No herbicides, pesticides, and organics including semi-volatile organics were detected in sample ROE-A at 51 mg/kg and ROE-B at 69 mg/kg however, clean-i [standards are 100 mg.kg. The pesticide DDE was detected in sample ROE-B at 0.011 mg/kg and below residential use standards at 0.78 mg/kg. No other herbicides, pesticides and organics including semi-volatile organics were detected in this sample. Based upon these laboratory results there should be no

restrictions or residential development of this property and no further testing would be necessary”.

Architect Niemotko then proceeded to advise the board that he looked at all the properties in the area and there are 27 lots that are all the similar size. Therefore, his client’s proposed home would not be out of character, 1,240 size house with 2.

Chairman Dellatto asked if any of these similar lots have received variances?

Member Dagele replied no none, these homes where all pre-existing non-conforming before zoning was even established.

Chairman Dellatto then stated that he must contest the soil report there are too many inconsistencies. For example, the report states “samples taken, but after recommended threshold? What does that mean?

Atty. Krahulik stated he would also like to see a resume with credentials from the soil company.

Member Dagele agreed, these are some serious issues here with this report, it says in one spot they went 8 feet down and in another it says 36 inches. I would suggest that the Village Engineer review this report. There is no certification of this report.

Chairman Dellatto that he would like a letter of Intent/Credentials.

All members agreed that a Letter of Intent/Credentials is needed, as well as the Village Engineer review this soil report and provide the board with his opinion.

Chairman Dellatto asked Eng. Niemotko if a representative is here from ERS as our attorney was to ask you to bring him.

Atty. Krahulik apologized, but he forgot to ask Eng. Niemotko to ask for a representative from ERS.

Chairman Dellatto asked that a representative from ERS be in attendance at our next meeting.

1. Ken Rejmaniak
86 Willet St.
Florida, NY 10921

Mr. Rejmaniak stated that the homes that the Eng. Niemotko refer to have been there for 70 years. Really, come on. In 1978 when my home was constructed it had to be 20,000 sq. ft. plain and simple. In 2020 when the pandemic hit, this property was subdivided. The previous owner bought this little piece from the railroad, as did many others in the area and he combined it to use

for the parking of his equipment. In 2020, it was subdivided and sold off to Mr. Taub. This property is way to small to put a house on.

2. Christine Wancyk
32 Roe St.
Florida, NY 10921

Ms. Wancyk stated that she was home the day the soil was tested and watched them do it. There was nothing but a pick-up truck at the property. There is no way they went down 8 feet because there was no construction equipment on site to dig this far down.

Member Dagele moved a motion to leave the Public Hearing on this matter open for either May 15th or June 2nd when we will continue this application.

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

NEW/UNFINISHED BUSINESS: None

PUBLIC DISCUSSION:

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

ADJOURNMENT:

Member Caldwell moved for the adjournment of this meeting. Seconded by Member Dagle at 8:10 P.M.

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

Penny Schlagel, Secretary

