

VILLAGE OF FLORIDA PLANNING BOARD
REGULAR MEETING MINUTES
May 15, 2025

CALL TO ORDER:

Chairman Scott called the meeting to order at 7:33 P.M. with a Pledge of Allegiance.

BOARD MEMBER'S PRESENT:

Chairman Robert Scott
Member Marvin Kissinger
Member Howard Cohen
Member James Sosler
Member Craig Grybowski
Alt. Mem. Diana Puglisi

PROFESSIONAL'S PRESENT:

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

MINUTES:

Member Sosler moved for the approval of the Regular Meeting Minutes dated April 15, 2025. Seconded by Member Kissinger.

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

APPLICATIONS:

1. Brach Realty
12 Roosevelt
Site Plan
Amendment

**RESOLUTION TO APPROVE THE AMENDED SITE PLAN AND SPECIAL
USE PERMIT OF BRACH REALTY CORP.**

WHEREAS, the Village of Florida Planning Board is considering action on a proposed site plan amendment and special use permit for purposes of installing a liquid nitrogen tank, together with alterations to existing site improvements located at 12 Roosevelt Ave, Florida, NY; and

WHEREAS, the Planning Board has received and reviewed the following application documents:

1. Application, dated October 15, 2024
2. Short Environmental Assessment form dated November 17, 2024
3. Site Plan prepared by MJS Engineering & Land Surveying P.C. dated October 29, 2021, last revised April 1, 2025, consisting of 11 sheets.
 - C-1 Site Plan
 - C-2 Notes & Details
 - C-3 Existing Conditions
 - C-4 Grading & Drainage Plan
 - C-5 Erosion & Sediment Control Plan
 - C-6 Landscaping & Lighting Plan
 - C-7 Stormwater Details
 - C-8 Nitrogen Tank Details
 - C-9 Circulation Plan
 - WZ – 1 Site Plan Exhibit 1
4. Design report as to Odor Reducing System, prepared by MJS Engineering dated March, 2025.

WHEREAS, the Planning Board previously served as lead agency for related approvals issued on January 24, 2028, October 28, 2020 and May 24, 2023 and the Board's prior findings are hereby incorporated by reference'

WHEREAS, the application was referred to the Orange County Department of Planning pursuant to General Municipal Law §239 et seq. By letter dated January 23, 2025, the County indicated it was a matter of local determination; and

WHEREAS, a duly noticed public hearing was held on February 18, 2025, March 25, 2025 and April 22, 2025 at 33 South Main St., Florida, NY 10921 where member of the public provided comment;

WHEREAS, the use of the site as a manufacturing facility is a pre-existing, non-conforming use under the Village of Florida Zoning Code;

NOW, THEREFORE, BE IT RESOLVED, that after review and consideration of the application materials, consultant comments and public hearing comments, the Planning Board hereby declares that the proposed action and the conditions associated therewith is consistent with the Planning Board's previous SEQR review and will have no adverse environmental impacts (a "Negative Declaration"); and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants amended site plan approval and special use permit subject to the following conditions:

1. Prior to plan signing:
 - a. Applicant shall comply with the comments of the Village Engineer's memorandum dated February 14, 2023.
 - b. Applicant to submit final signed and sealed site plan for signature to the chairman.
 - c. 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.
 - d. Applicant to obtain all necessary permits including but not limited to Building Department and Department of Health;
2. The Planning Board Chairman is hereby authorized to sign the site plan upon the written confirmation by the Village Engineer and Planning Board Attorney that the final site plan conforms to the terms of this approval resolution.
3. This approval is subject to the terms and conditions of the Special Use Permit granted simultaneously herewith and annexed hereto.
4. Applicant shall commence construction within 12 months or this approval shall expire. The applicant may apply to the Planning Board for

5. an extension of such time if necessary. If no certificate of occupancy has been issued, site plan approval shall be effective for a total period of 3 (three) years from the date the resolution of approval is adopted by the board, notwithstanding any extension granted. If, at the end of the three-year period, the applicant has not completed construction, final site plan approval shall automatically expire, and the applicant must reapply for site plan approval pursuant to this zoning chapter.
6. Proposed and existing landscaping including buffer along southerly and westerly property line to be maintained in perpetuity.
7. This approval shall be subject to the terms and conditions of the previous site plan approvals dated January 24, 2018, October 28, 2020 and May 4, 2023 to the extent said approvals are not superseded by this Resolution.
8. Nitrogen Tank to be fenced and landscaped as shown on plans.
9. Hours of operation shall be 6:30 a.m. to 9:00 p.m. Monday through Saturdays and 9:00 a.m. to 9:00 p.m. on Sundays. Trucks may not enter, exit, idle, load or unload at the site outside of the hours of operation. Trucks may not queue on Village Streets at any time.
10. The terms of Chapter 83 of the Village of Florida Code, entitled Noise are hereby incorporated by reference. Compliance with the Village's noise ordinance shall be a material condition of this site plan approval and in the event the property owner is found to be in violation of the Noise Ordinance by a Court of competent jurisdiction, such violation shall be deemed a violation of this site plan approval.
11. Applicant shall maintain a clearly visible sign indicating that trucks are not permitted to enter, exit, idle, load or unload at the site outside of the hours of operation.
12. Application shall maintain a clearly visible sign indicating that trucks are not permitted to enter, exit, idle, load or unload at the site outside of the hours of operation.

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.

Motion made Member Grybowski, seconded by Member Sosler.

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

**Village of Florida Planning Board
SPECIAL USE PERMIT
12 Roosevelt Avenue
SBL: 112-1-9.2**

This special permit is issued to Brach Realty Corp., owner of property located at 12 Roosevelt Avenue, Village of Florida, New York for the operation of a warehouse/manufacturing facility in the General Commercial Zoning District pursuant to §119-35 (B) (5) of the Village of Florida Village Code subject to the Planning Board's special permit procedures as set for the in the Village of Florida Village Code, §119-34.

FINDINGS

The Planning Board determines, after review of all the applicable materials, consultant comments and public comments, that the applicant has satisfied the findings required by Village Code §119034, in particular:

1. The use of the site for manufacturing is an existing use that pre-dates the Village's amended zoning code and may continue as a pre-existing non-conforming use.
2. The proposed use upon implementation of the conditions set for therein is deemed to be compatible with adjoining properties, and with the natural and built environment of its surrounds.
3. The site is accessible to fire, police and other emergency vehicles.
4. The use is suitable to its site upon consideration of its scale and intensity in relation to environmentally sensitive features, including, but not limited to, steep slopes, floodplains, wetlands, and watercourses. Adequate screening and separation distances are provided to buffer the use from adjacent properties.
5. The use will not negatively impact ambient noise levels, generate excess dust or odors, release pollutants, generate glare, or cause any other nuisances. This finding is specifically on the basis that the conditions of

6. approval requiring the installation of ventilation to reduce odor emanating from the chicken processing facility shall be installed. In addition, truck movement is being restricted to reduce the impact of the operation to adjoining neighbors.
7. Parking is sufficient so as to not create a nuisance or traffic hazard on adjacent properties on roads.
8. Vehicular, Pedestrian and bicycle circulation, including levels of service and roadway geometry, are safe and adequate to serve the use. The site amendments are specifically conditioned on hours of operation for traffic. Traffic shall not be permitted to queue and/or idle on any of the neighboring streets.
9. The location, arrangement, size, operation including hours of operation, and design of the use, including all principal and accessory structures associated with same as set forth in the conditional site plan approval, are compatible with the charter of the neighborhood in which it is situated and shall not hinder or negatively impact the use, enjoyment or operation of adjacent properties and uses.
10. Utilities, including stormwater, wastewater, water supply, solid waste disposal and snow removal storage areas, shall be adequate to serve the use.
11. The use shall not negatively impact the visual character of the Village or neighborhood.
12. The use shall not negatively impact historic, scenic or natural environmental features on-site or within the adjacent neighborhood.

Based upon these findings, the Planning Board approves the Special Permit subject to the following conditions:

1. Applicant to install ventilation as shown on specifications dated April 1, 2025. Applicant to maintain such system in such a manner as to prevent unreasonable odors and noise emanating from the property.
2. This Special Use Permit shall be to the applicant and shall be terminated upon the sale, expiration of a leasehold interest of the applicant, a

3. Change to a permitted use that does not require a special permit, or abandonment of the site, unless otherwise authorized by the Planning Board.
4. Trucks shall not enter the site outside of the hours of 6:30 p.m. and 9 p.m. Trucks shall not idle in excess of 5 minutes. Trucks shall not queue and/or park on Village streets. The applicant, as owner of the property, assumes responsibility for vehicles on his property and to the extent vehicles are in violation of these conditions, the Applicant shall be held responsible.
5. Lighting on site shall be shielded to prevent glare onto adjoining properties. Lights shall be controlled by timers, turning exterior lights off by 9:00 p.m.
6. Pursuant to §119-34 (K) of the Village of Florida Code, this special use permit shall be deemed to have expired if operation ceases for a time period equal to or greater than 12 consecutive months for any reason, or if construction is not completed within 24 months from the date of issuance. The Planning Board may consider extensions of up to six months from the date of issuance for good cause, as determined solely by the Planning Board.
7. Pursuant to §119-34 (L), inspections to be conducted by the Code Enforcement Officer to ensure continued compliance with this zoning chapter and any condition of the Special Use Permit.
8. Pursuant to §119-34 (M), this Special Use Permit shall be renewed on or before two (2) years from the date hereof. Sixty days prior to the expiration of a Special Use Permit, the applicant shall apply to the Code Enforcement Officer for renewal of the Special Use Permit. The Code Officer shall inspect the premises to verify that the conditions of the permit have been met within 15 days following a request for renewal. Upon a finding that there are no violations or noncompliance of the conditions of the Special Use Permit, the Code Enforcement Officer shall so advise the Planning Board and the Special Use Permit shall be renewed by the Planning Board for a time period to be set at its next regular meeting. However, where the Code Enforcement Officer finds that the applicant is not in compliance with the Special Use Permit or that violations exist, then such renewal shall require Board approval and may be granted only following a public hearing. Renewal may be

9. withheld upon a determination by the Planning Board that such conditions as may have been prescribed by the Planning Board in conjunction with the issuance of the original permit have not been or are being no longer complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of said permit.
10. Failure to comply with the terms and conditions of the amended site plan approval and this special permit shall be grounds for revocation of this special permit.
11. The conditions of the site plan approval granted simultaneously herewith are incorporated by reference as if fully set forth herein at length.

Chairman Robert Scott

NEW/UNFINISHED BUSINESS:

1. Robert Knebel
Informal Meeting
Re: Village Dr. Commons (Curbing)

Mr. Knebel stated that he is here tonight to discuss the curb issue. It was brought to his attention by the Village Engineer that the constructed curbs are different than what is on the approved site plan. We are at the point in the project where we are looking to put the binder course of pavement down to keep the project moving forward. Your engineer cannot treat this issue as a field change because there is no code that allow field changes, so it was advised that we will need to do a site plan amendment. The goal tonight is for you review the current curbing installed now vs. the plan, and you will see there is hardly any difference.

Mr. Knebel then presented the board with two plywood cutouts of the current curb verses the planned curb.

Member Sosler stated that he was the one who noticed that the curbing was not in accordance with the plan.

Mr. Knebel thanked Member Sosler for noticing, as he was not even aware it was.

Mr. Knebel proceeded to state that they still have drop curbs in the areas where they are supposed to be, and they have the same amount of reveal height, the total linear footage of curbs is the same and the curbs are made with the same strength of concrete. The only difference is the angle in the site plan detail. Eng. Hoffman has informed us that this cannot be a field change and that we have to submit an amended site plan. However, he is here tonight to see if the board is comfortable that the constructed curbs will be acceptable. If so, he would like to move forward with a binder course of asphalt so the project can continue.

Meantime, Mr. Knebel stated that he will get the amended site plan submitted for next month's meeting.

Member Sosler and Kissinger both stated that they would have no issue with Mr. Knebel submitting an amended site plan.

Attorney Cassidy stated that she would recommend that Mr. Knebel hold off on the paving portion until approval is given.

Mr. Knebel replied that he is confident and will continue with the paving so his project can move forward.

Mr. Knebel stated that he would also like to bring to the board's attention the conflict of interest regarding this project. For the record, I myself have done business with Lanc & Tilly, isn't this a conflict of interest. Mr. Hoffman's inspector for my job worked for Roe Brothers isn't that a conflict of interest.

Attorney Cassidy replied that Mr. Pawliczek's family member rents a unit, and therefore he was recused.

Mr. Knebel replied that just because Mr. Pawliczek's wife rents a unit from me, that is not a conflict of interest on the Village Dr. Commons project for Mr. Pawliczek, these are totally two different projects. Also, we have requested a billing audit as we have been being doubled billed has this been done? Ms. Schlager could you please check the status of this issue.

Ms. Schlager replied yes, she will certainly inquire as to the status.

Mr. Knebel then thanked the board for their time.

Atty. Cassidy stated that she would like to thank the board for accommodating her for changing this month's meeting date.

PUBLIC DISCUSSION:

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

ADJOURNMENT:

Member Sosler moved for the adjournment of this meeting at 9:00 P.M.
Seconded by Member Cohen.

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

Penny Schlagel, Secretary