

**VILLAGE OF FLORIDA
PLANNING BOARD REGULAR MEETING MINUTES
August 19, 2025**

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

BOARD MEMBER'S PRESENT:

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

Member Marvin Kissinger was EXCUSED.

PROFESSIONAL'S PRESENT:

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

MINUTES:

The Regular Meeting Minutes of July 15, 2025 were presented.

Member Cohen moved for approval of the July 15, 2025 Minutes.
Seconded by Alt. Mem. Puglisi.

On roll call, all voted yes, and Chairman Scott declared this Resolution adopted.

PUBLIC HEARING:

1. Lempka Warehouse
SBL: 120-1,2&3

Present on behalf of applicant: Eng. Lara Pruschki
AI & Eric Muhlrad

Eng. Pruschki submitted the Affidavit of Mailing to Secretary Schlagel, and again lightly detailed the project with 4,200 sq. ft warehouse with Remee Plaza at the Access Road. Also, DEC Wetlands confirmed.

Eng. Hoffman then reviewed his Comment Memo of August 15, 2025. (See Attached).

Atty. Cassidy then reviewed her revised Comment Memo of July 15, 2025. (See Attached) with regard to the impacts and then Eng. Hoffman's memo from June 10, 2025"

Eng. Hoffman stated that with regard to MS-4 there is mention of a Stormwater Maintenance Agreement. Does the applicant want this? That would then involve the DPW is there was an issue and it wasn't fixed, the DPW would have to step in. This is not a requirement, but noted it is there.

Eng. Pruschki replied that if it is not required, no, and will remove it.

Discussion ensued about a possible extension to October 21st. It was concluded that we would see how far along we are. However, the applicant did agree to extend the time required for action on the site plan after close of public hearing to October 21, 2025.

Eng. Pruschki then asked about the landscaping facing the Treatment Plant if they could possibly scale it back since it was facing a plant.

Eng. Hoffman replied that he would like to see photographs from Country Route 25/Meadow Road or site cross-sections to demonstrate the proposed building will be screened by existing vegetation and topography. Since there is limited ability to install plantings along the front of the building, it is recommended that applicant discuss installation of plantings in Jarocki Park with the Village Board when they discuss the modified easement.

Chairman then asked if anyone in the audience would like to make any public comments.

No one from the public had any questions.

Atty. Cassidy asked Secretary Schlagel if she received any written comments on this application.

Secretary Schlagel replied no.

Member Grybowski moved a motion to close the Public Hearing on this application. Seconded by Member Cohen.

On roll call all voted yes and Chairman Scott declared this hearing closed.

Member Sosler moved a motion to adopt the Negative Declaration. Seconded by Member Cohen.

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

(See attached Negative Declaration Resolution)

2. Florida Senior Housing
75 Senior Units
Declare Lead Agency

Present on behalf of the applicant was Lara Pruschki, Eng.

Attorney Cassidey advised the board that this application will require review by the Board of Trustees, Zoning Board and us. This is a Type 1 action and Atty. Cassidy suggested that Eng. Pruschki submit a revised long Part 1 EAF, which will then be circulated.

Eng. Hoffman stated that he is in the mist of preparing a memo on the list of items that need to be completed.

Discussion ensued with regard to traffic. It was then recommended a traffic consultant on behalf of the board and also an Environmental Consultant.

VILLAGE OF FLORIDA PLANNING BOARD
RESOLUTION TO DECLARE INTENT TO BE LEAD AGENCY FOR THE
APPLICATION OF ALL OF MINE ORANGE, INC. FOR SENIOR MULTIFAMILY
DWELLINGS

WHEREAS, the Village of Florida Planning Board is considering action on an application for the construction of 75 dwelling units clustered in four buildings on

approximately 20.503 acres together with appurtenant improvements with access over Robert Drive and Wilbur Way located on NYS Route 94 and identified on the Village of Florida tax maps as SBL: 103-2-3, 103-2-6 and 106-1-40.31 and;

WHEREAS, a Long Form Environmental Assessment For dated February 27, 2025 was submitted and;

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 1 action pursuant to 6 NYCRR 617 (b)(8); and

WHEREAS, after examining the EAF, the Planning Board has determined that the following agency are involved or interested agencies for purposes of SEQR: Village of Florida Board of Trustees, Florida Zoning Board of Appeals, Florida DPW, NYS Department of Planning, New York State Department of Transportations, New York State Historic Preservation Office (SHPO) and Florida Fire District, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board make the following findings:

1. The proposed action is subject to the State Environmental Quality Review Act.
2. The action may involve one or more other agencies.
3. The action is preliminary classified as a Type 1 Action pursuant to 6 NYCRR Part 617.
4. Coordinated review of the action is appropriate.

BE IT FURTHER RESOLVED, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action.

BE IT FURTHER RESOLVED, that the Planning Board Clerk shall cause notice of such intent to be circulated in accordance with SEQR upon receipt of corrected EAF as per the comment memorandums of Engineer Hoffman and Attorney Cassidy.

BE IT RESOLVED, that a determination of significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether or not the action will or will not have a significant effect on the environment.

Member Cohen moved a motion to declare Intent to be Lead Agency for the application of Florida Senior Housing. Seconded by Member Sosler.

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

3. EQ Auto Performance Restoration

55 Maple Ave

Present on behalf of application: Eng. Brad Cleverly & Sandor

Tenants: Cosmin Negru & Sal Mastropolo

Attorney Cassidy informed everyone that the applicant will need to submit a revised application, owner's authorization and is still awaiting the narrative addressing the special use permit criteria (general & individual).

Discussion ensued of the individual criteria, §119-35B(7) (t) which requires motor vehicle repair or service to be an accessory use to a gasoline filling station or new and used auto sales.

Attorney Cassidy recommended that the applicant may want to get an interpretation from the Building Inspector confirming they comply with this requirement.

Discussion with regard to vehicle painting, and Atty. Cassidy advised that this can be addressed through the special permit general standards.

Eng. Sandor advised the board that he believes this use has already been approved and Planning Board approval is not necessary.

Eng. Hoffman replied that he has reviewed the files, and could not locate any documentation for this approval. However, if Eng. Sandor could locate an approval, to please provide him with the documentation.

(See attachment Memo from Eng. Hoffman dated August 15, 2025)

Also discussed was that ARB approval would be required for the sign.

Member Cohen moved a motion declaring Lead Agency for this application as is an unlisted action. Upon receipt of updated application, 239 Referral shall be done. Seconded by Member Grybowski.

On roll call, all voted yes, and Chairman Scott declared this resolution adopted.

Mr. Mastropolo stated that this process is just not worth it, as he has already been paying rent for a couple of months and salaries and the building is unusable

4. Leuner

Re: Resolution to extend water disconnection

Present on behalf of applicant: Brad Cleverly, Eng.

Eng. Cleverly advised the board that the applicant is currently drilling the well and would like a two (2) 90- day extension.

Member Cohen moved a motion to extend the disconnection of water service from the Village of Florida until September 10, 2025 and then until December 19, 2025. Seconded by Member Sosler.

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

NEW/UNFINISHED BUSINESS: None

PUBLIC DISCUSSION:

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

ADJOURNMENT:

Member Sosler moved a motion for the adjournment of this meeting at 9:05 PM. Seconded by Member Grybowski.

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

Penny Schlagel, Secretary



M E M O R A N D U M

TO: Robert Scott, Chairperson and Planning Board
FROM: Sean T. Hoffman, PE, Village Engineer
SUBJECT: Lempka Drive Warehouse
Special Use Permit, Site Plan & Lot Merger— **Revised Plans**
File No. 120-1-2 & 3; Memo No. 25-006-247103
DATE: August 15, 2025
CC: Daniel Harter, Mayor; Mike Pawliczek, Building Inspector;
Timothy Brunswick, DPW Superintendent; Elizabeth Cassidy, Esq., Village Attorney
and Ross Winglovitz, PE (for applicant)

The following are our comments on a special use permit, site plan and lot merger application for a 44,200 square foot warehouse in the GC (General Commercial) zoning district on 6.3-acres (total holdings) with frontage on Edward J. Lempka Drive.

Background – This matter was last discussed during your July 15, 2025 meeting. At that time, you opened the public hearing. No comments were received and you adjourned the public hearing until your August 19, 2025 meeting. Additionally, you authorized Attorney Cassidy to prepare a draft SEQRA Negative Declaration. The applicant is also seeking minor site plan approval from the Town of Goshen Planning Board for the improvements located in the Town. During the March 20, 2025 meeting, the Town of Goshen Planning Board waived their public hearing. Once you conclude SEQRA, we understand the applicant will return to the Town of Goshen to continue with the site plan approval and obtain any outside agency approvals (e.g., Department of Health).

A) Materials Reviewed:

- Plans prepared by Engineering & Surveying Properties, PC, consisting of the following:

<u>Sheet No.</u>	<u>Title</u>	<u>Last Revised</u>
C101	Site Plan	5/30/25
EX-1	Existing Conditions Plan	5/30/25
C-102	Grading & Drainage Plan	5/30/25
C-103	Utility Plan	5/30/25
C-104	Erosion & Sediment Control Plan	5/30/25
C-105	Lighting Plan	5/30/25
C-106	Landscaping Plan	5/30/25
C-301	Details	5/30/25
C-302	Details	5/30/25
C-303	Details	5/30/25
C-304	Details	5/30/25
C-305 ¹	Details	5/30/25

B) Review of Submitted Materials:

- Zoning –
 - Use – Applicant proposes a 44,200 square foot warehouse. Warehouses are permitted subject to special use permit and site plan approval [Table 1, Table of Use Regulations and §119-33A(2)]². The plans (General Note No. 8) indicate the proposed use as warehouse

¹ Applicant should revise the List of Drawings which identify this sheet as C-304.

² The Code defines Warehouse/Storage Facilities as "A use engaged principally in the long-term indoor storage of materials and/or manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazardous conditions. Nothing herein shall be construed to permit retail sale of merchandise to the general public or by membership" [§119-2.1].

(conditional approval of Planning Board). Since conditional approval has not been granted we recommend the applicant revise this note.

- b) Public Hearing – A public hearing is required for special use permits. The public hearing was opened during your July 15, 2025 meeting. No comments were received and you adjourned the public hearing until your August 19, 2025 meeting. The applicant should submit the affidavit of mailing including a list of the property owners to whom the notice was sent if they have not already done so [§119-36A(1)]. The Code requires you to render a decision with 62-days of the close of the public hearing [§119-33G].
- c) Special Use Permit (General Objectives) – In authorizing a special use permit, the Code requires you to take into consideration the expressed intent of the Zoning Chapter, general public health, safety and welfare and authorizes you to prescribe appropriate conditions and safeguards to ensure accomplishment of objectives as listed at §119-34B. We recommend the applicant submit a narrative addressing how the proposed uses will accomplish the special use permit objectives listed in the Code.
- d) Special Use Permit (Individual Standards) – In addition to the general objectives described above, the Code includes individual standards for certain uses [§119-35].
 - Warehouses and Storage Facilities – Warehouses and storage facilities are allowed by special permit in the GC zoning district subject to the following conditions [§119-35B(15)]:
 - Loading Bay Orientation – The Code prohibits loading bays from facing street frontage areas [§119-35B(15)(a)]. The plan shows the loading bays facing west, away from the Edward J. Lempka Drive frontage. [Informational].
 - Lot Area – The Code requires warehouses with eight (8) or more loading docks to be located on lots in excess of five (5) acres [§119-35B(15)(b)]. The plan graphically shows six (6) loading docks and the applicant is proposing to merge the two (2) existing lots to create a single 6.3-acre parcel. [Informational].
 - Screening – The Code requires truck parking areas to be screened from all adjacent properties by a landscaped area designed to the satisfaction of the Planning Board [§119-35B(15)(c)]. The plan shows all truck parking toward the rear of the site. The plan (see Landscape Plan) shows locations where existing vegetation will remain and proposes several deciduous trees along the rear of the site. We recommend planting several evergreen trees to increase screening as well wetland plantings within the previously disturbed wetland.
 - Residential Setback – The Code requires loading and parking areas to be at least 300-feet from any residential property line or residential district line [§119-35B(15)(d)]. The applicant previously provided a Residence Setback Map indicating the proposed site is 235.6-feet from the nearest residential district line and the warehouse structure will be 588.5-feet from the nearest residential dwelling. We understand the Code requires the residential setback to be measured from the proposed loading and parking areas which we believe will be in excess of 435-feet (by scale). [Informational].

- e) Dimensional Regulations – The plans include a Bulk Requirements Table (Table) listing the required and proposed dimensional regulations. We have the following comments:
- Lot Geometry - Due to the irregular lot geometry and frontage along Edward J. Lempka Drive, we recommend the applicant confirm the yard designations with Building Inspector Pawliczek if they have not already done so.
 - Retaining Wall – The plans now show a retaining wall within the front yard setback. We were unable to find any required setbacks for retaining walls and recommend you confirm with Attorney Cassidy a variance is unnecessary.
 - Lot Coverage - The Code limits the maximum lot coverage to 35%. The Table indicates a complying 24.7% and the applicant has provided an impervious calculation as requested. The plan (see Existing Conditions Plan) graphically identifies areas of existing onsite impervious surfaces to be removed. Additionally, the plan includes Soil Restoration Notes. We recommend the plan be revised to identify the soil restoration requirement for the areas of impervious surface coverage removal.

- f) Subdivision – The applicant proposes to merge the two (2) existing lots into a single lot for the purpose of this development. During your January 17, 2024 meeting Attorney Cassidy confirmed the lot merger is not considered resubdivision under the Village Code. [Informational].

- e) Parking – Your Code requires wholesale or storage facilities (i.e., warehouses) to provide one (1) parking space per 1,000 square feet of gross floor area [Table 3, Schedule of Off-Street Parking and Loading Requirements]. The plan includes Parking Calculations indicating 45 parking spaces are required. The plan shows the development of 23 parking spaces and an area for landbanking up to 22 parking spaces. The Code authorizes you to allow postponement of the construction of parking facilities if you determine that there is some uncertainty as to the parking demand for a particular use [§119-22J]. Where you determine the immediate use of any property may not require the full initial improvement of all off-street parking the initial improvement may be waived of not more than 50% of the required number of spaces. The Code requires reserved spaces to be improved within six (6) months of written notice from the Code Enforcement Officer and written guarantees to the satisfaction of the Village Attorney. We recommend you consider making these a condition of any action.

The Code requires one (1) loading space per 20,000 square feet of floor area or fraction thereof for wholesale or storage (i.e., warehouses) [Table 3, Schedule of Off-Street Parking and Loading Requirements]. The plan includes Parking Calculations indicating three (3) loading spaces are required and six (6) loading spaces have been provided. [Informational].

2. Site Plan – In reviewing site development plans, the Planning Board is required to specifically consider the design of: (1) traffic access; (2) circulation and parking; (3) landscaping and screening; (4) environmental impacts; (5) hours of operation; (6) clearing and grading; (7) fire lanes and turning radii; and (8) noise [§119-33E].

- a) Traffic Access – The existing site is accessed from Edward J. Lempka Drive and by an existing driveway in the Town of Goshen (i.e., Reme Plaza). The applicant proposes for Edward J. Lempka Drive for emergency access (gated) and for all traffic associated with the proposed warehouse to utilize Reme Plaza. In connection with your SEQRA review, the applicant prepared a Traffic Impact Study (TIS) which was reviewed by the Village's Traffic Consultant. The TIS recommended Alternative Access Scenario 5 which included the gating of the internal driveway directing traffic from two (2) existing warehouses in the Town of

Goshen to Jessup Switch Road rather than Reme Plaza³. We recommend any action require a note to be added to the plans in this regarding and the for the Building Inspector to confirm compliance prior to issuance of a certificate of occupancy.

The plans include a note (General Note No. 12) indicating construction vehicles shall not access the site by way of the easterly entrance or Edward J. Lempka Drive. The applicant should clarify the meaning of the easterly entrance.

The applicant proposes modification of the existing easement and a hammerhead at the terminus of Edward J. Lempka Drive. We have the following comments:

- Easement - The modification of the existing easement will require approval of the Village Board of Trustees and we suggest you make this a condition of any action.
 - Hammerhead – The plan appears to show a 100-foot hammerhead at the terminus of Edward J. Lempka Drive. We understand the NYS Fire Code requires a 120-foot hammerhead [Section D103].
 - Dead End – The applicant proposes a gate at the terminus of Edward J. Lempka Drive with Knox Box®. We understand the NYS Fire Code [Section D103.5] requires fire apparatus access road gates to be swinging or sliding and the locking methods to be approved by the fire code official. Additionally, since Edward J. Lempka Drive will now function as a dead end for nonemergency traffic, we recommend any action require the applicant to obtain NYSDOT approval and install a Dead End or similar sign at the Edward J. Lempka Drive and NYS Route 17A intersection.
- b) Circulation – The applicant previously provided a Truck-Turning Plan which was reviewed by the Village's Traffic Consultant. [Informational].
- c) Landscaping & Screening – The Code requires all playgrounds, parking, refuse disposal and service areas to be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood [§119-33E(3)]. The previously proposed landscape screening between the proposed warehouse and Jarocki Park has been eliminated and replaced with a retaining wall. We recommend you discuss with the applicant whether any screening could be added at Jarocki Park.
- d) Environmental Impacts – The Code requires the avoidance, to the extent practicable, of disturbance to environmental resources (e.g., areas of special flood hazard; freshwater wetlands and watercourses and any buffer area that may be regulated by the NYSDEC; and steep slopes). The plans show the avoidance of Quaker Creek, the 100-year floodplain and the onsite NYSDEC wetlands and 100-foot adjacent area and require the installation of the adjacent area with construction fencing (General Note No. 13). [Informational].
- e) Hours of Operation – The Code authorizes the Planning Board to regulate hours of construction or the operation of uses subject to site plan approval [§119-33E(5)]. The Code restricts construction hours to the period between 7:00 AM and sunset or 6:00 PM, whichever is later, daily including Saturdays. The plan (General Note No. 10) indicates construction will occur 7:30 AM to 6:00 PM daily. We recommend the plan be revised to correspond with the Code for consistency.

Hours of operation of a use may be established by the Planning Board based on the use, except that outdoor operations and activities shall be limited to 7:00 AM to sunset or 6:00 PM, whichever is later, or sunset on Sundays and holidays. The plan (General Note No. 11) indicates the warehouse hours of operation will be 7:30 AM to 8:00 PM Monday through

³ The applicant provided correspondence dated October 28, 2024 agreeing to install this gate and divert all traffic from Reme Plaza toward Jessup Switch Road.

Friday, 9:00 AM to 5:00 PM Saturday and no outdoor activity per the Village Code. Additionally, we note the hours of construction identified in the zoning chapter of the code are at variance with the noise chapter of the code and recommend you discuss with Attorney Cassidy which are required.

3. Utilities –

- a) Water – The plan shows the location of the existing water main along the front of the building as well as proposed fire and domestic connections. We recommend the plans be referred to the DPW for review and comment if they have not already been. We have the following comments:
- We understand the installation of the fire hydrant will require approval from the Department of Health. [Informational].
 - Any connections to the Village's existing water main should be inspected by the Village DPW.
 - The plans show a six (6) inch diameter fire suppression water service connection. The applicant previously advised a flow test will be scheduled to confirm the existing water supply and conveyance systems are capable of delivering the necessary flow to the building. We recommend you consider this a requirement of any action.
- f) Wastewater Disposal – A Village sanitary sewer currently crosses the site within an easement. The plan show the proposed lateral connection. We recommend the plans be referred to the DPW for review and comment relative to the sanitary sewer connection.
- c) Stormwater – Per NYSDEC SPDES General Permit for Construction Activities soil disturbances greater than one (1) acre require a Stormwater Pollution Prevention Plan (SWPPP). The applicant has quantified the limits of disturbance as 4.38-acres and previously confirmed coverage under the SPDES General Permit will be required. We have the following comments:
- The plan shows a drop curb and rip-rap to drain the proposed hammerhead. This should be replaced with a catch basin and storm drain.
 - The plans show the vertical roof leaders connected to the proposed stormwater collection and conveyance system via subsurface headers along the easterly and westerly sides of the building. We recommend the applicant consider installation of cleanouts at the building corners to facilitate future maintenance.
 - The applicant should confirm the pond outlet structure elevations correspond with the elevations in the SWPPP. Additionally, the applicant should confirm the proposed infiltration basin provides the required Water Quality Volume (WQv) calculated in the SWPPP.
 - The Notice of Intent (NOI) included in the SWPPP appears to be for the previous SPDES General Permit (GP-0-20-001) and should be updated to correspond with the latest permit.

4. Miscellaneous –

- Aerial Fire Apparatus Access Road – The Bulk Requirements Table indicates a maximum height of < 35-feet. The NYS Fire Code requires building exceeding 30-feet in height to provide an aerial fire apparatus access road with a minimum unobstructed width of 26-feet not less than 15-feet or greater than 30-feet from the building and positioned parallel to one entire side of the building. The applicant should indicate where the aerial apparatus access will be provided (the NYS Fire Code requires unobstructed access) and recommend the applicant confirm compliance with Building Inspector Pawliczek. Additionally, we

recommend you solicit comments from the Florida Volunteer Fire Department if you have not already done so.

- ARB Approval – The Code requires ARB review and approval of any construction that requires a building permit with the GC zoning district [§119-38B(2)(c)]. Applications for review by the ARB shall be made concurrent with the application for site plan approval and include plans and elevations, full narrative description of materials, samples, color swatches of all exterior materials (including roofing, trim, siding, windows, doors, lighting fixtures, sidewalk and paving materials) [§119-38B(4)]. The applicant has provided building elevations and renderings; we recommend the narrative description of exterior materials be provided at this time as well as any physical samples.
 - Signs – If any signs are anticipated we refer the applicant to §119-18 regarding sign requirements.
 - Retaining Wall – The plans now show a retaining wall along the front of the proposed warehouse. The retaining wall will be visible from Jarocki Park. We recommend the plans include a construction detail and the applicant provide information on wall finish.
 - Lighting – The applicant has provided a Lighting Plan showing light levels of approximately 0.5 foot candles along the property line with Jarocki Park. The Code requires methods to eliminate glare onto adjacent properties [§119-33D(1)(t)]. We recommend you discuss with the applicant whether light timers or motion detectors may be added to limit light use to hours when the building is occupied.
 - Accessible Access – The NYS Building Code indicates signage associated with accessible parking spaces should not interfere with the accessible route from the accessible aisle [BCNYS Section 1111.5]. The Handicap Parking Spaces detail appears to show the No Parking Sign toward the middle of the accessible aisle.
 - Plan Inconsistencies – The applicant should review and revise the plan notes to eliminate any inconsistencies (e.g., Sequence of Construction Activity Note No. 1 references the NYCDEP).
5. SEQRA – During your December 12, 2023 meeting, you declared your intent to be Lead Agency and classified the application as a Type I SEQRA action. During your February 20, 2024 meeting you adopted the Part 2 EAF identifying potential impacts from the project. The applicant prepared an Expanded Part 3 EAF (last revised June 27, 2025) which provided additional information for you to evaluate the potential impacts so you may make a determination of significance. During your July 15, 2025 meeting you reviewed the Expanded Part 3 EAF and authorized Attorney Cassidy to prepare a draft SEQRA Negative Declaration.

C) Referrals –

1. Emergency Service Organizations
2. Orange County Referrals – 239 Review – Local Determination January 24, 2024
3. Town of Warwick & Town of Goshen – GML 239-nn⁴

⁴ General Municipal Law §239-nn requires notice be sent to the clerk of the adjacent municipality at least 10 days prior to holding a hearing on site plan review which is within 500-feet of the municipal boundary.

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January 21, 2025
Revised June 17, 2025
Revised July 15, 2025

TO: Village of Florida, Planning Board
Applicant

CC: Penny Schlagel, Planning Board Clerk
Sean Hoffman, Village Engineer

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of
Edward J. Lempka Drive Warehouse
SBL 120-1-2, 3 and 4.

Our office is in receipt of a revised Expanded Environmental Assessment Form, Part III. New material from that contained in my earlier memorandums may be found in bold.

The site plan remains subject to my office's prior comment memorandum dated April 16, 2024.
For purposes of continuity, I have repeated those comments here.

Comment	Status
1. The Property is located in the GC Zoning District. As set forth in the November 16, 2023 memo of Sean Hoffmann, the use is authorized by special permit.	For Information
2. The application seeks to merge SBL 120-1-3 and 120-1-2 into one lot for purposes of constructing a 44,200 square foot warehouse with access over SBL 120-1-4 to Route 17A.	For Information
3. The proposed site plan directs traffic to the adjoining lands owned by 476 Route 17A LLC (SBL 120-1-4). The application including the EAF must be updated to include this additional lot with appropriate disclosures of the LLC principals and authorization for the Applicant to proceed.	Comment Satisfied 6-17-2025

contiguous to any publicly owned parkland). The project is located next to Jarocki park.	
7. The Planning Board declared its intent to be lead agency on December 12, 2023 and elected to conduct a coordinated review. The Board prepared an EAF part 2 for its February 20, 2024 meeting. The applicant elected to prepare and submitted an expanded EAF to address the areas of environmental concern as opposed to adopting a positive declaration and preparing an environmental impact statement. Although the notice was transmitted, it appears that the Town of Goshen Planning Board was not included and should be sent a copy of the notice and all SEQR documents.	For Information
Traffic	
8. The instant application provides for two points of access including a single principal access over SBL 120-1-4 as a private road and a secondary emergency access where Edward J. Lempka Drive terminates at the easterly property line. The emergency access consists of a crash gate and hammerhead. I refer the Applicant and Board to Engineer Hoffmann's comment as to compliance with the NYS Fire Code. Applicant to demonstrate turn around on westerly side of the crash gate is sufficient under the NYS Fire Code.	
9. It is not clear from the submitted sketch plan the nature of the proposed improvements to Remee Plaza or the Lempka Drive hammerhead. I defer to Sean Hoffman as to the suitability of access and its impact on Route 17A. As a condition of approval, the relocated hammerhead is to be offered for dedication to the Village of Florida so there is continuous ownership and maintenance of the entire length of Edward J. Lempka Drive.	
10. The proposed principal access is currently a driveway and not a street built to specifications. As a condition of approval, the proposed access must be built to street specifications and appropriate easements governing maintenance shall be submitted. Please note the restrictions of Village Law § 7-736.	

parking demand for a particular use, or that the immediate provision of parking would require the significant alteration of natural topography or disturbance to wooded sites. Where the Planning Board determines that the immediate use of any property may not require the full initial improvement of all off-street parking or loading facilities, it may waive the initial improvement of not more than 50% of the required number of spaces. The unimproved area shall be shown on the approved plan to be reserved for future parking facilities. The Planning Board may require that the reserve area be graded for parking in accordance with the approved plan. All reserved parking areas, if graded, shall be landscaped in accordance with an approved landscaping plan. Reserved spaces shall be improved within six months of the date of a written notice from the Code Enforcement Officer that such spaces have been determined to be necessary. Appropriate written guarantees to the above shall be provided by the applicant and approved by the Village Attorney. The 22 land banked parking spaces are located over the property line. The applicant to provide sufficient easements.	
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Comments on Expanded EAF

Section/Page	Comment
1-1	Applicant describes the site location as SBL 120-1-2&3. All application materials including expanded EAF should incorporate the alterations to SBL 120-1-4 (Village of Florida) and SBL 20-1-149 (Town of Goshen) including alterations to pavement and parking. Applicant to confirm various disturbance calculations include disturbances to the adjoining parcel. 6-17-2025 – The Expanded EAF does discuss these additional lots on page 2-4. Recommend that these lots be included in the introduction under “Site Location”. I defer to Engineer Hoffman as to whether the disturbance calculations are appropriate. 7-15-2025 – Revision made. Engineer Hoffman to confirm disturbance calculations
2-3	Applicant indicates proposed land banking of parking spaces is consistent with 119-22.J. The Planning Board is referred to § 119-22.J for the specific findings required in connection with land banked parking. The section reads:

4-29	Expanded EAF notes that a Phase II archaeological study is to be performed. That study has not been presented to the Planning Board. Statements as to whether or not there will be an adverse impact should await the study. 6-17-2025 – 4.7.4 indicates that the review of the acceptance of the Phase II report by NYSOPRHP is pending. 7-15-2025 – comment satisfied, no further action response received from SHPO
4-32	Description of Reme Plaza should be updated to reflect that, at present, it is an private internal access road and not a public street built to municipal street specifications. 6-17-2025 – Comment addressed.
Table 4.8A	Table 4.8A references a “Driveway”. It is unclear from the table or associated narrative which driveway is being referenced. Same comment applies to Table 4.8B 6-17-2025 – Applicant indicates that driveway is the commercial building (Northern Bear) opposite Reme Plaza.
	Traffic discussion to include alterations to existing turnaround easement in light of reconfiguration of Edward Lempka Drive turn around.
4-38 – 4-39	Discussion concerning left-turning warrant needs greater elaboration. The discussion indicates that a warrant for a left turn lane is met but then says that a left turn lane is not required. Applicant to discuss mechanism for share of contribution if a left turn lane becomes required at either Edward Lempka Drive or Reme Plaza. 6-17-2025 – Applicant responded, “At the January 21, 2025, Planning Board meeting, the left turn lane and appropriate mitigation was discussed based on the information submitted by the applicant. The Village’s traffic consultant agreed to the mitigation provided and did not require any further mitigation by way of fair share contribution to the future requirement of a left turn lane.” I defer to Engineer Canning as to whether such response is sufficient.
Appendix B	I defer to Engineer Hoffman as to the acceptability of the proposed SWPPP.

I would request that the applicant submit a redline to facilitate and expedite review of any revisions.

Recommended action – Motion to set public hearing.

Our office reserves the right to provide additional comments upon receipt of further submissions.

617.7
State Environmental Quality Review (SEQR)
Negative Declaration
Notice of Determination of Non-Significance

Date of Adoption: _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Florida Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Lempka Drive Warehouse

SEQR Status: Type I

Conditioned Negative Declaration No

Description of Action: The action consists of construction of a 44,200 square foot warehouse, related site improvements and off-site improvements to Remee Plaza, a private drive for purposes of access. The proposed action will include 23 paved parking spaces, 22 landbanked parking spaces with 2 ADA accessible spaces. There will be 6 loading spaces west of the building. The warehouse will be served by both public water and sewer. The proposed development will disturb approximately 3.72 acres of the total 6.38 acre site and 0.63 acres off-site for modifications to Remee Plaza. The proposed action will result in 2.10 acres of impervious surfaces.

Location: Edward J. Lempka Drive Warehouse (SBL 120-1, 2, 3, and 4)

Reasons Supporting This Determination:

1. The Village of Florida Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. The Applicant submitted a Long Form Environmental Assessment Form (EAF) for the project dated November 26, 2024, last revised _____. The Planning Board prepared an EAF part 2 and in that effort, identified 10 potential impacts of the project. In response the applicant prepared an expanded EAF Part 3, dated November 2024 and last revised June 27, 2025.
3. The Planning Board has considered the materials presented in the Expanded EAF, in addition to the review and comment by its technical consultants and concludes that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c). The rationale for each identified impact is set forth below.

4. Impact on Land Resources

The potential adverse impact to land resources is the disturbance of soils to do the physical movement of soils and alteration of topography resulting from the construction of improvements. A grading plan has been developed to slope impervious surfaces toward stormwater collection and treatment facilities.

It is estimated that the volume of earthwork between the existing and finished grades is approximately 2,292 cubic yards of cut material and 12,374 cubic yards of fill material, resulting in

The project site is within Orange County Agricultural District #1. While prime agricultural soil is found onsite, a large portion of these soils has already been disturbed. The grading plan provides that all disturbed topsoil will be reused onsite to the greatest extent practicable. With conformity to the grading plan, no adverse impacts to agricultural resources are anticipated.

9. Impact on Aesthetic Resources

The project will be visible from NYS Route 17A, the adjacent parcels to the east and west and from Meadow Road. There are no locations within 2,000 feet of the Site that are considered aesthetic resources of statewide significance as per the Inventory of Aesthetic Resources listed in NYSDEC program Policy DEP-00-2.

To address the potential impact on Aesthetic Resources, selected architectural elements, colors and construction materials will enhance and complement the overall setting and visual character of the Project Site and minimize the perceived scale. The project is subject to architectural review by the Village of Florida Planning Board. The project will contain a landscaping plan to provide year-round screening and buffering the site. Lighting will limit foot-candle illumination at the boundary line.

By virtue of the foregoing, the Planning Board finds that the project does not present any significant adverse environmental impacts on aesthetic resources.

10. Impact on Historical and Archaeological Resources

The Applicant performed a Phase IA/IB study to determine the presence or absence of archaeological sites or other cultural resources. That study was performed by Alfred G. Cammisa, M.A., dated November 2024. Based on the assessment, identification and evaluation of the Site, the report states that the property has a higher than average potential for encountering prehistoric site with a moderate potential for encountering historic sites. Field testing results revealed no historic sites; however, a prehistoric site was encountered. Based upon the field testing results, the report recommends that a Phase II study be performed. A Phase II Archaeological Intensive Testing study was conducted between March 20 and April 2, 2025. Twenty one (21) shovel tests were conducted at 25 foot intervals on the Project Site south of the existing driveway bisecting the site and north of Quaker Creek. Of the twenty-one shovel tests, seven were positive for prehistoric artifacts. The Phase II report concludes that the site included a low artifact density, a lack of features, and a disturbed A soil horizon including modern debris. It is a small site with a high ratio of tools and a likely time range of A.D. 1000 to 1620. It is thought that this site would be utilized as a very short-term processing station. Based on these conclusions, the Phase II report was submitted to the New York State Office of Parks, Recreation and Historic Preservation for review and acceptance on May 22, 2025. On June 19, 2025, a response was received stating "based upon this review, it is OPRHP's opinion that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be adversely impacted by this project."

11. Impact on Transportation (Traffic)

The project site is located on Edward J. Lempka Drive, a dead-end street which connects to NYS Route 17A. The Applicant presented a Traffic Impact Study prepared by Colliers Engineering & Design, dated June 3, 2024 and revised July 25, 2024 for the proposed action. The Planning Board retained the services of Kimley Horn to review the Traffic Impact Study.

The project is anticipated to generate an average of 16 entering and 2 exiting new trips per hour, of which 1 will be a truck trip entering and 0 truck trips exiting during the weekday AM peak hour. During the weekday PM Peak Hour, the Project is expected to generate an average of 4 entering and 14 exiting trips per hour, of which 1 will be a truck trip entering and 1 will be exiting. It is estimated that 50% of trips will arrive and depart from the north via NYS Route 17A,

RESOLUTION
State Environmental Quality Review (SEQR)
Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Florida Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Lempka Drive Warehouse

SEQR Status: Type 1

Conditioned Negative Declaration: No

Description of Action: The action consists of construction of a 44,200 square foot warehouse, related site improvements and off-site improvements to Remee Plaza, a private drive for purposes of access. The proposed action will include 23 paved parking spaces, 22 land banked parking spaces with 2 ADA accessible spaces. There will be 6 loading spaces west of the building. The warehouse will be served by both public water and sewer. The proposed development will disturb approximately 3.72 acres of the total 6.38-acre site and 0.63 acres off-site for modifications to Remee Plaza. The proposed action will result in 2.10 acres of improved surfaces.

Location: Edward J. Lempka Dr. (SBL: 120-1- 2 & 3)

Reasons Supporting this Determination:

1. The Village of Florida Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).

2. The applicant submitted a Long Form Environmental Assessment for (EAF) for the project dated November 26, 2024, last revised May 28, 2025. In response the application prepared an expanded EAF Part 3, dated November, 2024 and last revised June 27, 2025.

3. The Planning Board has considered the materials presented in the Expanded EAF, in addition to the review and comment by its technical consultants and concludes that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c). The rationale for each identified impact is set forth below.

4. Impact on Land Resources:

The potential adverse impact to land resources is the disturbance of soils to do the physical movement of the soils and alteration of topography resulting from the construction of improvements. A grading plan has been developed to slope impervious surfaces toward stormwater collection and treatment facilities.

It is estimated that the volume of earthwork between the existing and finished grades is approximately 2.292 cubic yards of cut material and 12,374 cubic yards of fill material, resulting in a net fill of 10.082 cubic yards. Any unusable cut material will be removed from the site and disposed of in a manner that complies with state and local regulations.

In addition, erosion and sedimentation may also be an impact due to physical disturbance and vegetation removal during construction. An Erosion and Sediment Control Plan has been developed to mitigate against the impacts of soil erosion. During construction, stormwater runoff from the site will be captured and treated to remove sediment prior to being discharged from the site. Existing vegetation will be retained where possible and the site will be revegetated after construction. Stabilized construction entrances will be installed to minimize fugitive dust and tracking of soil material from the construction areas. Storm drain sediment inlet filters will be constructed at storm drains. All slopes in excess of 2:1 will be stabilized with jute netting and hydro-seed. The site will be inspected in accordance with NYSDEC standards throughout construction every seven days.

In light of the above, the Planning Board finds that the proposed action will not have any significant adverse impacts to land resources and no further mitigation is required.

5. Impact on Surface Water:

There are water resources located on the project site which may be impacted by the project. Specifically, the site includes Quaker Creek, a NYSDEC wetland, natural drainageways and watershed collection areas. Quaker Creek bisects the Project Site flowing from the east to the west and then heads north and is a class c stream. The tributary is flanked by a NYSDEC for the proposed disturbance to the wetland – WR-5 and its associated 100-foot buffer and FEMA designated floodplains.

The wetlands were delineated and the NYSDEC Freshwater Wetland Delineation Map was signed by the NYSDEC on June 10, 2025. The proposed project will not disturb the wetland however 6,729 square feet of the regulated buffer has previously been or will be disturbed. The applicant will be required to obtain the approvals or permits required by the NYSDEC for the proposed disturbance to the wetland regulated buffer.

A Stormwater Pollution Prevent Plan (SWPPP) was prepared to analyze existing stormwater runoff from the site. Post construction stormwater management includes one (1) stormwater facility consisting of an infiltration basin. The infiltration basin has been designed to detail stormwater from developed portion of the project site and detail sediment and pollutants from proposed impervious surfaces by allowing sufficient time for sediment and pollutants to settle before stormwater discharges from the facility.

The stormwater facilities will be owned and maintained by the property owner. Failure to maintain stormwater facilities in accordance with the approved site plan shall be a violation of the site plan and special use permit resulting in potential code enforcement proceedings.

6. Impact on Flooding:

The proposed development will not increase the peak discharge rate from the Site, as demonstrated in the SWPPP prepared for the Proposed Action, and there is no disturbance to the floodplain due to the construction of the Proposed Action, no flooding impacts are expected.

7. Impact Plant and Animals:

The Long EAF identified potential impacts to the Northern Harrier and Upland Sandpiper, both threatened species. Peter Torgersen, Environmental Sciences performed a habitat assessment study. By letter dated November 14, 2023, Mr.

Torgersen indicated that the project site was not suitable habitat for either species. In addition, the project site is already surrounded by commercial and industrial development including the Village of Florida Sewage Treatment Plant. The proposed project is not anticipated to have any adverse impacts on plants or animals. This finding was confirmed by Bethany Tipping on behalf of the NYSDEC.

8. Impact on Agricultural Resources:

The project site is within Orange County Agricultural District #1. While prime agricultural soil is found onsite; a large portion of these soils has already been disturbed. The grading plan provides that all disturbed topsoil will be reused onsite to the greatest extent practicable. With conformity to the grading plan, no adverse impacts to agricultural resources are anticipated.

9. Impact on Aesthetic Resources:

The project will be visible from NYS Route 17A, the adjacent parcels to the east and west and from County Route 25/Meadow Road. There are no location within 2,000 feet of the site that are considered aesthetic resources of statewide significance as per the Inventory of Aesthetic Resources listed in NYDEC program Policy DEP-00-2.

To address the potential impact on Aesthetic Resources, selected architectural elements, colors and construction materials will enhance and compliment the overall setting and visual character of the Project Site and minimize the perceived scale. The project is subject to architectural review by the Village of Florida Planning Board. The project will contain a landscaping plan to provide year-round screening and buffering the site. Lighting will limit foot-candle illumination at the boundary line.

By virtue of the foregoing, the Planning Board find that the project does not present any significant adverse environmental impacts on aesthetic resources.

10. Impact on Historical and Archaeological Resources:

The Applicant performed a Phase A/B study to determine the presence or absence of archaeological sites or other cultural resources. That study was performed by Alfred G. Cammisa, M.A. dated November, 2024. Based on the assessment identification and evaluation of the site, the report states that the

property has a higher-than-average potential for encountering historic sites. Field testing results revealed no historic sites; however, a prehistoric site was encountered. Based upon the field testing results, the report recommends that a Phase II study be performed. A Phase II archaeological Intensive Testing study was conducted between March 20 and April 2, 2025. Twenty-one (21) shovel tests were conducted at 25-foot intervals on the Project Site south of the existing driveway bisecting the site and north of Quaker Creek. Of the twenty-one shovel tests, seven were positive for prehistoric artifacts. The Phase II report concludes that the site included a low artifact density, a lack of features, and a disturbed A soil horizon including modern debris. It is a small site with a high ratio of tools and a likely time range of A.D. 1000 to 1620. It is a thought that this site would be utilized as a very short-term processing station. Based on these conclusions, the Phase II report was submitted to the New York State Office of Parks, Recreation and Historic Preservation for review and acceptance on May 22, 2025. On June 19, 2025, a response was received stating "based upon this review, it is OPRHP's opinion that no properties including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be adversely impacted by this project."

11. Impact on Transportation (Traffic):

The project site is located on Edward J. Lempka Drive, a dead-end street which connects to NYS Route 17A. The applicant presented a Traffic Impact Study prepared by Colliers Engineering & Design, dated June 3, 2024 and revised July 25, 2024 for the proposed action. The Planning Board retained the services of Kimley Horn to review the Traffic Impact Study.

The project is anticipated to generate an average of 16 entering and 2 exiting new trips per hour, of which 1 will be a truck trip entering and 0 truck trips exiting during the weekday AM peak hour. During the weekday PM Peak Hour, the Project is expected to generate an average of 4 entering and 14 exiting trips per hour, of which 1 will be a truck trip entering and 1 will be exiting. It is estimated that 50% of trips will arrive and depart from the north via NYS Route 17A, and 50% of the trips will arrive and depart from the south of NYS Route 17A. Previous traffic studies had indicated that a left turn lane or other improvements would have been needed in the event additional traffic was added to Edward J. Lempka Drive. The proposed action satisfied the NYSDOT warrant for installation of a left turning lane. In an effort to mitigate this impact, the Applicant elected to move

the access to the Remee Plaza Drive and improve Remee Plaza (a private road) to street specifications. Although this will increase the number of left turns into Remee Plaza, historical accident data indicates fewer accidents at the Remee Plaza entrance compared with Edward J. Lempka Drive. The Applicant will block access from the site to Edward J. Lempka Drive, eliminating the use of Edward J. Lempka Drive as a through street and reducing the number of potential turns compared to a no action alternative. The proposed access thereby lessens the overall impact of traffic and will have a positive crash impact.

12. Impact of Noise and Light:

The project site is withing 450 feet of ABCD Daycare Facility and withing 550 feet of a residence area, sensitive noise receptors. Potential future noise generated includes on-site stationary sources such as HVAC equipment, project related traffic sources and temporary construction sources. As set forth in the expanded EAF, the distance together with the maintenance of a vegetative buffer will work to minimize the impact of noise. In addition, the applicant will be required to comply with Chapter 83 of the Village of Florida Village Code regulating noise.

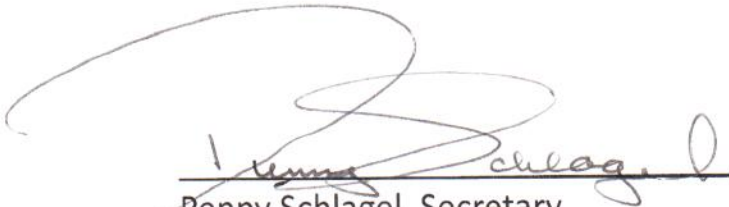
The Applicant has developed an engineered lighting plan which is intended to safely illuminate the project with even light distribution without causing impacts such as glare on adjoining properties. The lighting plan includes fully shielded wall-mounted, dark-sky friendly LED lighting fixtures that direct light downward to desired areas while blocking light exposure in other directions. The selected lighting fixtures meet the International Dark-Sky Association requirements. The Planning Board does not anticipate any adverse environmental impacts associated with the noise or light.

13. Consistency with Community Plans:

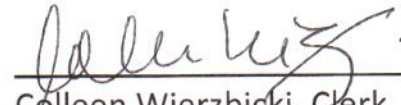
The Expanded EAF contains a discussion of the consistency with Community Plans including the Orange County Comprehensive Plan and Village of Florida Comprehensive Plan.

Member Sosler moved a motion to adopt the Negative Declaration. Seconded by Member Cohen.

On roll call, all voted yes, and Chairman Scott declared this Resolution adopted.


Penny Schlagel, Secretary
Village of Florida Planning Board

I, Colleen Wierzbicki, Clerk of the Village of Florida, does hereby certify that the foregoing Resolution was filed in the Office of the Village Clerk on August 25 2025.


Colleen Wierzbicki, Clerk
Village of Florida


24 REC'D

M E M O R A N D U M

TO: Robert Scott, Chairperson and Planning Board
FROM: Sean T. Hoffman, PE, Village Engineer
SUBJECT: 55 Maple Avenue/EQ Auto Performance and Restoration LLC
 Site Plan and Special Use Permit – **Revised Plans**
 File No. 101-5-19.1 & 20.2; Memo No. 25-005-257115
DATE: August 15, 2025
CC: Daniel Harter, Mayor; Mike Pawliczek, Building Inspector;
 Elizabeth Cassidy, Esq., Village Attorney; and Bradley Cleverly, PE (applicant)

The following are our comments on an application for site plan and special use permit approval to convert a portion (4,946 square feet¹) of an existing building to a motor vehicle repair shop in the GC (General Commercial) zoning district on an existing 4.5-acre parcel with frontage on Maple Avenue and Willet Street.

Background – This matter was initially discussed during your July 15, 2025 meeting. At that time the applicant discussed the application with you; no action was taken.

A) Materials Reviewed:

1. Correspondence prepared by MJS Engineering & Land Surveying, PC dated July 29, 2025;
2. Short Environmental Assessment Form dated July 15, 2025; and
3. Plans prepared by MJS Engineering & Land Surveying, PC consisting of:

<u>DWG. No.</u>	<u>Title</u>	<u>Last Revised</u>
C-1	Site Plan	7/28/25
C-2	Existing Conditions & Details	7/28/25

B) Review of Submitted Materials: - The applicant provided written responses to our previous comments. Where still applicable, previous comments have been repeated below.

1. Zoning –
 - a) Use – Pursuant with the Building Layout plan (see Drawing No. C-2), the site (i.e., SBL 101-5-20.2) currently consists of one (1) structure divided into four (4) areas (i.e., Areas A through D) totaling 8,942 square feet. The applicant proposes to convert Area A (683 square feet) and Area B (3,830 square feet) plus Mezzanine (433 square feet) to a motor vehicle repair shop². We understand no changes are proposed to Areas C (Vacant) and D (Glennmere Brewing Company). The Code requires special use permit approval for Motor Vehicles Sales, Service, and Repairs in the GC zoning district [Table 1 – District Use Regulations]. The Code requires all special uses to require site plan approval [§119-33A(2) and §119-34E(1)].

Although the applicant proposes to occupy a portion of the existing building on SBL 101-5-20.2, it appears the adjacent lot (i.e., SBL 101-5-19.1) has been added to the application to satisfy the parking requirements (see comments below). We note the application submitted May 29, 2025 and Owner Authorization was only for SBL 101-5-20.2. Unless Attorney Cassidy advises otherwise, the applicant should submit a revised application, checklist and an additional Owner Authorization.

¹ The Building Layout plan (see Drawing No. C-2) appears to indicate the lease area for EQ Auto Performance & Restoration to consist of two (2) areas: (1) Area A (683 square feet) and (2) Area B (3,830 square feet) and Mezzanine which totals 4,946 square feet.

² The Code defines Motor Vehicle Repair Shop as “A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles, their mechanical systems and their body structure, including painting” [§119-2.1].

- b) Special Use Permit – In order to ensure the compatibility of uses with adjoining properties and with the natural and built environment, the Code permits certain uses only upon issuance of a special use permit by the Planning Board. Prior to granting or denying a special use permit, the Code requires you to consider the expressed intent of the zoning Code, the general public health, safety, and welfare and authorizes you to prescribe conditions and safeguards to ensure the accomplishment of several objectives listed in the Code [§119-34B] which includes nuisances (noises, dust and odors), vehicular circulation and emergency service access.
- c) Individual Standards – In addition to the general special use permit objectives discussed above, the proposed use is required to comply with certain individual standards and the Village Comprehensive Plan. We previously attached the relevant individual standards from the Code [§119-35B(7)] and recommended the applicant provide a narrative addressing the individual standards for motor vehicle sales, service and repair facilities so you may confirm Code compliance. The applicant's July 29, 2025 correspondence indicates a narrative will be provided as the project proceeds. It is unclear whether the applicant will be able to comply with the individual standards and recommend submission of the requested narrative as soon as possible.
- d) Public Hearing – The Code requires a public hearing within 62-days from the date a complete application is received [§119-34F]. Additionally, the Code requires a hearing on a special use permit to be held concurrently with any hearing held on the site plan whenever possible [§119-34E(1) and §119-36A(1)]. The applicant is required to publish notice of the public hearing in the official newspaper not less than five (5) days or more than 30 days prior to the date of the public hearing. The applicant shall mail said notice by first class regular mail with a certificate of mailing from the United States Postal Service not less than 10 days prior to the hearing to owners of property within 300 feet of said property as the names of said owners appear on the last-completed assessment roll of the Village. The applicant shall submit an affidavit of mailing at the public hearing which shall include a list of the property owners to whom the notice of hearing was sent [§119-36A(1)].

The applicant's July 29, 2025 correspondence requests the Board schedule a public hearing. Prior to scheduling a public hearing, we recommend submission of the revised application, checklist, Owner Authorization and narrative.

- e) Bulk and Dimensional Regulations – The applicant provided a table (Table) on the plan listing the dimensional standards established by the Code [Table 2, Dimensional Standards]. We have the following comments:
 - General – The existing and proposed dimensions listed in the Table appears to combine both parcels (i.e., 101-5-19.1 and 101-5-20.2). Unless the applicant intends to merge the lots, the Table should be revised to provide the dimensions for each individual parcel.
 - Side Yard – The Code requires a minimum side yard setback of 15-feet [Table 2, Dimensional Standards]. The Table lists the existing and proposed side yard setback of 10-feet which corresponds to the setback of the existing building to the northerly lot line and is shown on the plan as 10.2-feet. The Table notes this as an existing non-conformance. We recommend the applicant confirm with Building Inspector Pawliczek this is considered a legally existing non-conforming condition. Alternatively, a variance may be necessary.
- f) Parking – It appears the applicant has added the adjacent lot (i.e., SBL 101-5-19.1) to the application to satisfy the parking requirements. The Code appears to allow parking on adjacent lots provided they are in the same ownership and are subject to a deed restriction [§119-22H]. We have the following comments:

- Combined Spaces – When any lot contains two (2) or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use [§119-22F]. As indicated above, the applicant has added the adjacent lot to the application and summarized all uses on both lots as: (1) motor vehicle repair shop; (2) brewery; and (3) carwash.

Your Code requires gasoline stations, parking garages, or repair garages to provide sufficient parking spaces for all vehicles stored or being serviced at any one period of time plus a minimum of five (5) additional spaces in addition to one (1) loading space per facility [Table 3 - Schedule of Off-Street Parking and Loading Requirements]. The applicant has calculated 13 spaces are required for the motor vehicle repair shop (see General Note No. 13) which provides for eight (8) vehicles stored or serviced at any one time. During the July 15, 2025 meeting the applicant indicated only several vehicles will be stored or services at any one time. We recommend you confirm the number of vehicles with the applicant. Additionally, the applicant's July 29, 2025 correspondence indicates the 13 required parking spaces will be located on the adjacent lot along the northerly lot line. We recommend the plan be revised to designate these spaces for the motor vehicle repair shop.

Your Code requires craft breweries to provide one (1) parking space per three (3) seats or one (1) parking space per 75 square feet of gross floor area (whichever is greater) [Table 3 - Schedule of Off-Street Parking and Loading Requirements]. The applicant has calculated 17 spaces are required for the brewery based on 50 seats. Utilizing the gross floor area it appears 28 spaces are required (i.e., 1 space per 75 square feet of gross floor area multiplied by 2,052 square feet). We recommend the applicant revise the plan.

For uses which do not fall within the categories listed in Table 3 - Schedule of Off-Street Parking and Loading Requirements, (i.e., carwash) the Code requires reasonable and appropriate off-street parking. We recommend the applicant provide information from the Institute of Traffic Engineers or similar for the parking required for the carwash.

Where it can be demonstrated that one or more of the uses will be generating a demand for parking spaces primarily during a period when the other uses are not in operation, the Code authorizes you to reduce the total parking spaces required to the use with the least requirement based on parking needs demonstrated elsewhere [§119-22G].

- Location – The Code prohibits parking spaces within 15-feet of a front lot line, unless waived by the Planning Board [§119-20A]. The applicant should confirm all parking spaces are more than 15-feet from the front lot line or request a waiver.
- Access – The Code prohibits any entrance or exit to any off-street parking area to be located within 50-feet of any street intersection [§119-22D]. It appears the entrance/exist is within 50-feet of the Maple Avenue and Willet Street intersection. We recommend you confirm with Building Inspector Pawliczek this is considered a legally existing non-conforming condition.
- Drainage and Surfacing – The Code requires all open parking areas to be properly drained and provided with a paved surface [§119-22E]. The plan shows several parking areas on gravel. The applicant should confirm these spaces will be paved and provide a construction detail.

2. Site Plan – In reviewing site development plans, the Planning Board is required to specifically consider the design of: (1) traffic access; (2) circulation and parking; (3) landscaping and screening; (4) environmental impacts; (5) hours of operation; (6) clearing and grading; (7) fire lanes and turning radii; and (8) noise [§119-33E]. We understand this is an existing and developed site and recommend you discuss with the applicant whether any additional information should be provided.

When approving site development plans, the Code requires you to give specific consideration to disturbance of environmental resources including areas of special flood hazard, freshwater wetlands and buffers regulated by the NYSDEC. If avoidance of these environmental resources is not possible, plans and permits shall be submitted [§119-33E(4)]. The applicant has indicated the property is impacted by NYSDEC regulated freshwater wetlands (General Note No. 11) and the 100-year floodplain (General Note No. 12). We recommend the site plan be revised to identify the NYSDEC wetland flags and the required 100-foot adjacent area as well as the limits of the floodplain so you may confirm these resources have been avoided.

The Code authorizes you to waive any requirement for approval of special permits except where said waiver is specifically not authorized. Any waiver may only be exercised if the required standard is found not to be requisite in the interest of public health, safety, or general welfare or inappropriate to a particular special permit [§119-34C]. If the applicant wishes you to consider any waiver, we recommend a specific written request be submitted. It should be noted the Code indicates no waiver can be granted by implication and must be granted by a specific affirmative vote of the Planning Board.

3. Utilities – We understand the building is served by municipal water and sewer utilities; applicant to confirm. The applicant should advise whether any upgrades to existing utilities are necessary at this time.
- a) Water – Any special fire protection needs, or provisions should be noted including fire sprinklers. If sprinklers are/will be provided, the applicant should verify the existing water supply and conveyance systems are capable of delivering the necessary flow to the building.
 - b) Stormwater – Per NYSDEC SPDES General Permit for Construction Activities soil disturbances greater than one (1) acre require a Stormwater Pollution Prevention Plan (SWPPP). The applicant has confirmed there will be no disturbance so coverage under the SPDES General Permit is not required. [Informational].
4. Miscellaneous –
- ARB Approval – The Code requires ARB approval of any construction, alterations, repairs or additions that require a building permit within the GC zoning district [§119-38B(2)(c)]. The applicant has confirmed no change to the building exterior; we recommend you confirm with Attorney Cassidy ARB approval is not required.
 - Signs – The Code requires ARB approval for sign permits in the GC zoning district [§119-18B and §119-38B(2)(d)]. The applicant has indicated the sign permit will be submitted as this project proceeds. If possible we recommend the applicant provide information at this time so you may incorporate the review into this application. Alternatively, we recommend you condition any action to require the applicant to return for ARB approval prior to installation of any signs.
5. SEQRA – The applicant submitted a short EAF. Unless Attorney Cassidy advises otherwise, we understand this to be an Unlisted SEQRA action.

C) Referrals Required with Preliminary Subdivisions –

- 1. Village DPW
- 2. Emergency Service Organizations
- 3. Orange County Referrals – 239