

**VILLAGE OF FLORIDA
PLANNING BOARD REGULAR MEETING MINUTES
July 15, 2025**

Member Sosler moved a motion authorizing the Vice Chairman to conduct tonight's meeting. Seconded by Member Kissinger.

On roll call, all voted yes.

CALL TO ORDER:

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

PROFESSIONAL'S PRESENT:

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

MINUTES:

Member Sosler moved for the approval of the June 17, 2025 Regular Meeting Minutes. Seconded by Member Kissinger.

On roll call, all voted yes, and V-Chrm. Cohen declared this set of minutes adopted.

PUBLIC HEARING:

1. Lempka
SBL: 120-1- 2,3, &4
Warehouse

Present on behalf of the application: Eng. Lara Pruschki
Al & Eric Muhlrاد

V-Chrm. Cohen advised the board that the Legal Notification for the Public Hearing was not published in time, and therefore we will have to leave the public hearing open until our next meeting.

Atty. Cassidey then read the legal notice into record:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Village Planning Board of the Village of Florida will hold a public hearing at the Village of Florida Village Hall, 33 South Main St., Florida, NY 1092 on July 15, 2025 at 7:30 P.M. or as soon thereafter as possible on the application of 24 Edward J. Lempa Dr, LLC, 476 Route 17A LLC, and 478 Route 17A LLC, for site plan approval and special use permit to allow the construction of a 44,200 square foot warehouse and related site improvement as 24 Edward J. Lempka Dr., Florida, NY, Town of Goshen (SBL 120-1-2,3 &4). A copy of the application is available for review in the Building/Planning Department located at 33 South Main St., Florida, NY during regular business hours.

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

Robert Scott, Chairman

Atty. Cassidy asked Secretary Schlagel if we received any written comments? Secretary Schlagel replied no, we did not.

Eng. Pruschki advised the board that she has received an updated wetlands delineation, and sign off from NYSDEC regarding species and SHPO.

Member Grybowski moved a motion to carry the public hearing until the board's next regular meeting scheduled for August 19, 2025. Seconded by Member Kissinger.

On roll call, all voted yes and V-Chrm. Cohen Declared this motion carried.

APPLICATIONS:

1. 55 Maple Ave
SBL: 101-5-20.2
Conditional Use
EQ Auto Performance & Restoration LLC

Present: Cosmin Negru & Sal Mastropolo (Applicant)

Mr. Mastropolo approached the board and advised that they would like to put in an auto repair and restoration business in the building that was used for heavy duty truck repair.

Mr. Negru stated that they will not be making any alterations to the building or site.

Attorney Cassidy advised everyone that the since previous uses, the Village amended the zoning code which now include additional requirements for vehicle repair shops.

Eng. Hoffman advised that he reviewed the Building Dept.'s files and was unable to find a prior approval applicable to this application. However, he did contact MJS Engineering who did work for the Glenmere Brewing Company, and asked for any approvals they had in their files.

V-Chrm. Cohen asked what would be the hours of operation.

Mr. Mastropolo replied Monday thru Friday from 8:00 A.M. to 5:00 P.M.

V-Chrm. Cohen asked when they would plan on opening.

Mr. Mastropolo replied August 1st.

Member Grybowski asked what equipment will need to be installed such as lifts, etc.

Mr. Mastropolo replied that there are already 2 lifts in the building. No equipment needs to be installed.

V-Chrm. Cohen asked what type of vehicle services will be offered.

Mr. Mastropolo replied that mostly restoring classic cars but may do car repairs as well. Vehicles will be stored inside the building at night.

V-Chrm. Cohen asked if there will be any sale of vehicles.

Mr. Mastropolo replied no.

Discussion ensued about the need for a special use permit and an amended site plan approval.

Atty. Cassidy did recommend that the applicant obtain a design professional and follow the code. (See attached Comment Memo from Atty. Cassidy and Eng. Hoffman)

With regard to whether a 239 would be required, Atty. Cassidy felt that a 239 would definitely need to be done being how close the sign was to 94.

It was then concluded that Mr. Mastropolo and Mr. Negru would then review the comment Memo's and proceed accordingly.

2. Village Dr. Commons

SBL: 112-1-4.22

Re: Site Plan Amendment

Present on behalf of the application: Lara Pruschki, Eng.

Atty. Cassidy reviewed the negative declaration. Then proceeded to read into the record the draft resolution: (See attached Final Resolution)

Eng. Hoffman then confirmed with Eng. Pruschki that the final plan should be submitted to his office for final review and then will go to the Chairman for signing.

3. Florida Senior Housing

Present on behalf of the application: Lara Pruschki, Eng.

Atty. Cassidy stated that Eng. Pruschki is here tonight to for an informal discussion about this project. There will be three boards involved. Planning, Zoning and the Village Board.

Eng. Pruschki then informed the board that she had met with the Village Trustees and did a straw poll with regard to the four residential buildings that would equal 75 units.

It was then discussed how a zoning amendment for variances for the construction overlay and for building lengths, as well as water and sewer issues

Atty. Cassidy then stated that this project would require a Special Permit that the village Board approves. A public hearing will need to be scheduled that possibly can be done at once by all boards. Also, there should only be one Escrow account, and all boards documents should be kept separate.

It was then concluded that Atty. Cassidy would prepare a memo to all parties with regard to the processing of this project. (See attached Memo dated August 4, 2025.)

NEW/UNFINISHED BUSINESS: None

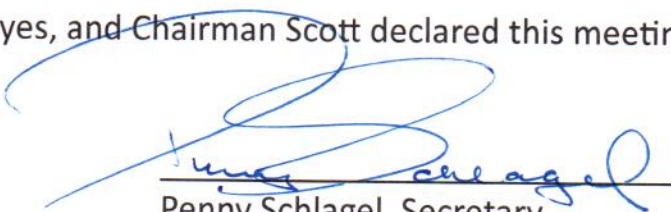
PUBLIC DISCUSSION:

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

ADJOURNMENT:

Member Sosler moved for the adjournment of this meeting. Seconded by Member Kissinger.

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



Penny Schlagel, Secretary

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WWW.EKCASSIDYLAW.COM

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
EQ Auto Performance and Restoration LLC
SBL 101-5-20.2

I have reviewed the application of EQ Auto Performance and Restoration LLC seeking to change the existing use to authorize an auto repair shop located at 55 Maple Avenue. The site was previously home to Showalter's Equipment and Schreibeis Trucking & Excavating.

In preparation of this memorandum, I have reviewed the following:

- Application dated May 29, 2025
- Short Form Environmental Assessment Form dated May 22, 2025

I offer the following comments:

Comment	Status
1. The subject property is located in the GC zoning district.	For Information
2. Motor vehicle sales, service and repair is a permitted use subject to special use permit in the GC zoning district.	For Information
3. The requirements of a Special Use Permit are found in § 119-34 of the Village Zoning Code. Specific standards for motor vehicle sales, service and repair are set forth in § 119-35(B)(7). Special permit uses are subject to site plan review. See § 119-33(A)(2) and § 119-34(E)(1). Site Plan approval appears to be last granted in August 11, 2015. An Amended Site Plan is likely required.	For Information
4. A public hearing is required pursuant to 119-34(F). See also § 119-36.	For Information
5. Applicant to verify project is not located within 500 feet of NYS Route 94/17A to determine whether GML 239 is	

required. Referral to be made to the Orange County Department of Planning and NYS DOT if necessary	
6. I have reviewed the memorandum of Engineer Hoffman dated July 14, 2025 and concur with the same.	
Application Comments	
7. Application lacks site plan. A site plan in conformity with § 119-33 shall be required.	
8. The Site Plan Check list appears to be missing several items. Applicant to verify check list. Planning Board to determine whether such items to be waived pursuant to 119-33 (D).	
9. Applicant to address both the general and specific special use permit standards.	
10. Applicant to provide description of how the site is to operate including the storage of vehicles awaiting repair and traffic flow both internal and external to the site.	
11. Owner Authorization to be notarized. Owner of record is listed as JAMS 55 LLC.	
12. Applicant indicates sign permit required. Sign information to be provided to determine whether additional Architectural Review is required. The site did receive an area variance for the location of the sign on February 22, 2017.	
SEQR Comments	
13. Applicant to complete the Short Form Environmental Form using the NYSDEC Environmental Mapper Tool.	
14. It is likely that the action can be considered a Type II action under SEQR and no further environmental review will be required. See 6 NYCRR 617.5 (c)(9). The Board must still evaluate whether the proposal conforms with the requirements of the special use standards.	

These comments reflect an initial review. Our office reserves the right to provide additional comments upon receipt of further submissions.



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 – Presubmission Conference
File No. 101-5-20.2; Memo No. 25-004-257115
DATE: July 14, 2025
CC: Daniel Harter, Mayor; Mike Pawliczek, Building Inspector;
Elizabeth Cassidy, Esq., Village Attorney; and Cosmin Negru (applicant)

The following are our comments on an application for site plan and special use permit approval to convert a portion (4,613 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.

A) Materials Reviewed:

1. Correspondence prepared by Sapphire Realty Development, LLC dated July 30, 2024
2. Village of Florida Application for Site Plan/Conditional Use approval dated May 29, 2025, with Owner Authorization (undated) and Plan Element Checklist dated May 26, 2025;
3. Short Environmental Assessment Form dated May 22, 2025; and
4. Exhibit A, Existing Building Plan prepared by MJS Engineering & Land Surveying, PC last revised March 2, 2022.

B) Review of Submitted Materials:

1. Zoning – We understand this matter is listed for presubmission conference in order to discuss the development plan and determine which plan and additional data is required.
 - a) Use – Pursuant with the Existing Building Plan, the site currently consists of one structure divided into four (4) areas (i.e., Areas A through D) totaling 7,959 square feet. The applicant proposes to convert Areas A (683 square feet), Area B (3,280 square feet) and the Office (650 square feet) to a motor vehicle repair shop². We understand no changes are proposed to Areas C and D (Glennmere Brewing Company); applicant to confirm. 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)].
 - 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.

¹ The Existing Building Plan appears to indicate the lease area for EQ Auto Performance & Restoration to consist of three (3) areas: (1) Area A (683 square feet); (2) Area B (3,280 square feet); and (3) Office (650 square feet) which totals 4,613 square feet. The plan notes 4,513 square feet and should be revised for consistency.

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].

- 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 have attached the relevant individual standards from the Code [§119-35B(7)]. We recommend the applicant provide a narrative addressing the individual standards for motor vehicle sales, service and repair facilities so you may confirm compliance.
 - 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)].
 - e) Bulk and Dimensional Regulations – The plan should be revised to include a bulk requirements table confirming compliance with the bulk regulations included in the Code [Table 2, Dimensional Standards].
 - f) Parking - 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 space in addition to one (1) loading space per facility [Table 3 - Schedule of Off-Street Parking and Loading Requirements]. The applicant should revise the plan to provide information so you may confirm compliance with the Village's parking requirements.
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 the information to be provided.
- 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). We understand there will be no disturbance (applicant to confirm); coverage under the SPDES General Permit is not required.

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)]. If the applicant proposes 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)]. If new signage is proposed, we recommend the applicant provide information at this time so you may incorporate the review into this application.

5. SEQRA – The applicant submitted a short EAF. Unless Attorney Cassidy advises otherwise, we understand this to be an Unlisted SEQRA action. We recommend the applicant revise and resubmit the EAF using the EAF Mapper.

C) Referrals Required with Preliminary Subdivisions –

1. Village DPW
2. Emergency Service Organizations
3. Orange County Referrals – 239 Review³

³ The Village's agreement with the County eliminates GML 239 referrals for site plans and/or special permit applications for change of use of existing structures provided: (1) suitable access to State or County Road exists or is proposed; (2) the intensity of the use change does not significantly increase traffic demands, nor significantly increase water or sewer demands; and (3) new site lighting, if proposed, utilizes full cut off luminaries and does not exceed IEA recommended light levels.

Chapter 119. Zoning

Article XI. Planning Board

§ 119-35. Individual standards for special uses.

- A. In addition to the general objectives set forth above, the following requirements shall apply to special permit uses and shall supersede any conflicting requirement of this chapter. Special permit uses shall meet all other regulations established in this zoning chapter unless superseded by any standards set forth below in this section.
- B. Special use regulations. The uses listed below are allowed in certain districts as indicated in the schedule of use regulations,^[1] subject to special use approval from the authorizing board and provided that the use will comply with the respective conditions specified for each use in this section and the Village Comprehensive Plan.

(7) Motor vehicle sales, service, repair. Motor vehicle sales, service stations and repair garages are allowed by special use permit in the GC and IP District, subject to the approval of the Planning Board and the following conditions:

- (a) The minimum lot size for such use shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
- (b) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet and not more than 20 feet, shall be located not nearer than 10 feet to any property line and shall be so laid out as to avoid the necessity of any vehicle's backing out across any public right-of-way.
- (c) Vehicle lifts or pits, dismantled automobiles and all parts or supplies shall be located within a building enclosed on all sides. All service or repair of motor vehicles, other than such minor servicing as change of tires and sale of gasoline or oil, shall be conducted in a

building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

- (d) The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than 15 feet to any property line.
- (e) All fuel storage at any such filling station shall be stored in underground tanks, and the location, capacity and composition of said tanks shall comply with the New York State Uniform Fire Prevention and Building Code and any amendments thereto.
- (f) All pumps and lubricating and other devices shall be located at least 20 feet from any building, structure or street line.
- (g) No building permit for any such establishment shall be issued within a distance of 200 feet, measured along the street line of the side of any street on which such facility has any frontage, of any school, church, hospital or other place of public assembly with an occupancy capacity of more than 50 persons, the said distance to be measured in a straight line between the nearest points of each of the lots or premises regardless of the district where either premises is located.
- (h) The area devoted to the outdoor storage of motor vehicles or parts thereof for purposes of dismantling will be screened from view of persons on adjacent streets by enclosing such areas with a screening fence eight feet in height or locating them inside a building. No more than five motor vehicles shall be stored outdoors at a repair shop or service station overnight.
- (i) All repairs, servicing and cleaning of vehicles shall take place within a fully enclosed structure. Vehicular entrances to structures shall not be permitted in building walls which are at an angle of less than 60° to a public street.
- (j) Access drives, internal circulation patterns and loading areas shall be designed so that all internal related traffic maneuvers take place on site. Queuing or parking of vehicles or trucks in residence districts or in a manner that obstructs or disrupts traffic flow on any street is prohibited.
- (k) Balloons, spinners or similar moving, fluttering or rotating devices are prohibited anywhere on the property.
- (l) All external lighting shall be shielded from adjacent residence districts, and no such light shall be placed more than 15 feet above finished grade. No flashing, blinking, intermittent or revolving lights or searchlights shall be permitted. All lighting shall be directed so as to illuminate only the site and shall not cause any annoyance or interference by substantial transgression of illumination on adjoining properties.
- (m) Emissions from auto exhaust or equipment operation shall be retained or processed so that they are not transmitted beyond the site.
- (n) All oil, solvents and other chemicals shall be stored and retained in containers designed for such purpose and disposed in a manner to prevent any such materials from entering the municipal sewage disposal system, stormwater drainage system or natural drainageways.
- (o) Not more than 12,000 gallons of motor fuel shall be stored at any time, and motor fuel storage must comply with all design standards established therefor by the Village Engineer and federal design standards.
- (p) The facility shall be designed by a licensed professional architect or engineer using current standards in practice in the industry and include a fire-suppression system and a leak-detection and alarm system approved by the Building Department.

- (q) No vehicle, other than those used in the operation of the facility, shall be kept on the premises for a period longer than 30 days.
- (r) No commercial vehicles shall be parked on the premises adjacent to residential property. A fifteen-foot buffer is required along any residential property line.
- (s) No canopy shall be erected within 15 feet of any property line.
- (t) Motor vehicle repair or service shall be permitted only if accessory to a gasoline filling station or a new-and-used automobiles sales establishment but not in connection with or as part of a parking garage.
- (u) Any gasoline filling station equipped with gasoline pumps designed for or advertised as self-service gasoline pumps shall not be operated in such a manner unless such station has a least one attendant employed by the owner or operator of such filling station on duty during all hours of operation.
- (v) The operator of the station shall provide appropriate automobile window cleaning devices and air pump(s) for use by patrons.
- (w) The operator of the station shall have available for sale to customers motor oil, transmission fluids and windshield cleaning solvents.

VILLAGE OF FLORIDA

PLANNING BOARD

RESOLUTION TO APPROVE THE AMENDED SITE PLAN/SPECIAL USE PERMIT
APPLICATION OF ROBERT KNEBEL/VILLAGE PARK LLC FOR THE CONSTRUCTION OF A
MIXED USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT

SBL 112 - 1 – 4.22

WHEREAS, the Village of Florida Planning Board is in receipt of an application by Robert Knebel on behalf of Village Park LLC to amend a previously granted site plan approval dated May 26, 2021, as amended August 23, 2023 and as clarified by resolution dated December 12, 2023, which authorized the construction of a mixed use residential and commercial development in the GC zone at the intersection of Village Drive and NYS Route 94; and

WHEREAS, the applicant seeks to modify the site plan including, removal of proposed wooden guard rails; relocation of ADA spaces near building #1; eliminate mountable curbs in the vicinity of the electric transformer; alteration of the sidewalk ramps; relocation of transformer per Orange and Rockland request; modification of the proposed dumpster enclosure from stone veneer to stucco finish; update to curbing detail; alterations to landscape plan; relocation of a light pole near building # 1.

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

1. Amended Site Plans prepared by Engineering & Surveying Properties, dated November 17, 2020, last revised May 14, 2025, as follows:
 - Sheet 1: Amended Cover Sheet
 - Sheet 2: Amended Demolition Plan
 - Sheet 3: Amended Layout & Dimension Plan
 - Sheet 4: Amended Grading & Utility Plan
 - Sheet 5: Amended Erosion Control Plan
 - Sheet 6: Amended Construction Details
 - Sheet 7: Amended Construction Details
 - Sheet 8: Amended Profile & Details
 - Sheet 9: Resolution of approval
 - Sheet L-1 – Amended Landscape Plan and Details
 - Sheet L-2 – Amended Lighting Plan and Details

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board determined that the proposed project is an Unlisted action and declared lead agency on June 28, 2023. The Planning Board adopted a Negative Declaration on July 15, 2025. Said findings are incorporated herein as if set forth at length.

WHEREAS, the application was referred to the Orange County Department of Planning pursuant to General Municipal Law § 239 et seq; and

WHEREAS, the Planning Board is in receipt of following comment on the application:

1. Orange County Department of Planning – July 7, 2025 (indicating local determination)

2. Elizabeth K. Cassidy, Village Attorney – June 16, 2025

WHEREAS, given the scale and scope of amendments, the Planning Board elected to waive the public hearing by resolution dated June 16, 2025

WHEREAS, after review and consideration of the application materials, and consultant comment and responses thereto, the Planning Board makes the following findings:

1. Traffic access. That the proposed amendments do not alter the traffic patterns and that the Planning Board's previous finding that all proposed traffic access and ways are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and other similar safety considerations remains unaltered.
2. That all proposed structures, equipment or material are readily accessible for fire and police protection.
3. That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots. The parking and loading calculations are based upon the residential, retail and office use. In the event the commercial use differs from the retail and office uses evaluated and requires greater parking or a loading dock pursuant to our code, the Owner must apply to the Planning Board for amended site plan approval.
4. That all parking and service areas are 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. Existing trees over 12 inches in diameter, measured three feet above the trunk, shall be retained to the maximum extent possible
5. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to orderly development of adjacent properties in accordance with the zoning classification of such properties. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the said residential district or conflict with the normal traffic of the neighborhood. The location and height of buildings and the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
6. This Project presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes to address their recreation needs, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on the site. This Planning Board finds that this project requires the

payment of a parkland fee to be determined by the Village Board of Trustees in lieu of providing parkland adequate to suit the Village's needs for this development.

7. That the proposed landscaping changes provides for an adequate buffer and that the former landscape buffer would not thrive in the originally proposed location.

NOW THEREFORE BE IT RESOLVED, upon review of the various application materials, the Planning Board hereby finds that the proposed amended site plan will have no adverse impacts on the environment and the proposed project modifications set forth in the application will not alter the findings of the Planning Board in the Negative Declaration adopted on May 26, 2021 which is incorporated herein as if set forth at length.

On a motion by Member Kissinger seconded by Member Sosler,

Said Resolution was approved by a vote of 5 members in favor, 0 against, 0 absent or abstaining on July 15, 2025.

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

1. The permeable pavement shall be maintained by the Owner in perpetuity. If replacement is required, the pavement shall be replaced with a like material with similar porosity and drainage characteristics to that approved by the Planning Board in the limits shown on the plan.
2. The integrity and aesthetic of the approved retaining wall shall be maintained by the Owner in perpetuity. It shall be the Owner's responsibility to make necessary repairs or maintenance to the wall as required. If upon notification by the Building Department that maintenance is required, the Owner shall promptly perform the repairs or maintenance to the retaining wall.
3. All landscaping shall be maintained in a healthy and vibrant condition in perpetuity, and all plantings, which die or become diseased, will be removed and replanted with the same plantings by the Owner, subject to availability, with alternatives to be approved by the Village Engineer in consultation with the Building Department. The Owner shall be responsible for maintaining all landscaping along Village Drive right-of-way. No overhanging branches or interference with overhead utility lines is permitted. Upon notification from the Building Department that landscaping maintenance is required, this shall promptly be addressed by the Owner.
4. The onsite sanitary collection and conveyance system is a private system to be maintained and operated by the site owner.
5. The Owner shall maintain refuse areas in a neat, orderly, and clean condition to prevent disbursement of waste and recycling on site and shall be responsible for private hauling at sufficient intervals to prevent the accumulation of waste and recycling. If at any time, the Building Department determines additional on-site handling of refuse is inadequate, the Building Inspector shall have discretion to require the Owner be responsible for additional privately paid carting services to remove waste.

6. All light levels shall be limited to 0.1-foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting. Any wall pack fixtures shall include non-glare shields.
7. Hours of operation for construction at a site or the operation of the use that is subject to site plan approval shall be regulated by the Planning Board at the time of approval. Construction hours shall be limited to the period between 7:00 a.m. and sunset or 6:00 p.m., whichever is later, daily including Saturdays. No outdoor construction shall occur on Sunday or holidays.
8. The dens as shown on the architectural drawings shall not be utilized as bedrooms and the Owner shall put notice of such restriction in leases of those affected apartments.
9. Prior to plan signing, the applicant shall:
 - a. The plans shall not be signed until receipt of a letter from the Village Engineer indicating the plans submitted for signature to be in proper order and in compliance with the referenced memorandum.
 - b. Modify the plan to incorporate this approval resolution.
 - c. All fees regarding this Application must be paid in full, including all parkland fees, 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.
10. The Planning Board Chairman is hereby authorized to sign the site plan upon the confirmation by the Village Engineer and Planning Board Attorney that the final site plan confirms to the terms of this approval resolution.
11. Prior to issuance of building permit, the applicant shall:
 - a. Secure a floodplain development permit pursuant with Village Code Chapter 67, Flood Damage Prevention for all construction and other development in areas of special flood hazard including Retaining Wall No. 2 and grading for Bioretention Basin C.
 - b. Submit an electronic version of the site plans signed by the Planning Board Chairman for the Village's records.
12. Prior to installation of exterior finishes Applicant to present material specification for exterior finishes to Planning Board for approval.
13. The Resolution of Approval is further conditioned upon all other approvals that are needed by operation of federal, State or local laws, regulations and orders, whether or not noted above in the Conditions of this Resolution, including but not

limited to the United States Army Corps of Engineers, New York State Department of Health, Orange County Department of Health, the Village of Florida Board of Trustees, and compliance with the Florida Village Code, New York State Uniform Fire prevention and Building Code, and all federal, State and local laws and regulations.

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.

On a motion by Member Sosler seconded by Member Kissinger

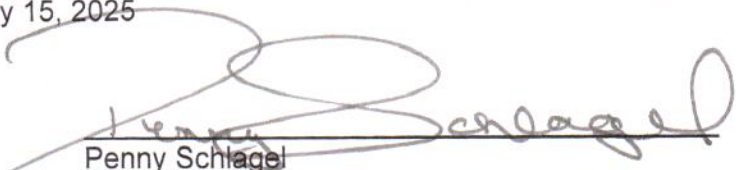
Said Resolution was approved by a vote of 5 members in favor, 0 against, 0 absent or abstaining on July 15, 2025.

STATE OF NEW YORK)

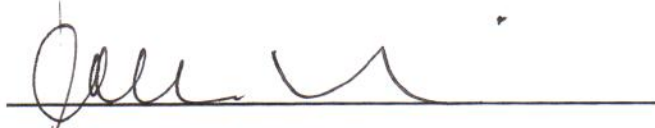
) SS:

COUNTY OF ORANGE)

I, Penny Schlager, Secretary of the Planning Board of the Village of Florida, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Planning Board at a meeting of said Board held on July 15, 2025


Penny Schlager
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 11, 2025


COLLEEN WIERZBICKI, Clerk
VILLAGE OF FLORIDA.

AUG 11 2025


LAW OFFICE OF ELIZABETH K. CASSIDY, PLLC
7 GRAND STREET
WARWICK, NEW YORK 10990
P: 845.987.7223 | F: 888.549.3886
WWW.EKCASSIDYLAW.COM

August 4, 2025

MEMO

TO: Mayor Daniel Harter
Village Board of Trustees
Chairman Robert Scott, III
Village Planning Board

CC: Colleen Wierzbicki, Village Clerk
Penny Schlagel, Planning Board Clerk
Sean Hoffman, Village Engineer
Ross Winglovitz, Engineer for the Applicant.

FROM: Elizabeth K. Cassidy, Esq.

RE: Processing of Biagini Senior Housing Project

This memorandum is to set forth the order of operations for the application of All of Mine Orange, Inc., (aka Biagini) seeking to construct 70 units of senior multiple dwellings pursuant to the Village's Environmental Conservation Overlay District. The subject property is located in the R1 and ECO overlay zones.

This summary is provided to the Applicant as a courtesy and the Applicant is on notice that several of the required approvals are discretionary in nature. The project remains subject to change depending on the outcome of the various approvals.

Step	Necessary Action	Responsible Board	Status
1.	Application for site plan, and yield approval	Planning Board	Received 3-3-2025
2.	Establish Escrow Fund. I recommend one account be used for all reviews contemplated by this application.	Planning Board Village Board (consenting resolution)	
3.	SEQR – Declare intent to be lead agency and circulate to involved and interested agencies for a Coordinated Review. • Village Board • ZBA • VOF DPW	Planning Board	

	• NYSDOT • ARB • OC DOH • NYS DEC The action appears to be a Type I action pursuant to 6 NYCRR 617.4(b)(3) (zoning change with more than 10 acres of disturbance). See also AG district reduction of 25%		
Reviews set forth in steps 4a through 7 are for purposes of conducting and completing SEQR. Final approval shall await the conclusion of the SEQR process and Special Permit by the Village Board.			
4a.	§ 119-15 – Cluster Review	Planning Board	
4b.	• Sketch Plan Review (119-15(A)(6)(a))		
4c.	• Preliminary plat review (119-15(A)(6)(b)) • Determine Yield Plan		
5.	§ 119-15 (A)(4)(d)(2) – senior housing density bonus may be granted by the Planning Board.	Planning Board	
6.	Site Plan Review	Planning Board	
7.	GML 239 Review	OCPD (Planning Board referral)	
8.	SEQR – Determine environmental impacts (no action by any other board may happen until a determination is made) • Positive Declaration ○ Scoping ○ EIS ○ Findings Statement Village Board and ZBA may provide comment on SEQR process as an involved agency.	Planning Board	
9.	Architectural Review	Planning Board sitting as Architectural Review Board	
10	Special Permit Review (see 119-34 & 119-10 (C)) • Upon determination of completeness, schedule public hearing. See 119-34(E)(1)	Village Board	

	• Referral to Planning Board for recommendation. See 119-34(E)(1). • Public Hearing (See # 10) • Special Permit Approval		
11.	Public Hearing – Each approval (Site Plan, SEQR¹, Special Permit, and Zoning Amendment) requires a public hearing. The law does authorize the Planning Board and Village Board to coordinate public hearings to the extent practicable. If the Boards cannot reasonably schedule a joint public hearing, the Planning Board and Village Board will hold separate public hearings. Notice to meet requirements 239-nn by notifying adjoining municipalities within 500 feet of the application site.	Planning Board/Village Board	
12.	Petition for Zoning Amendment Local Law Process	Village Board	
12a.	Comment on Zoning Amendment (See § 119-40)	Planning Board	
13.	Application for variances, if any	Zoning Board of Appeals	
14.	Final Approval (Site Plan, Density Bonus, if any, Cluster approval)	Planning Board	

¹ A SEQR determination must be made in order for a subdivision application to be considered complete for purposes of scheduling the public hearing. See Village Law § 7-728; see also Kittredge v. Planning Board of the Town of Liberty. While the instant application is not a subdivision in the technical sense, the underlying basis for the application relies heavily on the subdivision enabling statutes and corresponding Village of Florida subdivision code. In an abundance of caution, I am recommending that a determination be made prior to the public hearing subject to revision should new facts present themselves. The applicant to enter consent to extension of statutory timeframes as may be necessary on the record.

Submissions

Date	Description	Board
3-3-2025	Site Plan Application Conventional subdivision plan Overall concept plan Long EAF Checks: <u>Application Fees</u> • Initial site plan = \$200.00 • Plus \$50.00 per proposed dwelling = \$3,750.00 (75 units) Total = \$3,950.00 <u>Escrow</u> • Residential uses = 250 x 10 units = \$2,500.00 / 50 x 65 units = \$3,250.00 • SEQR Long Environmental Assessment Form = \$800.00 • SWPPP = \$1,250 (6 acres disturbed) Total = \$7,8000	Planning Board