

**VILLAGE OF FLORIDA
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
NOVEMBER 4, 2024**

CALL TO ORDER:

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

BOARD MEMBER'S PRESENT:

Steve Caldwell
Martin Dellatto
Zen Wojcik
Allison Orlando

Member Frank Dagele was absent.
Alt. Member Nigera Forde was absent.

PROFESSIONAL'S PRESENT:

Penny Schlagel, Secretary
Robert Krahulik, Esq.
Matt Roach, Trustee

MINUTES:

Member Orlando moved for the approval of the October 21, 2024 Meeting Minutes. Seconded by Member Caldwell.

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

CONTINUATION OF PUBLIC HEARING

Re: 80 Jayne St.

101-4-21

Chairman Dellatto asked Secretary Schlager if she has received the Certification of Mailing.

Secretary Schlager replied yes.

Chairman Dellatto then read the following letter from Wayne and Elizabeth Dietz dated October 28, 2024:

Dear Mr. Dellatto:

We are the owners of the above referenced property (Section 101 Block 5 Lot 2) which is across Roe St. from the property owned by Augustyn Brothers, LLC.

We heartedly oppose the request for this variance to subdivide for the following reasons:

1. The current parcel is approximately 27,740 sq. ft. which is a little over half acre. The request is to make one lot 9,750.20 sq. ft. (.22 acre) where 20,000 (.45 acre) is required. This is less than half of the requirements. The other lot would be 11,816.90 sq. ft. (.27 acre) which is little more than half the required size.
2. For lot 1, the lot width would be 68.50 feet, 31.5 less than the required 100 feet.
3. For lot 2, the setback of 22 feet on Roe St, would be 8 feet less than the required 30 feet. This is what faces my house.
4. The Village is setting a precedent for many, many owners will submit requests to subdivide if this is approved. Is this really what they want..... a cluster of housing?
5. Additionally, this is a walking route to and from the elementary school and having construction where they walk is dangerous.

The Village should abide their regulations. Otherwise, why the point?

We are hoping you deny this request for variance.

Thank you

Chairman Dellatto read the following letter from Adam & Mis Clark received on November 4, 2024.

Chairman & Board Members:

Our family and we believe our community as a whole, strongly oppose the subdivision of the property located at 80 Jayne St, Florida, NY, and wonder why we are forced into a position of defense, when the request of Augustyn Brothers LLC is so far outside of the Bulk Area Requirements of code. Why is this subdivision even being entertained?

The total lot area and lot area per dwelling designated Lot 1, has 48.751% of necessary size as laid out to protect the integrity of the neighborhood. Not even half of the required space.

The total lot area and lot area per dwelling designated Lot 2, has just 59% of the required space required.

The lot width of Lot 1 and front yard setback of Lot 2 are far behind the code requirements as well.

To state the obvious, to allow such subdivisions and presumed construction of such undersized lots will invariably lead to more and more requests to cash in and will forever change the landscape of our beautiful village. Our family moved from Rockland County as a result of greed, corruption and over-building. Let's learn from their mistakes and not go down this road.

This project is simply not the right choice for the Village of Florida. Please consider these statements as you make your decision.

Thank You.

LEGAL NOTICE

A public hearing before the Zoning Board of Appeals of the Village of Florida will be continued on the 4th day of November, 2024 commencing at 7:30 PM at Village Hall, 33 South Main St., Florida, NY 10921 to consider the following application:

AUGUSTYN BROTHERS, LLC for property located at 80 Jayne St., Florida, NY and designated on the Village tax map as Section 101 Block 4 Lot 21 in the R-1 District for the following variances from the Bulk Area Requirements of the Code for a proposed 2 lot subdivision of a 21,567 sq. ft. parcel of land:

1. Total Lot Area – Lot 1 allowing a 9,750.2 sq. ft. lot where 20,000 sq. ft. are required.
2. Total Lot Area – Lot 2 allowing a 11,816.9 sq. ft. lot where 20,000 sq. are required.

3. Lot Area per Dwelling Unit – Lot 1 allowing a 9,750.2 sq. ft. lot where 20,000 are required.
4. Lot Area per Dwelling Unit – Lot 2 allowing a 11,816.9 sq. ft. lot where 20,000 sq. ft. are required.
5. Lot Width – Lot 1 allowing a lot width of 68.5 feet where 100 feet are required.
6. Front Yard Set Back – Lot 2 (Roe St. side) allowing a front yard setback of 22 feet where 30 feet are required.

The above application is open to inspection at the office of the Board of Appeals, 33 South Main St., Florida, NY. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communications in writing in relation thereto may be filed with the Board, or at such hearing.

Martin Dellatto, Chairman

Present on behalf of the application: Applicant, John Augustyn

Mr. Augustyn advised that he has filed an application to subdivide the property and build a small home with 2 bedrooms, and before such, he needs variances.

Member Wojcik asked Mr. Augustyn that if this application is denied what would then be his plans?

Mr. Augustyn replied that he may knock down the existing house and build a two family.

Chairman Dellatto asked if there were any lots with the same square footage if subdivided?

Atty. Krahulik asked the audience members if they knew of any and they all replied no.

PUBLIC HEARING:

1. Noreen Meduski
71 Jayne St.
Florida, NY

Ms. Meduski stated that she is very concerned with that the bigger lots in the area will want to do this same thing if this application is approved. Don't need cluster housing.

2. Lisa Marulanda
41 Vandervoort St.
Florida, NY

Ms. Marulanda stated that her lot is the same size, so if this application goes through, she would like to do the same thing so that her kids would have a home for their families.

Member Caldwell stated that he does have some concerns as this is very similar to the lot size on the Roe St. application. Does have some concerns with setting a precedent.

Member Wojcik agreed with Member Caldwell; however, each application stands on its own merit.

Chairman Dellatto stated that one of the public letters commented on how this application can even be entertained. Anyone has the right to file an application and be heard.

Member Wojcik moved a motion to close the public hearing on this application. Seconded by Member Orlando.

On roll call, all voted yes, and Chairman Dellatto declared this public hearing closed.

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

WHEREAS, AUGUSTYN BROTHERS LLC, has applied to this Board for a variance of the Bulk Area Requirements of the Village of Florida Zoning Code, and

WHEREAS, a public hearing on this application was held at village Hall, 33 South Main Street, Florida, NY on October 21, 2024 and November 4, 2024, and

WHEREAS, at said hearing all interested persons were given an opportunity to be heard; the Board finds as follows:

FINDING OF FACT AND CONCLUSIONS OF LAW

1. Applicant is now the owner of the property located at 80 Jayne St., Florida, NY and designated n the Village Tax Map as Section 101 Block 4 Lot 21.

Application has been made for the following variances of the Village of Florida Zoning Law:

1. Total Lot Area: Lot 1 allowing an 8,750.2 sq. ft. lot where 20,000 sq. ft. are required.
 2. Total Lot Area: Lot 2 allowing a 11,816 sq. ft. lot where 20,000 sq. ft. are required.
 3. Lot Area per Dwelling Unit: Lot 1 allowing a 9,750.2 sq. ft. lot where 20,000 sq. ft. are required.
 4. Lot Area per Dwelling Unit: Lot 2 allowing a 11,816.9 sq. ft. lot where 20,000 sq. ft are required.
 5. Lot Width: Lot 1 allowing a lot width of 68.5 feet where 100 feet are required.
 6. Front Yard Setback: Lot 2 (Roe St. Side) allowing a font yard setback of 22 feet where 30 feet are required.
2. The evidence and testimony as summarized from the meetings show that:
 - a. An undesirable change will be produced in the character ofc he neighborhood and will be a detriment to the adjacent properties.
 - b. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the variances. There is no other property available.
 - c. The requested variances are numerically substantial insofar as lot area and lot width. The total lot area for Lot 1 would be a mere 49% of the required minimum lot area required and 59% of the required minimum lot area required for Lot 2.
 - d. It has been shown that the variance will have an adverse effect and impact upon the physical or environmental conditions in the neighborhood or district. The parcel is surrounded by other similarly sized lots. The granting of the variances may result in other property

- e. owners seeking similar relief dramatically changing the character and physical appearance of the neighborhood.
 - f. The alleged difficulty was self-created. The lot was purchased subject to the existing zoning and is presently a conforming lot improved by a single-family house.
 - g. The minimum variance is sought, but will not preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
3. The proposed action is a Type II action and no further consideration under SEQRA is necessary.

RESOLUTION

Motion moved by Member Wojcik to disapprove this application (80 Jayne St.) Seconded by Member Caldwell.

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

NEW/UNFINISHED BUSINESS: None

PUBLIC DISCUSSION:

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

ADJOURNMENT:

Member Caldwell moved for the adjournment of this meeting. Seconded by Member Orlando.

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

Penny Schlagel, Secretary

