

**Town of Florida
Planning Board Meeting
Monday, October 3, 2022
7:00PM**

MEMBERS PRESENT:

Peter Rea, Member
Stephen Viele, Alternate
Charles Saul, Member
John Hutchison, Member
Nicholas Armour, Deputy Chairman
Rudy Horlbeck, Member
Deborah Slezak, Attorney

ABSENT:

Michael Taylor, Chairman
Don Perretta, Member

I. Call to Order

A meeting of the Town of Florida Planning Board was called to order at 7:00pm, by Deputy Chairman Nicholas Armour.

II. Pledge of Allegiance

III. Adoption of the Agenda

Motion was made by Charles Saul and seconded by Stephen Viele to accept the Agenda. All other members present were in favor.

IV. Adoption of Minutes

Motion was made by John Hutchison and seconded by Stephen Viele to accept the Public Hearing Minutes from September 12, 2022. All other members present were in favor.

Motion was made by Peter Rea and seconded by Charles Saul to approve the minutes of the September 12, 2022 meeting. All other members present were in favor.

V. Correspondence

1. Letter from Alliance for Florida Farmland.

VI. Business

1. Robert Dennison – Minor Subdivision of land on Youngs Corners Road

Had two parcels surveyed off and he will be keeping those. The rest of the land will be sold to Stony Brook Farm. SEQR Part I needs to be filled out by him or his attorney.

MOTION by Rudy Horlbeck and seconded by Peter Rea to set the Public Hearing for Dennison Minor Subdivision of lands on Youngs Corners Road for Monday, November 7 at 6:50pm at 167 Fort Hunter Road. All members present in favor.

2. Nadler/Francisco PUD – Val Ferro, Steve Wilson, Mick Mullins

Nicholas Armour stated that the wording of the PUD is conflicting and with the way it is written he is not comfortable with the regulation. Stephen Viele believes the same and that the language has “holes” in it. Charles Saul stated that he has read the PUD and the Comprehensive Plan and the Comprehensive Plan speaks of a “hamlet district” not an industrial business park. Stephen also said the language is very open and vague. Attorney Deborah Slezak asked the Board if they thought the application worked with the PUD or not. Nicholas Armour said he is for an unfavorable report at this time. Taking into account the Alliance for Farmland letters and he thinks the public should be included in the PUD process. Peter Rea does not feel the application was written with a PUD in mind. PUD is residential as well and he reviewed the objective and the application does not meet them and even the developer admitted to struggling with the language and meeting the objectives and he did not feel very confident hearing that. Peter does not think the criteria have been met. Attorney Slezak said the Board can make their decision tonight or can wait until the November meeting; they are well within the timeframe. Rudy Horlbeck asked for confirmation of the sixty (60) day timeframe and Attorney Slezak assured him that was correct. Attorney Slezak asked the Board if they were ready to render a report and recommendation. Peter Rea asked what would need to be in the response and Attorney Slezak said the reasons for a negative recommendation and what could be done to fix the issues. Stephen Viele stated that answers to some of the objectives would be N/A which is not the same as a positive or negative and can N/A be used as a reason to deny. More discussion regarding the application and the determination requirements. The general discuss was that the PUD needs to be reviewed and overhauled. The Planning Board does not feel a zone change can be done until a plan is given as to what exactly is going to go on the site. Could give a contingent approval but without know what will be going in the zone that isn't possible. Many of the questions can't be answered effectively until the site plan approval process. Rudy Horlbeck can't see approval of the application. John Hutchison the application does not fit with the way the PUD is written and the PUD regulations should be re-visited and change some of the wording. Attorney Slezak informed the Board that they can make a recommendation to the Town Board that the Zoning Ordinance, and the PUD specifically, be reviewed. Attorney Slezak assisted with the wording for the negative recommendation report to the Town Board; which will be typed up by the secretary and added as an attachment to the minutes.

MOTION was made by Nicholas Armour and seconded by Charles Saul to vote to send an unfavorable report to the Town of Florida Town Board. Roll Call vote was called and all members present were in favor. There were two (2) absent members.

3. Dollar General Fresh – Route 5S

Brad Grant, Barton & Loguidice TDE for the Town of Florida, has not had an opportunity to review all of the submitted plans for the proposed cold storage. Secretary, Emily Staley, gave him hard copies and he will reach out to the engineer if he has specific questions regarding the project. Brad recommended holding the public hearing in December but Rudy Horlbeck suggested holding a public hearing in November to hear what, if any, questions/comments the public may have before an approval can be given. Brad stated that he could have comments ready within a week or two. Attorney Slezak suggested the public hearing could be left open until the December meeting. Stephen Viele asked about the possibility of putting solar panels

on the roof and was told that that has not been done with other projects and if it is not required as part of the permitting process then it will not be done.

MOTION by John Hutchison and seconded by Rudy Horlbeck to hold the Public Hearing for the Dollar General Fresh Distribution Center application on Monday, November 7th, 2022 at 6:30pm at 167 Fort Hunter Road, unless Barton & Loguidice finds major issues with the application submitted. All members present were in favor.

4. New Leaf Energy – Wind Turbine off YMCA Road

Brad Grant, Barton & Loguidice, TDE for the Town of Florida went through SEQR Part II with the Planning Board in preparation for Part III and the determination. Some points that were raised are: New Leaf will buy credit for the wetland they are disturbing from Army Corp; waiting for the wetland permit; storm water will run into the adjacent wetland, disruption of acreage needs to match across all documents; 6-9 month timeline for building the turbine comes from the standard build time for a single turbine. This is done by a company who does turbine building. Wind farms have a timeline of two years to build; SWPP reference in Part III and the DEC will monitor and inspect; a contingency fund will need to be established to assist with mitigation efforts should flicker or line of sight become issues; have mitigation plan in place for migratory birds and bats per DEC letter. New Leaf explained the process of a “take” permit should an endangered or protected bird/bat be killed by the turbine. If no permit is issued then DEC has the right and power to shut the turbine down. Attorney Slezak asked for clarification as to what a “take” permit is. Brad concurred with New Leaf that DEC does not think this single turbine poses a large threat to birds/bats but the potential is there for loss; not consistent with the character but is a permitted use; can’t screen this due to its height but could screen on private property; there are temporary impacts due to the construction; power lines need to be upgraded but no additional energy will be used; energy will be created to be used. Peter Rea asked if there are any road restrictions for the construction vehicles and Brad stated no, definitely special permits for the blades and specific route for delivery, temporary noises due to construction; setback requirements should mitigate the normal operational noises; digging down ten (10) feet and the top base will be seventy (70) feet wide and tapers into the ground; Stephen Viele asked if a more detailed engineer designed site plan will be provided with the engineer’s stamp; lighting at the base will be motion sensor only, FAA requires a beacon which is not obtrusive, there are radar activated beacons but not fool proof. Peter Rea asked if the RF study had been done yet. Lydia Lake stated that they are getting ready to do the pre and post but that it hasn’t been as of yet. David Strong stated they are committed to doing the pre and post studies and have a mitigation plan in place should there be issues. Brad stated that the escrow account would be for such a thing but Peter pointed out that if there is RF interference you can’t fix it with a monetary amount. Stephen Viele asked how could New Leaf be given a variance for a height difference that is 62% of the total height allowed in the Zoning Ordinance. Will there be interference with satellite TV; no fire response would be expected at the turbine – power would be cut off and it would just be allowed to burn; Nick asked if the Starlink satellite service would be affected, no impact to cable TV or internet, digital is less prone to RF interference. Brad will get the Part II draft done and out for comments then at the November meeting the Board can work on Part III. New Leaf will need an extension beyond the 62 day period of approval from the public hearing date in order to possibly hold a special meeting to review and work on Part III after Part II is completed. John Hutchison stated that he would expect the RF study to be done before moving forward. Peter Rea gave Dave Strong a few ideas

of who to contact as a starting point for the studies. Will make the determination at the November 7th meeting if a special meeting/workshop is needed to complete Part III. New Leaf agreed that an extension of 30 days should be granted to be able to complete SEQR. This 30 day extension will begin after the 62 day period for the Planning Board to render its decision has expired. The Public Hearing for the New Leaf wind turbine was held on September 12, 2022, November 12, 2022 is 62 days; an extension of 30 days gives the Planning Board until December 12, 2022 to render a decision regarding the wind turbine application.

VII. Any Other Business:

MOTION by Stephen Viele and seconded by John Hutchison to recommend to the Town Board that they review and edit the Planned Unit Development (PUD) regulations to make the language and requirements more cohesive with the Comprehensive Plan and the Zoning Ordinance. All members in favor and passed.

VIII. Public Comment: 9:25

Ken Moritz 270 Belldons Road; grateful that the Board did its due diligence and saw the issues with the PUD. Suggested looking at the Comprehensive Plan and the Zoning Ordinance and update them both to reflect the changes in the Town as a whole. The process does need to be fixed.

Emily Marino 296 Belldons Road; thanked the Board for listening to the people.

Lee Ann Salisbury 125 Fort Hunter Road; concerns regarding the Fire Department and the wind turbine. Med Flight flies in the area and has landed at the Town Hall and ball field. Snowmobiles drive through the area. If they will be blasting there are well water concerns and safety.

Kristeen Jaracz 221 Fuller Road; grateful the board listened to the residents and followed the Comprehensive Plan.

Public Comment Closed: 9:36pm

IX. Adjournment

A **Motion** was made by Rudy Horlbeck and seconded by Charles Saul to adjourn at 9:37pm; all in favor.

Respectfully Submitted
Emily Staley
Town Clerk