

**Town of Florida  
Planning Board Meeting  
Monday, December 5, 2022  
7:00PM**

**MEMBERS PRESENT:**

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

**ABSENT:**

**I. Call to Order**

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

**II. Pledge of Allegiance**

**III. Adoption of the Agenda**

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

**IV. Adoption of Minutes**

Motion was made by Rudy Horlbeck and seconded by Stephen Viele to approve the minutes of the November 7, 2022 meeting. All other members present were in favor.

Motion was made by Charles Saul and seconded by Rudy Horlbeck to approve the minutes of the November 28, 2022 Special Meeting. All other members present were in favor.

**V. Correspondence**

1. Letter from Alliance for Florida Farmland. Nicholas Armour asked if correspondence from people could please be sent out earlier than the day of the meeting. He has a hard time, with his schedule, being able to read what is coming before the meeting.

**VI. Business**

**1. Prime AE Group – Subdivision of MCIDA Lands on Route 5 S**

Montgomery County is subdividing off 33.29 acres from a 55 acre plot to sell to Dollar General for a fresh food distribution center. Doug Cole, representing MCIDA, asked for the Public Comment to be left open until the January meeting because notices, while sent out, were not sent out return receipt and no green cards were returned as proof of notifications.

**2. Kimber – Wedding Venue on McDougall Road**

Attorney Mike Crowe explained to the Planning Board that Mr. Kimber challenged a previous Planning Board and Zoning Board of Appeals decision to deny his application for a special use permit in appellate court. The settlement agreement stipulated that he begin the process from the beginning with a request to the Zoning Enforcement Officer to review his application and interpret the Zoning Ordinance in reference to his application for a wedding venue. Jerry Podolec reviewed the application and supporting materials and in a meeting with Attorney Crowe came to the conclusions that a wedding venue did not fall under an accessory use but the Kimbers could apply for a Special Use Permit because wedding venue could fit as a use under other allowed uses in the Zoning Ordinance under the Special Use Permit heading. The Planning needs to accept the application and consent to review it and move through the process as outlined in the steps for a Special Use Permit and Site Plan. John Hutchison asked how could the ZEO tell the Planning Board that it qualifies for a Special Use Permit. Attorney Crowe explained that is the ZEO's job. To review applications and make a determination as to whether they should move to the next step. His sending an application to the Planning Board does not constitute permission or approval; that is still the Planning Board's job. Attorney Deborah Slezak asked how the ZEO came to the conclusion that wedding venue was a use that could be allowed under the Special Use heading. Attorney Crowe explained that the ZEO looked at all the uses allowed in an Agricultural Zone under the Special Use Permit heading and determined that there are other activities allowed that wedding venue is very similar to. Discussion and further explanation regarding the Planning Boards role and the ZEO's role in the process.

**MOTION** by Stephen Viele and seconded by Don Perretta to accept jurisdiction over and review the Kimber's application for a wedding venue.

**Roll Call Vote:**

Michael Taylor – Yes

Rudy Horlbeck – Yes

Stephen Viele – Yes

Charles Saul – Yes

Don Perretta – Yes

John Hutchison – No

Peter Rea – Yes

Nicholas Armour - No

**3. Albany Solar Solutions – Todd Gibbs Ground Mount Solar Array**

Review of the application with a representative of Albany Solar Solutions. No issues with the site plan nor application.

**MOTION** by John Hutchison and seconded by Nicholas Armour to schedule the public hearing and SEQR review for Monday, January 9, 2023 at 6:55pm. All members present in favor and passed.

**4. New Leaf Energy – Wind Turbine on YMCA Road:**

The Planning Board was informed that if they have questions or want more information no decision on SEQR needs to be made tonight. This time can be used to review the information given at the last meeting. Steve Viele asked about whether all requirements for information have been satisfied and Steve LeFevre stated that those questions would be reviewed during site plan. The decision for the Board is to determine SEQR; negative or positive declaration. The addendum is to help describe what justifies the determination of no significant impact or significant impact. Steve LeFevre read from the DEC SEQR handbook regarding significance of impacts and how the determinations should be made. Attorney Slezak read each impact and the narrative for it and again reiterate that now was the time to ask for clarification or more information. Peter Rea reviewed the impact on noise and light and stated that he wanted amateur radio added and to change the wording from "should" to "will". He still has concerns regarding possible effects to amateur radio waves and how the amount of \$100,000 for

mitigation was arrived at. At least one tower could cost upwards of \$35,000 and there are two confirmed operators in the Town who could be affected. Steve LeFevre read the email thread between Pete and New Leaf regarding their agreement to do an RF study before the building permit is issued. Steve Viele asked about trees for neighboring townspeople who will be able to see the turbine. David Strong stated that the number for RF mitigation could be adjusted if needed. Community Character impact cannot be mitigated much, if at all. Steve LeFevre said the Board's job is to determine if the impacts have been or will be mitigated to satisfaction. If the answer is "yes" than a negative declaration is found; if "no" than a positive declaration is found and an Environmental Impact Study (EIS) is to be done to further report on the impacts and other measures than can be done to mitigate. Dave Strong stated that for the visual effects the turbine will have, the mitigation measures are the best that can be done. He shared the map of the area within a five mile radius of places that will be able to see the turbine and could be affected by flicker. Steve LeFevre explained that a finding statement will need to be done and another public hearing should be held. The following RESOLUTION was adopted by the Planning Board:

A 30 day extension is needed to prepare the EIS. New Leaf agreed to the extension. A draft scope will need to be prepared so New Leaf knows what additional information it needs to gather. Steve LeFevre explained that either the Lead Agent can do the draft scope or New Leaf can do it at the request of the Lead Agent. The concerns are: Visual, RF and microwave, birds, community character. The Planning Board, as Lead Agent, requested that New Leaf do the draft scoping statement for the January 9<sup>th</sup> meeting.

**5. Dollar General – Fresh Food Distribution Center on Route 5S**

The subdivision of the land is not completed and SEQR will be done for both the subdivision and the site plan at the same time. This will be moved to the January 9<sup>th</sup> meeting.

**MOTION** by Don Perretta and seconded by Peter Rea to send the application to the Montgomery County Planning Board for their review and comments. All members present in favor and passed.

**VII. Any Other Business:**

**MOTION** by Rudy Horlbeck and seconded by Charles Saul to change the date of the January meeting to Monday, January 9<sup>th</sup> at 7:00pm. All members present in favor and passed.

**VIII. Public Comment: 9:00pm**

Kelly Schaufelburg, 207 Dunlap Road, \$100,000 for radio interference is not enough money.

Carol Henderson, 2110 St Hwy 5 S, 80 evergreen trees will not be enough. She cautioned people to pay attention to the small details as well as the large.

Cindy Schultz, 6070 St Hwy 5 S, if a non-local radio station experiences interference can they sue the Town.

Lee Ann Salisbury, 125 Fort Hunter Road, is the Town liable for any issues experienced by other Town' and their residents?

Ken Moritz, 270 Belldons Road, grateful for the service of Mike, Rudy and Don. Spoke about the Kimber's application and the fact that he had to get an attorney to have his application heard by the Planning Board. Attorney Slezak cautioned that there is more information than this meeting and it is not a cut and dry situation.

Mike Taylor, glad to see more public participation from the Townspeople and the consistency of people that are coming.

**Public Comment Closed:** 9:22pm

**IX. Adjournment**

A **Motion** was made by John Hutchison and seconded by Charles Saul to adjourn at 9:23pm; all in favor.

Respectfully Submitted

Emily Staley

Town Clerk