

**Town of Florida
Planning Board Meeting
Monday, January 9, 2023
7:00PM**

MEMBERS PRESENT:

Stephen Viele, Chairman
Peter Rea, Member
Charles Saul, Member
John Hutchison, Member
Nicholas Armour, Member
Michael Crowe, Attorney

ABSENT:

I. Call to Order

A meeting of the Town of Florida Planning Board was called to order at 7:01pm, by Chairman Stephen Viele.

II. Pledge of Allegiance

III. Adoption of the Agenda

Motion was made by John Hutchison and seconded by Peter Rea to appoint a Deputy Chairman of the Planning Board at the end of the meeting; all members present in favor and passed.

Motion was made by Nicholas Armour and seconded by John Hutchison to accept the Agenda with the addition of a Deputy Chairman appointment; all members present in favor and passed.

IV. Adoption of Minutes

Motion was made by Charles Saul and seconded by Nicholas Armour to approve the minutes of the December 5, 2022 meeting. All members present in favor and passed.

V. Correspondence

1. Response from DOH regarding Lead Agency for Dollar General Fresh.

VI. Business

1. Albany Solar Solutions – Todd Gibbs – Ground Mount Solar Array

Chairman Steven Viele read parts I, II & III of SEQR and a **Motion** was made by John Hutchison and seconded by Nicholas Armour, for the Planning Board to find that no significant adverse environmental impacts will occur from this project; all members present in favor and passed. No opposed. Public Comment for this application was closed at 7:15pm.

2. Marjorie Heacock – Subdivision of Land on Bullshead Road

Ms. Heacock currently has an application before the Zoning Board of Appeals for an Area Variance. She is dividing one parcel of land into two and will be short 4.26 feet of road frontage on the parcel she will be keeping. The parcel she will be selling will have the 250' of frontage as required. She is asking the Planning Board if they would schedule the Public Hearing for her application for subdivision to the Planning Board, in anticipation of the ZBA granting her Area

Variance. **Motion** by Nicholas Armour and seconded by John Hutchison, to accept Ms. Heacock's application for subdivision and schedule the Public Hearing for this application for Monday, February 6, 2023 at 6:55pm; all members present in favor and passed. No opposed.

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

Chairman Steven Viele reviewed the application and read parts I, II & III of SEQR. Part I was done by Prime AE Group and parts II & III were done by the Planning Board. **Motion** by Peter Rea and seconded by Nicholas Armour, for the Planning Board to find that no significant adverse environmental impacts will occur from this project; all members present in favor and passed. No opposed. Public Hearing was closed at 7:35pm. **Motion** by Nicholas Armour and seconded by John Hutchison to approve the subdivision of MCIDA lands on Route 5 S; all members present in favor and passed. No opposed.

4. Elan Design Lab – Dollar General Fresh Distribution Center:

Marcie Weslock was present and told the Planning Board that many of the technical aspects brought up will be addressed further along in the site plan review. 2008 all of the research information was done for the first Dollar General Distribution Center. Brad Grant from Barton and Loguidice read through the original SEQR documents for that original distribution center. Marcie pointed out that a new wetlands delineation report has been done and she will forward that to Brad. The City of Amsterdam has sent email approval for water capacity. Brad read through part II & III of SEQR. It was determined that there are no moderate or large impacts. Attorney Michael Crowe asked if all pertinent information was available. Stephen Viele is still concerned about the snowmobile trail that runs along the property line. Attorney Crowe asked if there was an open space plan for the site and if not then access would have to be negotiated. March said she would reach out again to the D.G. legal and see if they have a solution. Chairman Viele, on the advice of counsel, asked the members present if they thought the project would have no impact, small impact of large to moderate impact. **Motion** by Nicholas Armour and seconded by John Hutchison for the Planning Board to find that, while there will be a small impact, there will not be significant adverse environmental impacts that will occur from this project; all members present in favor and passed. No opposed. It was discussed that a conditional approval be given for Dollar General to be able to move forward with purchasing the land from MCIDA. Marcie asked what the conditions would be and Brad stated there were some small things; apply and get all pertinent permits from state agencies that require them, resolution either way with the snowmobile trail and access and rip rap. Stephen Viele state that he would be comfortable giving a conditional approval and that this should be put back on the agenda for review. Brad Grant asked that all members have the conditions they would like to him before the February meeting but a vote for approval would not take place until the March meeting due to there not being a full board available in February.

5. Nadler/Francisco PUD - Review

Attorney Mike Crowe asked if the Board had seen the letter from Mick Mullins in regards to the PUD review. Stephen Viele explained to Attorney Crowe what the issue was with the original letter of recommendation and the confusion with the PUD and the Comprehensive Plan and how the Planning Board went through the process. They were stuck on page 18 and the Objectives in 6.-1-1B not fitting with the plan. Attorney Crowe explained that if they have questions related to 6.-1-1B they can be added to section 6.-1-3 as considerations. Discussion regarding using the Comprehensive Plan to answer the PUD and it doesn't seem to fit. Nick Armour thinks the PUD should be re-written. Attorney Crowe explained that the Planning Board has to deal with the Town code as it is currently written. An application is before them

and the applicant has the right to go through the process as it has been written. The Planning Board's recommendation was due to the fact that the PUD mentions housing and green space and clean energy and warehousing. Attorney Crowe stated that they Board has to balance the Comprehensive Plan with the regulations as written and the application. The Board felt pressure after the Public Hearing was held due to the time constraints put on for giving the recommendation. Attorney Crowe said he would create the form for the way the response should be written to the Town Board. There currently is no time limit in place for this re-write of the recommendation. Mick Mullins, who represents the Nadler and Francisco families, stated that the Nadler's and Francisco's are not putting a time constraint for a re-write on the Board. Chairman Viele said that he would like to wait until the Planning Board has a full board appointed and the new members have an opportunity to get caught up with business. Attorney Crowe agreed with that and said that time needs to be taken to go through each of the points using the Comprehensive Plan, Zoning Ordinance and the application packets. Mick Mullins agreed with Attorney Crowe's narrative of how the process should work. Chairman Viele asked if more dialogue is allowed between the applicant and the Board and if public input was allowed again as well and Attorney Crowe said no more verbal discussion was needed with the public and the applicant will not do another presentation to the Board. The Planning Board needs to go through each point in 6.-1-1B or past minutes can be used to review statements. Reasons why need to be given with reference to the Comprehensive Plan and the section referenced that will bolster a negative recommendation. The applicant can point out how they are meeting it or that it isn't significant. There was discussion about having a special meeting in April to do this review and re-write of the recommendation. Prior Planning Board members could be called in to talk about why they agreed with the negative recommendation and to speak on their points previously shared. **Motion** by Charles Saul and seconded by Nicholas Armour to hold a Special Meeting April 19th, 2023, starting at 6:00pm, at 167 Fort Hunter Road, for the Planning Board to review the Nadler/Francisco PUD application and re-write its recommendation to the Town of Florida Town Board; all members present in favor and passed. No opposed. Chairman Viele encouraged the Planning Board members to review their PUD packets and write any questions or comments to have ready for the April special meeting.

VII. Any Other Business:

Motion by Chairman Stephen Viele and seconded by John Hutchison to nominate and appoint, Nicholas Armour as Deputy Chairman to the Planning Board for the year 2023; all members present in favor and passed. No opposed.

VIII. Public Comment: 9:12pm

Sarah Cornett, 5615 State Hwy 30. Requested that the correspondence from Mick Mullins be posted on-line for everyone to see. She questioned what exactly the Planning Board would be doing at the April meeting and why the new Planning Board members would have a say in the recommendation when they weren't involved with the original writing. She also pointed out that the word "vote" was used and nothing should be voted on again. The Town Board just asked for better justification of the negative recommendation as it was given to them.

Carol Henderson, 2110 State Hwy 5 S. Sent over an email regarding Dollar General and asked if the questions asked would be answered. Concerned about light trespass and noise from the trucks going in an out late at night. Serious issues with NYS taking land for the expansion of Route 5 S to deal with

the overwhelming large truck traffic right now. It is terrible that it is not just MCIDA land and IBP and C1 zoned land being used. It is private land owners being affected.

Kristen Jaracz, 221 Fuller Road. The kilowatts to megawatts conversion for Dollar General Fresh is incorrect. There should be no re-vote for the PUD recommendation.

Vanessa Curry, 6244 State Hwy 30. No re-vote of the PUD only a justification of the negative recommendation.

Bill Bonner, 410 Fuller Road. Agrees with Sarah, Kristen and Vanessa.

Chairman Stephen Viele took a moment to clarify what he meant by the word "vote". There will be discussion and justification regarding why and how the other members came to their "vote" of a negative recommendation and a clarification of the wording and answers to the questions that need to be answered.

Mick Mullins, Mullins Realty. There was no vote on the PUD by the Planning Board. The Planning Board gave a report to the Town Board and they voted to agree on a negative report. The applicants appealed that negative report to the Town Board who then returned the report to the Planning Board for a review and clarification of their reasons why it was a negative recommendation because the report was not thorough enough to justify the negative report.

Lee Ann Salisbury, 125 Fort Hunter Road, spoke about the turbine and Spectrum 9 news has a picture of a large turbine on their feed.

Public Comment Closed: 9:26pm

IX. Adjournment

A **Motion** was made by Nicholas Armour and seconded by Charles Saul to adjourn at 9:26pm; all in favor.

Respectfully Submitted

Emily Staley

Town Clerk