

**Town of Florida
Planning Board Meeting
Monday, February 6, 2023
7:00PM**

MEMBERS PRESENT:

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

ABSENT:

Stephen Viele, Chairman

I. Call to Order

A meeting of the Town of Florida Planning Board was called to order at 7:02pm, by Deputy Chairman Nicholas Armour.

II. Pledge of Allegiance

III. Adoption of the Agenda

Motion was made by Charles Saul and seconded by John Hutchison to accept the Agenda; all members present in favor and passed. None opposed.

IV. Adoption of Minutes

Motion was made by Peter Rea and seconded by Charles Saul to approve the minutes of the January 9, 2023 meeting. All members present in favor and passed. None opposed.

V. Correspondence

1. None at this time.

VI. Business

1. Marjorie Heacock – Subdivision of land on Bullshead Road

Ms. Heacock was not available at the meeting. No SEQR documents were turned in.

Motion was made by John Hutchison and seconded by Peter Rea to table this application until the March meeting. All members present in favor and passed. No opposed. Secretary, Emily Staley, will reach out to Ms. Heacock to assist with the SEQR Part I.

2. High River Energy Center – Subdivision of Land on Pattersonville Road

Javid Afzali, from Harris Beach explained the reason for this subdivision. The parcel of land was part of a larger parcel owned by Chris Persons and High River purchased this 9.655 acres from him to be able to put the point of interconnect station for their solar project on that parcel. National Grid needs their building to be on its own parcel for asset inventory needs so High River is parceling off approximately 3.573 acres for National Grid. High River will keep

approximately 6.092 acres. Attorney Mike Crowe explained that Lead Agency letters for SEQR need to go out to the Public Service Commission and the Department of Agriculture and Markets. This application will also be referred to the Montgomery County Planning Board because the project is adjacent to a County Road within the Ag District.

3. John & Grace Kimber – Wedding Venue – Site Plan Review

The Kimber's own 35 acres at 527 McDougall Road. The barn they would like to use is approximately 2,000 sqft. It is serviced by its own well and has electricity. There will be no disturbance of the land around the building. There will be portable lighting and restrooms. There is an adjacent field that will be used for parking with space for 100 cars to allow for up to 200 guests. The land is relatively flat with access level with the roadway and a 24' wide entrance. Building can hold 100 people, per the engineer's assessment. If events have more than 100 people then a tent or tents will be erected to hold those extra. The Board asked what would be "similar events" as mentioned in the narrative and Mr. Romeyn, the Engineer for the site plan and Joe Goode, the event coordinator stated that those events would be showers, birthday parties, reunions etc. The Board also asked how many times a month would events occur and were told there is not set expectation right now. They are thinking 4 events per month between May and October. Peter Rea asked if the turf was well established and what is the soil type. If the ground is clay or another type of soil. The type of soil can affect the parking when it rains, when it's dry. It also affects the way water can drain off or if it will pool. Peter explained that cars on grass do different things based on the soil composition and there can be issues with parking. John Kimber explained that 100 cars is worst case scenario. Mr. Kimber also stated that he was told by the Building Inspector that there was no need to park the cars a certain way and that lines should not be painted on the ground or any other marking to delineate the parking area from other areas. Peter asked if any studies have been done regarding the capabilities of the soil to drain water in a rain storm. Nick asked about light pollution and neighboring homes and how the temporary lighting will affect the neighbors. Should the issue of lighting be looked at like any other project that would have light pollution. Attorney Crowe explained that this is not a large scale commercial property or building so this is a different classification. That certainly the Board can ask for an explanation of the type of lights they will use and the placement of said lights at the sight for a better understanding of how the neighbors will be affected. John Hutchison asked about putting restrictions on how many events they can have in a week or month or hours. Attorney Crowe explained that while the Board could restrict the hours of operation to attempt to restrict how many events can be held may be beyond their control and not an appropriate condition. Attorney Crowe also told the Planning Board that they can ask for the Public's input regarding their concerns or any restrictions they would like. The Planning Board's main concerns are noise, light, garbage and traffic control. John asked if there were GFI outlets in the barn and Mr. Kimber stated that he did not know what those were and that the Building Inspector said everything looked good when he visited the site and building in 2022. Secretary, Emily Staley, will forward the letter from the Building Inspector to all Planning Board members for them to review. Mr. Goode informed the Board that they were not expecting to be holding events with more that 100 people for the first few years. It takes at least 4 to 5 years for a business such as this to become profitable. There are many venues out there. Mr. Romeyn stated that this property has no close neighbors who would be disturbed by the events and Mr. Kimber stated he notified his neighbors and they were not upset about the project. Mr. Romeyn stated that when he visited the site he saw no noticeable major issues and that they could have someone for traffic control with a flag and light in the evenings. The Board said they would like soil information, what kind

of lighting will be used and placement, what will be used for sound and entertainment and how will traffic be controlled.

Motion by John Hutchison and seconded by Peter Rea to set the public comment for this project for Monday, March 6; all members present in favor and passed. No opposed.

4. New Leaf Energy – Draft Environmental Impact Statement Scoping Document:

David Strong, Lydia Lake and Stuart Mesinger were present for this review. Dave and Lydia explained the project briefly and then Steve LeFevre, from Barton and Loguidice handed out Chapter 5 from the SEQR Handbook for the Planning Board to review with him. He explained that there is a 60 day timeline in which the review has to be completed and the final scoping document agreed upon and completed. This chapter covers what the timeline is for the draft scoping of an EIS and the Planning Board's role and responsibilities. Notices need to be posted on a website (if available) of either the applicant or the Town, notice should be posted in the newspaper as well and letters need to be sent to the neighbors nearest the project and to the interested and involved parties for SEQR. A deadline for written submissions needs to be decided on and whether public comment on the draft scoping document should be a special meeting or done during the regular March meeting. Steve explained that the public comment will not be regarding the wind turbine project but on the scoping document specifically and any items that the public thinks should be added or removed. Steve reviewed #31 Timeline and getting the ENB notices published and the letters to the interested and involved agencies. It was decided that the public comment on the draft scoping document will be held at the March 6th meeting and this will be the last item on the agenda. Final written comments will be due by March 16th. The April 3rd meeting the final scoping document will be discussed and it will be finalized by April 6th. No information in the document will be reviewed until after all public comment and written comments are received and reviewed. **Motion** by Charles Saul and seconded by Peter Rea to hold public comment regarding the Draft Scoping Document for the New Leaf Environmental Impact Statement on Monday, March 6th as the last item of business on the Agenda; and that all written public comments must be received no later than March 16th. All members present were in favor; and passed. No opposed.

VII. Any Other Business:

Infinity Custom Harvesting is parceling off 2.29 acres with a house and out buildings on Shellstone Road. This is an exception to the Town's Subdivision Regulations and they do not have to go for subdivision approval with a public hearing and SEQR review. **Motion** by John Hutchison and seconded by Peter Rea to approve Infinity Custom Harvesting's single lot subdivision without a formal application and/or public hearing because this request falls under the Town of Florida's exceptions to the Subdivision Regulations, which states that once every three years there may be (a) a two lot division of land with one lot retained by the seller, (b) a two lot division of land with one lot containing an existing dwelling, (c) a two lot division of land in which each of the two lots contain five acres or more. All members present were in favor; and passed. No opposed.

VIII. Public Comment: 8:33pm

Ken Moritz 270 Belldons Road, concerned about the handling of the Kimber application for the wedding venue and the way the process has been handled.

Tom Nelson 783 Pattersonville Road, the wedding venue has an active website and facebook page currently taking reservations for 2023. They had an open house in May of 2022 and were taking reservations at that time as well. They advertise that their home is modified to accommodate the wedding party for pictures and prep as part of the venue itself. The website for the venue states that they can accommodate 200 people. This is an active agricultural area. The farms in that area use liquid manure for fertilizer. There is an active farm across the road with cows, crops and manure. The land is currently used to chop for the farm. The neighbors that recently found out about this project are not happy.

Walter Castiglia 187 Scotch Church Road, lives approximately 450' from the Kimber's barn and can hear the family outside in their pool in the summer. The family noise does not bother him and his wife, who is homebound due to illness, but if there was to be music and a party they would be able to hear that and he is very concerned. At the corner of Route 160 and McDougal Road is a blind curve. He is one of the neighbors and he was not notified by the Kimbers about this venue.

Terri Phillips 783 Pattersonville Road, her sister lives next to the Kimbers and she was not spoken to or notified until she got a Christmas card from them this year with a letter talking about their plans.

Joe Wells 318 Shellstone Road, doesn't live near this proposed venue but is concerned about a venue such as this being in the Town. It bring noise and traffic and he would not want to live near such a business. People move out here for the quiet and not for a bar like atmosphere. If the temporary lights run on generators they will be noisy. If they run from electricity they will need to run lead cords and that poses a risk unto itself. If alcohol is served that poses another set of risks, not just to patrons but to the residents who live near this or in the Town. You will have increased traffic from the guests as well as the catering companies and their employees, garbage pick-up and port-a-john deliveries and such.

Public Comment Closed: 8:44pm

IX. Adjournment

A **Motion** was made by Nicholas Armour and seconded by Charles Saul to adjourn at 8:44pm; all in favor.

Respectfully Submitted
Emily Staley
Town Clerk