

**Town of Florida  
Planning Board Meeting  
Monday, April 3, 2023  
7:00PM**

**MEMBERS PRESENT:**

Stephen Viele, Chairman  
Dan Roth, Member  
Scott Marshall, Member  
Peter Rea, Member  
Charles Saul, Member  
John Hutchison, Member  
Nicholas Armour, Deputy Chairman  
Jayme King, 1<sup>st</sup> Alternate  
Cindy Shultz, 2<sup>nd</sup> Alternate  
Michael Crowe, Attorney

**ABSENT:**

**I. Call to Order**

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

**II. Pledge of Allegiance**

**III. Adoption of the Agenda**

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

**IV. Adoption of Minutes**

**Motion** was made by Scott Marshall and seconded by Nicholas Armour to approve the minutes of the March 6, 2023 meeting. All members present in favor and passed. None opposed.

**V. Correspondence**

**VI. Business**

**1. High River Energy Center – Subdivision of Land at Pattersonville Road**

Steve Viele went around the table and asked if any board members had questions. No one had questions or comments. Steve read through SEQRA parts I, II & III. The applicant completed part I and the Planning Board completed parts II & III.

**MOTION** by Nicholas Armour and seconded by John Hutchison to find that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared and a negative declaration can be issued. All members present in favor and passed. None opposed.

**MOTION** by Nicholas Armour and seconded by Scott Marshall to approve the subdivision of lands on Pattersonville Road. All members present in favor and passed. None opposed.

**2. John & Grace Kimber – Wedding & Events Venue – Site Plan Review**

Attorney Mike Crowe read from the Zoning Ordinance to assist the Planning Board in knowing what their role was. They can set conditions and restrictions on the venue to keep it in harmony with the neighborhood and comply with the local laws and ordinances. The conditions and restrictions have to be relevant to the concerns raised by the public. The applicant completed part I of the SEQRA and the Planning Board did parts II & III.

Discussion regarding SEQRA #8 – there will be a traffic increase when there are events. If the number of events increases over time then traffic could increase above what is currently on the road. McDougall is not a heavily traveled road. Attorney Crowe read the impacts definition from the DEC handbook and how impacts should be determined. If there is a question regarding traffic and its impacts then the Board should discuss the effects and how to mitigate the effects. Chairman Viele said effects of traffic can be mitigated by limiting the number of events allowed at the venue.

Discussion regarding having a specific opening date and a closing date for events and how many events should be allowed in that date range.

Attorney Crowe pointed out that the Special Use Permit goes with the owner of the property; not the property itself. If the Kimbers sell their property then the Special Use Permit becomes invalid and is revoked. He also stated that the Town of Florida does have the Right to Farm Law that protects a farmers right to farm his/her land and that while a lawsuit could be brought it would probably have no real basis for success.

Some questions/concerns raised based on public comment were as follows what will be the number of people allowed at events, farm equipment and cars sharing the road – the road is very narrow (no on road parking), who would follow-up on complaints and if conditions are not met (ZEO & permit can be revoked). Chairman Viele took an unofficial poll of board members and asked if each member was favorable, unfavorable & why, favorable with conditions. Nick Armour – unfavorable. Concerned about enforcement of conditions. Peter Rea – favorable with conditions. Charles Saul – unfavorable; concerned that application narrative has changed multiple times since original was filed. John Hutchison – no comment. Dan Roth – favorable with conditions. Scott Marshall – favorable with conditions; needs building/codes approval. Jaymen King – favorable with conditions. Steve Viele – favorable with conditions. Cindy Shultz – favorable with conditions. The concerns of the Planning Board and residents can be compared to the Zoning Ordinance and conditions can be set. Discussion by Board members regarding hours of operation, alcohol free zone, designated parking and parking attendants (especially at night), no live bands, need Building Inspector approval, handicapped accessible bathrooms, no road parking, occupancy issued by Building Inspector, how many events can be held to keep the venue a secondary use to the residence, Cindy Shultz recommended limiting the use to every other weekend May 1 – Oct 31 and have them come for a renewal of the permit in three years. Attorney Crowe said that enforcement of the conditions by the ZEO and the permit can be revoked if the conditions are not being met and then the Kimbers would have to start the application process again. Stone should be put at the parking entrances to cut down on mud being brought out onto the road, alcohol serving could be stopped an hour before the event ends, could hold two events every other weekend; which would be one a day each weekend. Chairman Viele expressed concern that the application narrative says “events” and “occasional” which is not every weekend. Residents don’t want events happening every Friday, Saturday and Sunday. Attorney Crowe stated that a season could be set for the events and so many events per the season so as to not negatively affect the character of the neighborhood. Nick Armour expressed continued concerns regarding how the conditions will be enforced. Dan Roth asked if there was law to back up conditions; give a ticket and/or revoke the permit. Attorney Crowe explained that after so many offenses the Kimbers will have to come back before the Planning Board and the Board will have to decided if the permit should be revoked. Chairman Viele asked each board member how many events they each thought would be reasonable; Scott Marshall – 3 in a four (4) week period. Dan Roth – would agree with the majority of the board. Jayme – 1 a week or majority of board. Charles Saul – 3 per month. Pete Rea – 4 a month/1 per week. Cindy – every other weekend/3 in a month. Nicholas Armour – 2 per month and come back in 3 years to see if there are any violations of the conditions. Should give the ZEO a list of

events each month and the dates. Steve Viele – 3 per month. Nick expressed his concerns again with enforcement and needed witness statements. Attorney Mike Crowe explained that the ZEO, based on witness statements and site visits, can issue notices of violations then the Kimbers would have to come before the Planning Board for the board to review the violations and decide if the permit should be revoked. Jerry should be notified by the Kimbers the dates of the events. At some point the Kimbers can come back and ask for more events to be allowed. Discussion over specific conditions to put into the motion for approval/disapproval. If there is mud on the road then law enforcement should be called to issue a ticket. Tim Miller – Building Inspector asked about the room for a limousine or party bus to enter and exit the site. If tents are used for the event a permit would need to be applied for per codes. Chairman Steve Viele read SEQRA parts II & III.

**MOTION** by Paul “Scott” Marshall and seconded by Jayme King to find that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared and a negative declaration can be issued. All members present in favor and passed. None opposed.

**MOTION** by Nicholas Armour and seconded by Paul “Scott” Marshall to approve the Kimber’s application for a Special Use Permit for a wedding and events venue in the barn located on their property at 526 McDougall Road, Pattersonville, NY with the following conditions to be met and adhered to for all events:

1. No events to start before 8:00am and must conclude by 10:00pm.
2. Alcohol service is to conclude by 9:00pm.
3. 30’ – 40’ of gravel must be laid at the parking entrances.
4. No less than 10’ set back from the neighboring property line to be designated by cones and/or stakes with rope.
5. Attendants to assist with entering and exiting the property before and after events; and to assist with parking of cars in the designated area.
6. All applicable building codes will be met as required by the Building Inspector.
7. No live bands.
8. No on-road parking.
9. Only 3 events allowed per month.
10. Events allowed only, between May 1 through October 31 of each year.
11. Handicapped parking spaces must be clearly marked with signage.
12. The number of guests may not exceed the Occupancy Permit issued by the Building Inspector for the main barn/building. Tents may not be used for the purpose of increasing occupancy.
13. The Special Use Permit is specific to the Applicants, John and Grace Kimber, does not run with the land, and is non-transferable.

**Roll Call Vote:**

Steven Viele	Aye	John Hutchison	Abstain
Dan Roth	Aye	Jayme King	Aye
Paul (Scott) Marshall	Aye	Nicholas Armour	Aye
Peter Rea	Aye		
Charles Saul	Nay		

Application approved with 6 Aye votes, 1 Nay and 1 Abstention.

**3. New Leaf Energy – Draft Scoping for EIS**

Review of the current draft scoping document. The Planning Board wants additional photo simulations and different sites. What the turbine will look like with and without visual mitigation. Especially at Minaville Park and the Town Office Building/Hall. Peter Rea brought up the fact that RF studies still need to be done to establish a baseline for possible future issues. Steve LeFevre asked Peter if he would right up specifically what needs to be done and send it

on to Steve LeFevre by Thursday April 6<sup>th</sup>. If anyone on the board has any changes or additions to the draft scoping document let Steve Viele know and he will send them on to Attorney Mike Crowe and Steve LeFevre by Wednesday afternoon. Steve LeFevre pointed out that Rulison Honey Farms is the oldest operated honey farm in the Town of Florida and consideration should be given as to the effects the turbine could have on the bees and the business. There will probably be a road use agreement with the Town of Florida before construction begins. Also there is only one way in and out to the home at the end of YMCA road. Steve LeFevre suggested a timeline of the turbine application should be included in the EIS; he had a tentative timeline included and asked the secretary, Emily Staley, if she could verify the dates. All updates or additions should be sent by 5pm Wednesday in order for Steve LeFevre to send all the information on to New Leaf. All interested and involved agencies need to be sent the final Scoping Document. There are no time constraints for the Draft Environmental Impact Statement to be done and back to the Planning Board for review. New Leaf can take whatever time they need.

#### **4. Any Other Business:**

Chairman Steve Viele announced that the next Planning Board meeting would be the Special Meeting to review and rewrite the Planning Boards recommendation to the Town Board for the Nadler/Francisco PUD on Wednesday, April 19, 2023 at 6pm.

#### **VII. Adjournment**

A **Motion** was made by Steve Viele and seconded by John Hutchison to adjourn at 9:02pm; all in favor.

Respectfully Submitted  
Emily Staley  
Town Clerk