

**Town of Florida
Planning Board Meeting
Monday, September 12, 2022
7:00PM**

MEMBERS PRESENT:

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

ABSENT:

I. Call to Order

A meeting of the Town of Florida Planning Board was called to order at 7:12pm, following the Public Hearing that began at 6:30pm, by Chairman Michael Taylor.

II. Pledge of Allegiance

III. Adoption of the Agenda

Motion was made by Rudy Horlbeck and seconded by Peter Rea to accept the Agenda. All other members present were in favor.

IV. Adoption of Minutes

Motion was made by Charles Saul and seconded by Stephen Viele to approve the minutes of the August 1, 2022 meeting. All other members present were in favor.

V. Correspondence

1. County Referrals regarding the Hutchison Harvest project and the New Leaf Energy (Borrego) wind turbine project were returned signed for approval.
2. TDE proposal from Barton & Loguidice for Dollar General Fresh application.
3. Letter from the citizens group against the PUD.
4. Copy of the citizen's group petition with more signatures.

VI. Business

1. Andrew Neznek – Single Lot Subdivision on Sulphur Springs Road

Andrew Neznek's parents are giving him approximately 36+/- acres out of 33.20 acres of property on Sulphur Springs Road. No public hearing is necessary because this falls under the exception to the Subdivision Regulations that one parcel can be separated off every five years if the owner will retain the other parcel.

Motion by Don Peretta and seconded by Rudy Horlbeck to approve Neznok Family Trust's and Andrew Neznok's single lot subdivision without a formal application and/or public hearing because this request falls under the Town of Florida's exception's 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.

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

Val Ferro reviewed the section that the Planning Board is supposed to use to come up with their recommendation. She went over each point and stated that in March of 2021 there was a meeting with City of Amsterdam representatives with an overview of the proposed project and regarding expansion of the water/sewer service. An analysis would need to be done to expand utilities beyond the PUD area. This is only the 2nd update to the original submission based on questions and comments. The Comprehensive Plan does talk about balancing the rural with development and the applicant has done that. This is to make an attempt to attract younger professionals to the area to live and work. Deb Slezak, Attorney for the Town reviewed the PUD regulations in the Town's Zoning Ordinance and explained the PUD process. She used the Rivers Casino in Schenectady as an example of multiple uses in a single area to explain what a PUD is for. She also explains what the process is after a Public Hearing. The Planning Board needs to do a report to the Town Board and give their reasons for either a favorable or unfavorable recommendation. Val Ferro, Steve Wilson & Mick Mullins asked if the Board had any further questions that they could clarify to assist with the Board giving a favorable recommendation. Val also stated that the public will have another opportunity to speak at the public hearing that the Town Board will be holding after they get the Planning Board's recommendation. Attorney Slezak asked if Winn Stanley was still involved and Val said they had stepped back. Mick Mullins stated that the owners of the land were still interested in creating a PUD zone. Val Ferro reviewed the information already given to the Planning Board previously. John Hutchison asked if utilities will be able to be expanded at a later date. Mick Mullins explained that is a possibility for the future. Due to there being an incline going south on Route 30 a pump station would need to be constructed. The cost burden for any water/sewer infrastructure would be shouldered by the developer. The question was asked about alleviating the added burden of more commercial buildings on the fire department. The buildings would have their own sprinkler system; possibility of assisting with the cost of equipment upgrades. Attorney Slezak state the Planning Board has 60 days from when all materials and information has been accepted to begin the 60 day "deliberation" period. Chairman Mike Taylor expressed that he is comfortable that all the information has been turned in and that the countdown should begin tonight. Even though an extension was asked for last month, after hearing tonight's information and listening to the other Planning Board members and reviewing the PUD in the ordinance the chairman and the Board feel all information was not presented prior to this meeting. John Hutchison stated that the applicant was told last month a decision would be given and a decision should be given. Attorney Slezak informed the Board that they do have options and a lot of information has been given throughout the process. Stephen Viele stated that he is not ready to move this forward, he has done research and talked to some residents. Peter Rea stated that he has done research and listened to the public opposition and would like an opportunity to talk through all of the information during a workshop with the Board

members. Peter also informed the Board that the state of NY is looking to market sites for higher end manufacturing jobs such as tech and chip manufacturing and he would welcome more discussion with the other Board members. Rudy Horlbeck, John Hutchison, Steve Viel, Peter Rea and Mike Taylor all expressed a desire to have a working group meeting with the Town Board as well. There will be no public hearing or input until the Town Board schedules its public hearing.

MOTION by Rudy Horlbeck and seconded by Don Perretta to hold a workshop meeting with the Planning Board and the Town Board on Wednesday, September 28, 2022 at 6:30pm at 167 Fort Hunter Road to review and consider all the information presented in regards to the PUD. All members present in favor and passed.

Clarification that this working group is for the Board to review all submissions in regards to the PUD. Attorney Slezak encouraged the Board to review the PUD regulations to be able to develop the framework to make their recommendation to the Town Board. The Board can send any further questions to the Secretary and she will pass them along to Val Ferro, Steve Wilson and Mick Mullins ahead of the meeting and they can respond before the workshop.

3. New Leaf Energy – YMCA Road Wind Turbine

Peter Rea expressed his dissatisfaction with the response, or lack thereof, he received regarding the RF environment concerns he has. He stated that there was a lack of technical data presented to answer his questions and concerns. He would like a near filed effect study for a baseline before the turbine is installed and another study after to show if there is any interference in radio wave transmissions. If there is interference then the FCC would get involved and fines could be levied and the turbine could be shutdown. Peter told Dave Strong and representative that he wants on the record, that New Leaf Energy will not do an RF study for baseline and that they take full responsibility for the consequences that may arise if there is interference with radio wave transmissions. David Strong stated that a study could be done and recommendations for possible mitigation could be suggested as well. There could be a pre and post study done regarding RF interference for HF frequency specifically. Brad Grant of Barton & Loguidice spoke about New Leaf having their responses to the public's concerns and questions available for the board before the next meeting. He also spoke about New Leaf setting aside money for an escrow account to be held by the Town in case issues come up after installation for residents who may see the turbine and want screening, shades or other means to block the sight line. At the next meeting would be final review of the project and SEQR. It was suggested that New Leaf and the Secretary could share their notes on the public comments and questions raised and New Leaf would have their responses for the Planning Board ahead of the workshop so the Board could also discuss and deliberate on New Leaf's application and the information and questions raised by Board members and the public.

MOTION by Rudy Horlbeck and seconded by Nicholas Armour to add the discussion of New Leaf Energy's application and information for a wind turbine off YMCA Road to the September 28, 2022 workshop meeting. All members present in favor and passed.

4. Elan – Marcie Weslock – Dollar General Fresh (Cold Storage/Distribution)Route 5S

Marcie Weslock from Elan Design Lab, Engineer for this project attended to do an initial presentation to the Planning Board regarding Dollar General's expansion to a cold storage and

distribution of refrigerated and freezer items to Dollar General stores. When this facility is opened and running a full operation they hope to service approximately 1,200 stores. Currently have 2,300 stores being serviced with fresh goods and would like to reach 3,000 stores. Working with MCIDA to purchase the land. Docks will be around the back. West side of the building will house the administrative offices, break rooms and dispatch. Employee entrance will be separate from the truck delivery entrances. There will be no cross traffic between the current Dollar General dry good distribution center and this one unless fleet maintenance needs to be done. There is a small wetland that will need to be removed and a mitigation plan done for that by adding wetland elsewhere. There will be a guard house staffed 24 hours a day for trucks entering and leaving. No trucks will be parked outside the gates waiting for dispatch. There may be a traffic light and widening of Route 5s near this site at some point. Plans are being worked on by NYS DOT currently. Approximately 20 truck trailers doing round trips daily. 2 shifts, 12 noon Sunday and 3pm on Friday starts. Approximately 100 employees to be employed. Peter Rea asked if local produce will be source and Marcie stated she would ask. There will be a pump house and reservoir to assist with fire suppression as well as in building systems. There will also be an above ground fuel tank for trailer trucks. This site is approximately 21 acres with a 75' drop from one end to the other. There will be a large berm on the east side and that will be built from the soil that will be dug out to level the plot. Goal is to balance the earth work. Closest resident is NAPA and the berm will help hide the light pollution. There could be landscaping on top of the berm to assist with screening. Steve Viele asked about snowmobile access because trails currently go through the land and Marcie said discussion could be had regarding access. There is sufficient power to the site, no turning lane is needed and Route 5S can handle the influx of traffic. The SWPP is in place as well. Working with the County to purchase the parcel and need site plan approval to move forward. Not using ammonia for the freezers. A type of Freon; not sure yet what type. Steve Viele asked about green energy on the building. Marcie explained that the goal is to service what are termed "food desserts". Brad Grant of Barton & Loguidice asked if trucks are in the que are they running and near any residential homes. Marcie stated no to both. Will there be a maintenance agreement for the storm water ponds? Attorney Slezak said to add this to the agenda for October 3rd for the Board to review and get comments from Brad. The public hearing could be set for the November meeting if the Planning Board is satisfied.

VII. Any Other Business: Nothing at this time.

VIII. Public Comment: 9:00pm

Ken Moritz 270 Belldons Road; should consider equal representation at the workshop. Property values have dropped for parcels next to Target. Township value will be effected and drop 10%.

Sarah Cornett 5615 State Highway 30; referenced an EPA publication on PUD and how they can be useful tools. Referenced the Town's Comprehensive Plan and the Amendments and asked the Board to hold true to the statements. Referenced an article in the Amsterdam Recorder and a quote from the Town Supervisor, Eric Mead regarding truck traffic and protecting the Town roads and residents.

Michael Jennings 189 Buhrmaster Road; glad the Board stepped back and is taking the time to review the information. Concerned that if water and sewer is expanded the development will expand. There

is no town tax currently and the addition to the tax base is not needed. Plows along Route 30 and 161 and it is hard to keep up in the winter with the truck traffic and not enough help. This would strain the Town's Highway Department as well as State resources for road maintenance and upkeep.

Alex Hopkins 435 State Highway 161; enjoys living in the Town. Very quiet. Does not want to see any warehouses, nor a windmill, nor solar. Not going to help the tax base and will be a blight on the landscape.

Sherry Lee Kline 369 Hartley Road; workers are hard to come by now. How will these companies get workers?

Lee Ann Salisbury 125 Fort Hunter Road; There are other areas to develop not this one. Getting up Route 30 heading south in the winter is terrible. Will be more accidents and this could bring more development farther down in the future.

Hillary Graff Langley Road; not in favor of urban sprawl and it moving farther down Route 30 south. There is a different environment here and this would not be a good change. For growth and development and moving forward just not at this location presented. Concerned about fire coverage and the ability of the fire department to answer calls. Very short on volunteers.

Jayne King 177 Sulphur Springs Road; in 40 years or less this could look like Clifton Park if this is allowed. Clifton Park used to be rural and now it is very developed and it is still going.

Les Bramer – Fire Chief Town of Florida Volunteer Fire Department; he has had no extensive conversations with any developer regarding fire protection. Many calls for fire protection and EMS and this would put a tremendous strain on the emergency management areas in Montgomery and Fulton County. Membership is very low and no one is stepping up. Mutual aid needs to be relied on more and more. The service is contracted with the Town Board; not a Fire District.

Stanley Martin 474 McKinney Road; will ruin the Town

Cole Nelson 6762 State Highway 30; wants the public included in the workshop. Mike Taylor explained that the Planning Board represents the residents and they all live in the Town and hear what the residents are saying. The question was asked why does the applicant keep talking to the Board and the public had one public hearing.

Attorney Deb Slezak explained that the public will get a chance to tell the Town Board their concerns at when the Town Board holds their public hearing. When Public Comment is closed there is finality to the process. There are rules that have to be followed and the applicant has to satisfy the questions asked by the Board throughout the process so the Board can make an informed decision.

Ken Moritz – if the applicant can present at the workshop it could slant the Board's decision.

Matt Gogis, Town of Florida Councilman gave a brief explanation of open meetings law.

Joe Wells 318 Shellstone Road; this development will effect travel time for buses and school children. Will lengthen travel times and bring up safety issues that are not present at this time.

Phillip Johnson 489 State Highway 5S; listen to the residents. No wind turbine, no PUD. Grateful for the thorough explanations given tonight regarding the process and the public involvement.

Kristeen Jaracz 221 Fuller Road; public should be included in the workshop. Applicant is not giving correct information. Urged the Board to follow the Comprehensive Plan and listen to the residents.

Public Comment Closed: 9:52pm

IX. Adjournment

A **Motion** was made by Charles Saul and seconded by Rudy Horlbeck to adjourn at 9:53pm; all in favor.

Respectfully Submitted
Emily Staley
Town Clerk