

VILLAGE OF SOUTH BLOOMING GROVE
VILLAGE BOARD PUBLIC HEARING
SPECIAL USE PERMIT – 5 MANGIN ROAD
MONDAY
JULY 18, 2022
8:01PM

Call to order

Mayor Kalaj called to order the Village Board Public Hearing, regarding Special Use Permit at 5 Mangin Road, at 8:03pm on July 18, 2022, via Zoom Webinar ID: 841 4428 8989 for the Village of South Blooming Grove located at 819 State Route 208, within the Village of South Blooming Grove, and having a mailing address of Monroe, New York.

➤ **Roll call**

The following persons were present:

- Mayor's George Kalaj – Mayor
- Abraham Weiss- Deputy Mayor
- Yitzchok Feldman– Trustee
- Asher Guttman- Trustee
- Zalmon Rosner – Trustee
- Joel Stern – Confidential Assistant to the Mayor
- Isaac Ekstein – Legislative Aide to Mayor
- Al Fusco- Village Engineer
- Scott Ugell Esq.- Village Attorney
- Kerry Dougherty – Village Clerk

➤ **Presentation**

- **Mayor Kalaj** opened the public hearing that is about 5 Mangin Road, the kosher food deli and asked Mr. Fusco to make comments about it. **Al Fusco** explained that in the zoning it is allowed with a village board special use and he believes that is what the public hearing is for, to allow a special use for a retail establishment in that zone. They had presented plans from Stonefield and he has reviewed them and they have made some changes. He gave them a new review on June 16, 2022 but he is still waiting for the newest plan, but they did show signs of cooperating through the project and obviously we need to move forward with the site plan if in fact the village board does approve the special use permit.

➤ **Public Comment**

- **Sheila McGroddy** she has concerns, she does not believe a traffic study has been done for this project, she would like to ask that question. She travels down Route 208 very frequently and the traffic has gotten really increased and dangerous, she was on a call last week, a meeting, where somebody who lives locally expressed concerns about having had an accident and had a near miss last week and she has to say that she was a little disturbed as to the response to her concerns, she knows she has heard you speak many times about rumble strips and things to try and slow things down in the neighborhoods to avoid children getting hit, so she applauds you for that certainly, she does not believe that you do not care about the health and welfare of the public, but the comments last week were pretty much along the lines of accidents happen and that's why they are called accidents. She would like the board to rethink that especially tonight as you are considering a 6,000

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square foot supermarket right off of Route 208. Although she does not live in the Village of South Blooming Grove she does travel down often as do her family members for work and other things and she really has concerns. She did want to mention a couple of other things, making available materials to be discussed at meetings is required by the Department of State for the open meetings law and it does say that municipalities with high speed internet and routinely updated website records to be discussed at a meeting must to the extent practical be posted on the municipal website 24 hours prior to the meeting. She knows somebody did come down today and take pictures, she is questioning the number of parkin spaces, it looks like it is something along the lines of six which doesn't sound like nearly enough so she does want to question Mr. Fusco about the parking availability. I know that he just mentioned that on June 16 he had a review done with the engineer. Her experience and her understanding for the Town of Hamptonburgh is that those questions would be in public. Public meetings involve the public and availability to members of the public and we were not, as public members, I don't see any documents on your website in terms of his written comments to the engineer as to what he wanted change, that should all be public information available to the public. The NSPE, National Society Professional Engineer code of ethics for engineering, the fundamental canon is that the engineer and the fulfillment of the professional duty shall hold paramount the safety, health and welfare of the public and she also believes that would be in the interest of the planning board and well as the entire village board and she believes that you do care about the public but please do a traffic study, lets see what this is going to generate before you make decisions without a through review of the site plan.

- **Isaac Ekstein** asked Attorney Ugell that this public hearing is about the site plan or this is about the special use permit. **Attorney Ugell** advised that it is only for the purpose of doing that (special use permit) and then it will be sent to planning for further review. **Mr. Ekstein** so all these comments about the parking and the traffic should be directed to the planning board. **Scott Ugell** advised it is premature until the planning board address the actual site plan, then that is when people would give their comments, and all are welcome to attend that, the planning board sessions are open to the public. There will be another hearing at the planning board level. **Mr. Ekstein** clarified that this is if the board should consider the special use permit. **Attorney Ugell** and if the board was to approve that with a condition that it meet whatever the planning board requirements would be in order for it to be given final approval. It is a conditional vote tonight if there is a vote.
- **Sue Anne Vogelsburg** she is not quite sure about the special land use permit thing, but Mangin Road is kinda like a nightmare, as it is already, it goes up hill and it is not a straight road, at the top of it, you have that house at 55 Mangin, you have a house of worship or a school and with all that bus traffic, and then you add a business to the bottom of it, right where it intersects with Route 208, to her that is a recipe for disaster, as we all witnessed today, what can happen with Route 208 and for a traffic study, she remembers with Stonegate Drive, Mike Morgante, the project manager said we didn't need to do a traffic study because the entrance is on Stonegate Drive, and so the same thing here, she can picture the project manager saying the same thing, we don't need to do a traffic study because the entrance is on Mangin Road, well the only way you are going to get to Mangin Road is from Route 208, so she thinks that really needs to be taken into account and how it already zigs and zags there, so she thinks that is something that needs to be taken into account and hopefully tonight

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you will let us know if this is going to go to the planning board you let us know what that date is so that we know to bring up these concerns as well.

- **Kristie Johnson** a thing about this zoom meeting, as a panelist I can see everybody who is on which is a view that I should have just as an attending member of the public and I don't and that is not on my end, mind you that I am an IT major and a web designer, I know how to use a computer, it is on your end where your view is not giving the public a view of everyone who is attending the meeting which is violation of the open meetings law. We can only see who is talking as a regular member. Why are we having this special meeting for the special use permit on a property when it really gives us hardly any notice about what is going on. We saw on the news that the house was demolished, the owner telling a representative of the media that he already had all the permissions he needed to demolish the house. This is all very confusing. The other thing that she wants to talk about, Sheila mentioned someone complaining, I am the one who complained about having an accident on Route 208 a few days before Christmas and a near miss because somebody ran a stop sign a couple of weeks ago. The response was Oh, well accidents happen and the Blooming Grove Police Department is doing an excellent job and here you are looking to give a special use permit for another property that is going to make an already impossible situation even worse without zero consideration for public safety. Let me tell you something, the police are not here to make up for your lack of planning, on a road as major as Route 208. That is not their job, not only that, if a police officer was at the intersection when that person ran a stop sign, what do you think he was gonna do to stop me from getting crushed. The fact that I am a great driver and my husband is a great driver is the only reason that there are no mortalities on your hands right now. Because in my husband's accident, he avoided rear ending a car that had a three month old baby in the back. Now you understand my frustration and why I am angry, I have a right and a perfectly good reason to be angry. This board, now is looking to push this special use permit and grant the powers that should be with you with the planning board, granting it under certain conditions, well we already know that you guys don't follow through on anything. If it wasn't for the public, half of this stuff that you do, that you do wrong, you would not even be aware of. The mistakes, the lack of consideration and concern is borderline criminal, you need to stop, enough with the special use permits, enough with the building, do a traffic study, a real one with a real company, not a traffic study that one of your friends decides that they are going to narrate for a traffic study company, so you guys can skip all the red tape to keep moving things forward. Enough is enough is enough, there is a water shortage, Route 208 is not safe.
- **Joel Stern** stated that Mrs. Johnson mentioned that one of our friends, one of your friends, would you please elaborate who the your is and who the friends are. **Mr. Ekstein** advised that this is not a back in forth, **Attorney Ugell** advised to let it go the **Mayor** advised to stop right there, we are listening to the people and we are not going to go back and forth, please.
- **Patty Morrice** advised that she lives right up the block from Mangin and she travels down Mangin Road to Route 208 almost every day when she is going to work, it is a nightmare trying to get out, when she comes home from work and is trying to make a left into Mangin Road, that is a disaster also. She cannot imagine having a deli there with people walking, multiple cars coming in and out, what about the building that is going up in Stonegate, why can the deli be put in there? There are three entrances into that area and she thinks that will be a safer place for it.

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- **Dawn Salka** she sent an email earlier but now that she is able to make the meeting, she would like to say that she reviewed the site plans for the 6,000 square foot store and she has discussed in person at village hall today. The plans are missing the dates, the site plan that has been submitted still has the house on it, which was demolished last week, the site plan states that the existing residence is to remain. So new plans need to be made up that says no house and also the number of parking spots and it needs to be resubmitted to the building inspector in the village hall. It states no correspondence to review, she finds that hard to believe that nothing has happened and the only thing that is in the folder is the plans for the building. You don't seem to think that a traffic study is need for all the truck deliveries and the people that are coming there shopping, going in and out and she doesn't see any lights in the parking lot, don't you think that is going to effect other people, that is not in the plans either. There are no lights in this parking lot, this used to be single family home area, your parking lot has two stop signs either in or out, you don't stop for stop signs anyway onto this tiny Mangin Road, you have a gravel parking lot, does that plan to be updated? Proposed temporary storage enclosure, when and what will be permanent? The refuse pick up area is only the size of two parking spots and I find it hard to believe that 6,000 square foot supermarket is only going to need a spot that big, where are the deliveries being made, that is not on the site plan, 15 foot set back for a soon expansion Route 208, how tall is this proposed 6,000 square foot building, that is not on the plans, this proposed project for Mangin Road is incomplete, it shouldn't even be forwarded to the planning board on Thursday's meeting when this public hearing is closed or table, is the rest of the meeting going to be made for public comment because she sees a lot of resolutions that she is wondering when you had the work session, when you met together and had this discussion of what you were going to do and was not open to the public, so will we be able to ask those questions later on or will you not call on us because we have already spoken.
- **Bylu Rutner** all she has to say is that she is extremely pro for it, she thinks for the growing community it is extremely important whether it is evening and she needs to run and get a bottle of formula for her kid, whether it is a pregnant woman craving a kosher dairy ice cream, we need the convenience, it is pretty difficult heading back and forth into the village as the majority of the women don't drive here, but she is totally for it and she honestly can't wait until it opens.
- **Blimi Ackerman** she lives in Spring Valley and has family members in Bloming Grove and being that they are limited with kosher, the question shouldn't be, if its allowed, or rather how can we make this work so that it works for everyone. It is not like it is optional, if I am out of my neighborhood, I still need to get food, it is not like she can just drive over to a different one, we don't have options, so if there is someone who is willing to step up and do something about his problem, it is not a matter of if we should do it or rather how we should do it. Definitely all of these safety concerns should be reckoned with but the fact that we need a grocery and we need Kosher wherever we go should be something that everyone should agree to and be happy to provide us with that need being that it is a need vs. a luxury. Its not an extra it is something we really needs in every area.
- **Chana Kornbluh** whenever she needs a kosher item she relies on the stores that are located in the Village of Kiryas Joel, in the busy prime times there is always traffic there and always lots of time. Therefore, she feels that we need a store that is centrally located and at the same time, there will be a tax income for the village and there will be more jobs for the locals.

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- **Minky Kleinman** this might sound petty to someone that does not understand, but in all honesty, this past winter, she commutes back and forth and comes and goes freely even though she does not drive, she came after a long day of work and she needed milk, juice and ice cream. When the ice cream gets here from a long distance grocery shop very often it is melted. I walked over to the local deli and asked them to get non-dairy ice cream that she could bring home, they tried to accommodate her, three more visits to the deli she still could not get the ice cream after a long day of work. The convenience of being able to get the food she needs for her family after a long day of work is important for her and for many people that are raising families in this beautiful community. It is something that we tried the local stores for and it didn't work for her.
- **Ed West** at the last meeting you guys said that you put in an ad and that you had all the site plans about this new project and I just was doing a little bit of research and he was wondering if you have done an environmental assessment with this as well as all the required material SEQRA determination of this as well did you do a historical review of the property before you guys tore it down. Because all of that stuff you are required to also consult the County Planning Agency as required because if particular property is within the 500 feet of the right of way of a state road, which is Route 208 and it is also the stream that runs right parallel to that property is within 500 feet of a county stream and it is also part of the flood of the entire community that is behind that. He also feels all the pain of these people that can't buy ice cream when they stole our community, they might have thought about that before they moved here, that there was no kosher place to buy except for in KJ but they voluntarily moved here so he does not feel their pain. He is requesting that, he was up through KJ the other day and he has not seen one person wearing a mask, he doesn't understand why we are still doing Zoom meetings because of the cowardly board that is afraid to face the public. He is requesting that the Mayor revoke everything that has been done through the Zoom meetings for the last six months and that everything is prepared with a public hearing where people in the community can be heard.
- **Isaac Ekstein** as he said earlier, this public hearing is not about the structure, site plan, parking, traffic study, SEQRA or any of those things. This public hearing is about granting a special use permit if this applicant can now go and apply for a supermarket, then at that point, the planning board has all there stuff they need to go through to make sure that everything is done the right way. Traffic Study, SEQRA, everything that is require of them to be done, the planning board with their attorney and engineer will make sure of that as they are doing with any other project. As far as stealing people's house, no houses were stolen here, everything was sold at a prime market rate, above market rate, people actually got rich here. Kosher food is not a luxury and people practicing a religion, any religion, should be entitled to any of there religious needs wherever in the United States they are going. Blooming Grove should be no different, just like we have a lot of houses of worship, which prior administrations did not allow that because they figured Blooming Grove is special, it is not, Blooming Grove should welcome any religion and anyone who is practicing their religion, whether it is a house of worship or a kosher supermarket or if someone wants to do a mosque or a church whatever they want to do they should be entitled to do, they are in the United States of America, that should be the spirit.
- **Julia Flower** she would like to say she apologize for any of the hateful comments that have been directed towards you guys, she comes with just her feelings on this situation with no bias

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whatsoever. I have worked in the community for many years and she has the utmost respect for everybody and anybody. She just wants everybody to sit back and think real quick about the impact this will have. She understands that you have a need for food and convenience is a big plus but she also remembers a few years ago when a Jewish mother and her children were crossing the street and she was hit by a car and dragged down the road and it was myself and my son who went out and helped her children get back into the house while their mother was on the side of the street. Thank God she was fine, but there have been so many accidents on this road and she just doesn't see how the impact of traffic is not a major concern here, this is all residential and again she understands the need for convenience, but its just not the right place in her opinion and she can see where you will build from her backyard and she doesn't see how we can do something so big in somewhere that is used to so small.

- **Isaac Ekstein** he remembers that accident, he is an EMP a paramedic student and he was at that accident as well and thank you so much for helping out there, he remembers you helping out and it was very tragic, thank God they all got out alive and well, they were healthy and it is a crazy road, Route 208, as an EMT I am responding to accidents literally every day. That is exactly why the community is so appreciative of this property owner that is proposing a supermarket on this side of Route 208. As you know living on 1 Merriewold Lane there is no commercial space on this side of Route 208, all commercial is on the other side of Route 208 where Village Hall is located we have C & G and you have not finally getting Stonegate project that was also prolonged for a few years in the previous administration which they will also have a kosher supermarket on that side. What this will create is that people from Merriewold North/Lakeshore side should not have to cross over Route 208 to God forbid get in a situation where those children and their mother were in. This will make people from Capital Hill and Whorley Heights have a supermarket on their side of town and people from Lakeshore, Merriewold, Tanager Road and Peddler Hill side of the village should not have to cross that side. This is one of the biggest benefits of having a supermarket in that area, from his personal opinion. One more comment, a lot of people have commented about the property owner turning down their house before any public hearing or any of that, just to make things clear, a property owner is entitled to go to the building department for a demolition permit, it is not wise because what are you going to do with this property, it loses the value but he is entitled to do with his money whatever he wants. As long as he comes through all the required tests, studies and all he needs to do, as far as that old building which he did, the building department made sure it was not a historical registered, the building department made sure that the asbestos was taken care of as needed and as long as they are meeting those requirements they are entitled to tear down their house as long as the building department is okay with that and it is safe by the New York State and Village Code. If it is wise he wouldn't recommend anybody doing that because losing a lot of property value but that is his decision to make not up to the village board.
- **Pinchus** he lives in Woodbury and his wife is working in the Town of Monroe next to Chase Bank and he works in New Windsor so he is passing over to Route 208 and makes a right onto Clove Road. He passes all these roads. Anybody saying about he traffic, it is a disaster right now. The only thing that will happen is that it will be better because the traffic right now at Mountain Road will be better because people will not rush so much into Kiryas Joel and the traffic right now by

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Clove would be much easier because people will buy their food much more local and stay in the local village making it easier for the traffic.

- Clerk has a written comment about light pollution and will submit it to the planning department.

➤ **Adjournment**

- Motion to close the public hearing at 8:44pm. by Mayor Kalaj, seconded by Trustee Feldman. 5 Ayes, Mayor Kalaj, Deputy Mayor Weiss, Trustee Feldman, Trustee Guttman and Trustee Rosner.

Minutes respectfully submitted by
Kerry Dougherty, Village Clerk