

**VILLAGE OF SOUTH BLOOMING
GROVE
SPECIAL MEETING
VILLAGE BOARD OF TRUSTEES AND VILLAGE PLANNING BOARD
TUESDAY - AUGUST 9, 2022
12:00 PM**

➤ **Call to order**

Mayor Kalaj called to order the joint special meeting of the Village Board of Trustees and Village Planning Board at 12:07 pm on August 9, 2022, via Zoom Webinar ID: 89701202861 for the Village of South Blooming Grove located at 811 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:

- George Kalaj – Mayor
- Abraham Weiss – Deputy Mayor
- Yitzchok Feldman – Trustee
- Asher Guttman - Trustee
- Zalmon Rosner – Trustee
- Solomon Weiss – Planning Board Chairman
- Abraham Klepner – Planning Board Member
- Yoel Ungar – Planning Board Member
- Simon Schwartz – Planning Board Member
- Dov Frankel – Planning Board Member
- Isaac Ekstein- Legislative Aide to Mayor
- Al Fusco, Village Engineer
- Scott Ugell Esq.- Village Attorney
- Joel Stern – Confidential Assistant to the Mayor
- Ira Emanuel, Esq. – Special Counsel
- Kerry Dougherty – Village Clerk
- Simon Gelb – CPC Representative

➤ **Discussion :**

- **Mayor Kalaj** this meeting is regarding the Clovewood SEQRA, Attorney Emanuel and Engineer Al Fusco are going to make a few comments.
- **Attorney Emanuel** we are special counsel to the board with respect to the Clovewood matter, this matter has been under consideration for quite some time, it has gone through the full environmental impact statement process and what we are here to consider this afternoon is the combination of that process. As a brief recap the boards are aware of course but for the benefit of the public, under the SEQRA process the boards are required to evaluate the environmental impacts of all land use projects. In this particular case, the boards determined that an environmental impact statement was appropriate. The boards declared themselves to be joint lead agencies and thereafter held a scoping session and after public hearing and public comment

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opportunity approved a scoping outline, that scoping outline was the basis for a draft environmental impact statement (EIS) which was prepared by the applicant and subsequently reviewed by the lead agencies to determine whether or not it was complete for public comment purposes, completion in this particular regard with respect to the draft EIS merely means that it addressed all of the issues that were raised in the scoping outline. The DEIS was accepted by the co-lead agencies, public hearing and public comment was held by the co-lead agencies, this resulted in a Final EIS or FEIS, which is intended to respond to the comments that were raised with respect to the DEIS. The final EIS was subsequently prepared, reviewed by our office, reviewed by Mr. Fusco, we recommended that it was acceptable for the boards, the board did, in fact, adopt the final environmental impact statement just over ten (10) days ago. Under the SEQRA regulations, there must be a ten (10) day waiting period between the adoption of the FEIS and the next step which is the adoption of a findings statement. That ten (10) day period was not intended as a period to accept comments but is simply a waiting period. So that waiting period is over as of today and a proposed findings statement has been sent to the co-lead agencies for their consideration. That proposed findings statement was also reviewed by our office and by Mr. Fusco's office, our office reviewed it basically as to form, to make sure that it addressed all the issued that needed to be addressed, Mr. Fusco's office revied it for a more substantive perspective and he can speak for himself with respect to that review, but upon our review we recommended to the boards that the statement was sufficient for its consideration recommended to the boards, that the statement was sufficient for their consideration today and that is what we are gathered for. At this point he will turn to Mr. Fusco to see if he has any comments on it and then he will briefly go through the findings statement itself.

- **Al Fusco** – Ira did a fantastic job of explaining the systems that are required for an environment impact statement which includes the scoping, the DEIS, the FEIS and now that findings statement. It has taken considerable amount of time and a lot of effort on behalf of everybody, the lead agencies, the various consultants along the way and obviously the boards have received a lot of information through the course of many years, he got involved a little bit sorta half way through. In reviewing the DEIS which was voluminous but it did include a lot of information with all of the environmental impacts which included the water, the sewer, the environment related to both and relationship of where the water was coming from or where the sewer was going, it had reports from the DEC from the health department and from all the other agencies that were requesting additional information to look at the environmental impacts, including endangered species, the storm water pollution prevention plan to make sure that there was no erosion and sedimentation on the project or that it was minimized and through that whole process the DEIS did include all of the scoping items that he had left to him from the previous consultants, it was completed and then they went to the FEIS which included the answers to the public and consultants and the boards asked of the applicant that were shown during the public periods of the DEIS and the FEIS was quite complete. There were a couple of things and there was a change into it halfway through, it was done quite quickly and it satisfied myself in relationship to the environmental impacts on it and the joint boards accepted that we are then now at the findings statements, he has also reviewed the findings statements that were submitted just

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recently within the last ten (10) days or twelve (12) days, whatever it was, and he found them to be acceptable and meeting the voices of the boards towards this project and what they anticipate, their vision to be going forward.

- **Ira Emanuel** the findings statement as we indicated above is the culmination of the environmental review process. Each agency that is considered an involved agency, which is one that has the authority or the obligation to fund, undertake or approve an action, must issue its own findings statement. This is a joint findings statement of the village board and the planning board because you were acting as co-lead agencies and so this will act for both of you. The findings statement is necessary to be approved before you can grant any approvals for the Clovewood project. It is not the end necessarily of the review process because you still have to go through site plan approval etc, but it is the gatekeeper if you will, it is the final act of environmental review before you can undertake further planning actions. The findings statement is 24 pages long, it begins with an introduction that provides some of the background that we just discussed, it describes the location of the project which I think everybody knows, it describes that proposed project for 600 single family homes along with a water supply system, sewage system, stormwater management system, it describes the processing history under SEQRA, it lists the various involved agencies and the reasons why they are involved and then we get to the meat of it which is section 5, the findings and mitigation requirements. There are some sections that match up with each section of the DEIS and the FEIS, this is where I will spend a little bit more time. Section 5.1 is for land use, zoning and public policy and it describes that the project is in accordance with the village's land use code and there is no need for variances. The proposed finding is that there is no additional mitigation needed for impact related land use, zoning and public policy. Section 5.2 is socioeconomics, the proposed findings statement says that the additional tax revenue will offset the projected costs of services used by residents of the project and provide a positive net financial benefit for the village (he is paraphrasing here). The proposed finding is that there is not additional mitigation needed for sociaioeconomics. Section 5.3 community facilities and services, the proposed findings state that the subservices will be administered by existing providers, the projects population has the potential to add additional volunteers for the volunteer fire services and ambulance services and other voluntary emergency services, in addition the increased tax revenue will help to pay for additional services that are needed. The proposed finding is that no additional mitigation is required. Section 5.4 is community character, the proposed finding is that the project is consistent with the village's community character, identifies the existing visual community character, the development, the overall density, the proposed finding is that the projects overall density of 600 lots or homes on 708 acres will be less than half the density of residential developments located within adjacent communities within the village. The proposed finding is that there is no additional mitigation needed with respect to community character. Section 5.5 – historical cultural resources, those findings discuss the fact that there was a Phase 1a and a Phase 1b investigation of cultural resources and archaeological resources that shovel tests were taken with respect to the project and in the project area. The project received a no impact letter from New York State Office of Parks Recreation and Historic Preservation, particularly the State Historic Preservation Office or

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SHIPO, they found that there was protection that was needed with respect to the MH Howell Farm and the Clove Road precontact sites and the Schunemunk precontact site, the proposed mitigation measures are 1. reservation of a buffer around the MH Howell Farm and Clove Road precontact site and 2. Compliancance with the avoidance and preservation plan for the Schunemunk precontact site that is included as part of the project documents and no further mitigation beyond that is required for potential impacts for historic and cultural resources. Section 5.6 vegetation and wildlife summarizes the various vegetation and wildlife found on and near the site as discussed in the DEIS and the FEIS, it goes on for some length, it discusses investigations of endangered or threatened species of flora and fauna, it discusses that fact that approximately 50% of the site will be retained as open space. The proposed mitigation 1. A deed restriction of the 270 acres of potential timber rattlesnake habitat, 209 acres are on site and 61 acres are off site on an adjacent parcel owned by the applicant within the Town. 2. The implementation of a mitigation plan in regard to the timber rattlesnake. 3. Limited tree clearing activities to the time period between November 1 and March 31 of a given calendar year to address potential impacts on protected species of bats. 4. Preservation of approximately 50% of the site as open space and putting forested areas suitable for uses, habitat by wildlife and will benefit all species of wildlife on the site. There is no other additional mitigation that is proposed for vegetation and wildlife. Section 5.7 – geology, soils and topography and there is a discussion of the soil types and the general topography and the impact of disturbance of soils. The proposed mitigation measures are 1. Implementation and monitoring of the approved storm water prevention plan SWPPP for this project. 2. Compliance with the recommendations detailed in the project geotechnical report and no further mitigation beyond that is proposed. Section 5.8 – surface waters, wetlands and ground water, the side includes a total of 37.48 acres of wetlands, water courses and surface waters, it describes the drainage patterns and the drainage basin, it describes the fact that a SWPPP has been prepared, that all wetlands mapping has been verified by both NYSDEC and the US Army Corp of Engineers as appropriate. Describes also the fact that a wastewater treatment facility capable of meeting F1 standards is proposed so that there will be no degradation to the unnamed tributary of Satterly Creek to which it will discharge. With respect to groundwater, it describes the testing that was done with respect to the proposed portable water wells, the projects wells have been found to have sufficient capacity to support the water demand for the 600 proposed units along with the associated wellness centers and community facilities and that they meet all of the requirements of the NYS Department of Health water supply systems which include being able to supply more than twice the average water demand even with the best well out of service, there is a significant buffer there. The proposed mitigation measures are 1. Avoidance and protection of New York State DEC eligible wetlands and their 100 feet adjacent areas. 2. Protection of Army Corp of Engineers regulated wetlands and streams, and avoidance of impacts to them with the exception of necessary crossings for roadways and utilities which will be achieved through the use of appropriately sized box culverts and other construction techniques as may be authorized by the nationwide permit program of the Army Corp. 3. Implementation and monitoring of the approved SWPPP for this project, no further mitigation beyond those three measures is proposed. Section 5.9 – water and sewer

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infrastructure. The project includes water supply system as we have discussed comprised of six on site water wells, with regulatory buffers, new distribution, piping, fire hydrants and water storage tanks, sanitary sewage system is proposed to be treated at a new onsite wastewater treatment plant along with details with respect to that stormwater management facilities and procedures were also discussed and they are of course described in much more detail in the SWPPP. The proposed mitigation measures are 1. Implementation and monitoring of the approved SWPPP for the project and 2. Establishment of well head protection areas as required by state regulations and there are no additional mitigation measures that are proposed. Section 5.10 – solid wastes. The project proposes to use existing solid waste management recycling practices of village, town and county. The cost for that will be offset by fees and tax levies on the project, on the individual homes. The proposal is for no additional mitigation measures necessary. Section 5.11- transportation. The transportation system, the roadway system around the project is discussed with summaries of the peak hour traffic findings from the traffic impact study, the project includes necessary roadway improvements for access points at Route 208 and Clove Road, it discusses the sidewalk and trail system to accommodate future pedestrian vehicles and making available land for a future public park and ride system should NYSDOT deem it to be appropriate. The applicant also agrees to participate in any efforts to upgrade Route 208 by reserving a 30 foot right of way along the sites entire frontage along Route 208. Proposed mitigation measures 1. Contribution of a fair share toward improvements on NYS Route 208 and traffic monitoring is required by NYSDOT of the village. 2. Participation of the village's efforts to upgrade NYSDOT by the reservation of a 30 foot right of way along the sites entire frontage on Route 208 to be dedicated in the future to the village 3. Installation of sidewalks along the sites entire frontage on NYS Route 208 and no further mitigation measures are proposed. 5.12 – Noise. Existing ambient noise levels were measured at and off the site, the anticipated generated noise levels were taken into consideration, the project is and the project's design with respect to noise was also discussed. Construction noise will be discussed in a later section. The proposed mitigation measure 1. Project design avoids significant noise impacts to off sites sensitive receptors, no further mitigation is proposed. Section 5.13 – Air Quality. There is discussion of the types of concerns that you would have with respect to air quality, discussion of the location of the site with respect to the Hudson Valley Air Quality Control Region, discussion with respect to emission that may be generated by residential units as well as traffic passing to and from and within the site, all which were found to be standard and the proposal is that no mitigation is required for these impacts on air quality. Section 5.14 – Visual and Aesthetics. The project did a visual assessment and balloon testing, the project will include deterioration of deteriorating structures and property clean-up and it is proposed that no mitigation is required for impacts related to visuals and aesthetics. Section 5.15 – Hazardous Materials. Approximately 1.7 acres or 1% of the 708.2 acres property was utilized as an illegal dump by the sites previous owners. A phase 1 and phase 2 environmental site assessment was prepared, identified all the areas where dumping occurred, examined the material and soil in the areas of dumping, no hazardous wastes were found and the dump material was removed, an abandoned fuel tank was also decommissioned, removed and disposed of. In accordance with DEC regulations, DEC indicated

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that no further action was need with respect to the dumping and as a result the proposed mitigation is that no mitigation is required for impacts related to hazardous materials. Section 5.16 – Construction. Discussed construction traffic, construction noise, there is a construction plan, the project will not include blasting or rock hammering however, if there is any rock processing required, it will occur a minimal of 1000 feet from adjacent existing residences, the proposed mitigation 1. Implementation and monitoring the approved SWPPP for this project. 2. Compliance with the recommendations detailed in the projects geotechnical report. 3. Compliance with the Village of South Blooming Grove construction ordinances and no further mitigation is proposed or required for the construction activities. Section 5.17 – Alternatives. The co-lead agencies examined several alternatives. A no action condition, a low density alternative of 70 dwelling units, a base lot count of 340 dwelling units all which were discussed in a little more detail in the proposed findings statement, and the finding statement says that of the presented alternatives the co-lead agencies have determined that overall the proposed project provides greater opportunities to address local and regional needs for housing, including affordable housing, site preservation and financial feasibility and proposes that no further mitigation is required for the impacts related to the alternatives. Section 5.18 – Unavoidable adverse impacts. Unavoidable adverse impacts are those that meet the following criteria 1. That there are no reasonably practicable mitigation measures to eliminate a significant adverse impact and 2. There are no reasonable efforts to development that will meet its purpose and need eliminating its impacts and not cause other or similar significant adverse impacts. The DEIS stated that the project will not result in any unavoidable adverse impacts. As a result of that finding, the proposal states that no mitigation is required for impacts related to unavoidable adverse impacts as all impacts have been mitigated using the mitigation measures specified above. Section 5.19 – Growth and Inducing Impacts. The projects water and sewer supply capacity is proposed to be found to not be sufficient to generate any significant excess capacity beyond that of the project to induce growth and lands outside the project site. General business services will be met from existing commercial properties in the village or nearby in either local or regional shopping facilities. Similarly with other communities, facilities, recreation areas, etc. The co-lead agencies proposed finding is that no mitigation is required for impacts related to growth inducing aspects. Section 5.20 – Irreversible and Irretrievable Commitments of Resources. Whenever you are building anything, there are irreversible and irretrievable commitments of resources, the impacts of those were studied in the DEIS and FEIS, project changes have been made as necessary and the proposed findings is that no mitigation is required for impacts related to irreversible and irretrievable commitments of resources. Lastly, Section 6, the certification of approval findings, the findings certification says that after due consideration and compliance with the DEIS and FEIS and SEQRA procedures, the Village Board of Trustees and the Planning Board as co-lead agencies certify for the reasons set forth in the findings, 1. That the requirements of 6 NYCRR Part 6-17 which are the SEQRA regulations have been met and complied with in full and 2. They are consistent with social economic and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and that

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adverse environmental impacts will be avoided or minimized to the extent practicable by incorporation as conditions to the decision those mitigative measures that were identified as practicable. These findings and all obligations set forth herein shall be incorporated in any further approvals related to the proposed actions. What that means in short, is that all of the changes that were proposed to the project and as discussed in the DEIS and FEIS, all of the mitigation measures that are required as a result of your findings statement, should you choose to adopt it, must be incorporated into the final site plan and any other approvals that are granted with respect to the construction and development of the Clovewood Project.

- **Issac Ekstein** advised that the Findings Statement was circulated to the Village Board and Planning Boards a few days ago already, so they all had a chance to review it, we are just going over it now for the public to get a full understanding.
- **Scott Ugell, Esq.** as village attorney thinks that both Al and Ira have done a magnificent job going through this carefully and making certain that everything is in place and all the issues and all the I's are dotted and the T's are crossed and he for one appreciates their hard work.
- **Ira Emanuel** gave credit to Amy Mele from his office, she has done the bulk of the work with respect to the FEIS to get it in shape so that the findings statement could be also put into shape. He read the proposed resolution.
- **Simon Gelb of CPC** – As the Clovewood Project's Planning Consultant he coordinating the aspects of the Clovewood Project's Planning, SEQRA and other entitlements. The first meeting he had with the Village of South Blooming Grove about the Clovewood Project was in July of 2013, over 9 years ago, since that initial meeting with the Village he worked with the multiple village boards, attended numerous village board and planning board meetings in regard to the Clovewood Project, he is grateful for everyone's involvement in this project since its conception and he wants to thank everyone for their input, assistance, comments and presence in the Clovewood Project's SEQRA review. He especially wants to thank the current boards while everyone's involvement was essential in this project, the boards that are finalizing it deserve extra thanks for their extensive review and assistance carrying the project through the finish line. He looks forward to working with all of the members in the future, thank you and good afternoon.

➤ **Business**

- **Resolution No. (106)** – Resolution of the Village Board of the Village and Planning Board of South Blooming Grove adopting SEQRA Findings Statement on the Clovewood Project. Motion to accept by Trustee Guttman, seconded by Deputy Mayor Weiss. *5 Ayes, Mayor Kalaj, Deputy Mayor Weiss, Trustee Rosner, Trustee Feldman and Trustee Guttman.* Motion to accept by Member Schwartz, seconded by Member Ungar. *5 Ayes, Chairperson Weiss, Member Schwartz, Member Unger, Member Klepner and Member Frankel.*

➤ **Adjournment**

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- Motion to close the meeting at 12:57 pm. by Mayor Kalaj, seconded by Trustee Rosner. *5 Ayes, Mayor Kalaj, Deputy Mayor Weiss, Trustee Rosner, Trustee Feldman and Trustee Guttman.* Motion by Planning Board Member Unger, seconded by Member Klepner. *5 Ayes, Chairperson Weiss, Member Schwartz, Member Unger, Member Klepner and Member Frankel.*

Minutes respectfully submitted by
Kerry Dougherty, Village Clerk