

**VILLAGE OF SOUTH BLOOMING
GROVE**
Board of Trustees & Planning Board
Joint Public Hearing
Thursday
December 3, 2020
7:15 P.M.

➤ **Call to order**

- Mayor Kalaj called to order the Special Meeting of the Village Board of Trustees and Planning Board at 7:17 p.m. on December 3, 2021, via Zoom Meeting #926 0519 0030 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:

Village Board of Trustees

- George Kalaj- Mayor
- Abraham Weiss – Deputy Mayor
- Yitzchok Feldman – Trustee
- John Ross - Trustee

Planning Board

- Donna Douglas – Planning Board Chair
- Manny Aleixo – Member
- John Giovagnoli – Member
- Raleem Brodhead-Moses– Alternate Member
- Eric Vogelsberg –Member
- Simon Schwartz – Alternate Member

Also Present:

- Scott Ugell, Esq. – Village Attorney
- Dennis Lynch, Esq. – Special Counsel
- Al Fusco – Village Engineer
- Kerry Dougherty – Village Clerk
- Christine Bodeker – Deputy Clerk

Absent

- Johnny Belfort - Trustee
- Michelle Rivera – Member

➤ **Special Counsel Comments**

- Special Counsel, Dennis Lynch, advised that this Public Hearing on Clovewood is a continuation of prior public hearings. At the prior public hearings the issue before the public was initially a Draft Environmental Impact Statement (DEIS) and then what is now being presented many, many months ago before Covid was a supplement to that DEIS. The purpose of the hearing tonight is for the public to be heard on that particular set of documents, the supplementary DEIS and the DEIS. The purpose if for the public to provide their comments either verbally or in writing or both if they wish and then those comments will be part of the record. After the public comment period ends it is his

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recommendation that the respective boards individually close the public hearing and then allow for an opportunity for written comments 10 days thereafter. He stressed that this is not an approval for this project or a disapproval of this project, this is a continuation of the SEQR process where information is gathered on the DEIS and the supplement to the DEIS so that the professionals that are hired by the Village and the Village Board and the Planning Board members can look at that and make comments that eventually will wind up in the Final Environmental Impact Statement. Tonight is not a debate, tonight is not an opportunity for question and answer because some of the questions that may be presented may deal with issues that require expert responses rather its time for the public to make comment, the public to be heard and I am sure the boards respectively are looking forward to them.

- Chairperson moved to open the public comment, seconded by Member Vogelsberg, - *5 Ayes Chairperson Douglas, Member Aleixo, Member Giovagnoli, Member Rivera, Member Vogelsberg.*
- Mayor Kalaj moved to open the public comment, seconded by Deputy Mayor Weiss. *4 Ayes -Mayor Kalaj, Deputy Mayor Weiss, Trustee Feldman, Trustee Ross.*
- At the last village board meeting we had people on the Zoom impersonating others, this is being investigated.

➤ **Public Comment**

- Johanna Kiernan on behalf of Jay Beaumont and the Moodna Creek Watershed Intermunicipal Council, see attached comments.
- Jessica Harris, 57 Horton Road: opposes project; concerned with impact on Satterly Creek. Also feels development would negatively impact local wells and is concerned about sewer discharge; traffic will also be impacted.
- Sue Anne Vogelsberg, 242 Prospert Road: in writing, see attached.
- Sonia Ayala, 36 Merriewold Lane North: in writing, see attached.
- Susan Blakeney, 481 Clove Road: in writing, see attached.
- Bonnie Rum, 64 Shore Drive: in writing, see attached.
- Dawn Salka, 25 Woodard Road: concerned with 2016 traffic study- study done at off times and is inaccurate; 600 new homes with accessory apartments will make travel on Clove Road and State Route 208 difficult; increased population will have a direct effect on traffic, i.e., more school buses, shuttle buses, taxicabs, and delivery trucks; projected population for Clovewood in DEIS is inaccurate.
- Matt Decker, Orange County Land Trust: The mission of the Orange County Land Trust is to preserve water resources, critical habitat, rural and urban farm land, scenic viewsheds and ecosystems in and around Orange County for the benefit of all that depend on that. He is concerned with Clovewood's potential impact on existing public resources, specifically, Shcunnemunk State Park and the habitat and recreational corridor connected to it. If this project is going to be approved under the condition that the identified open space areas are permanently protected then what will the mechanism be for that permanent protection? Some of these areas have outstanding conservational value which have been well documented through the plan itself and through others comments. Those areas should be protected by an external organization with the capacity to protect those values, options would be a conservation easement held by a conservation organization with a professional staff or the state, specifically the Palisades Interstate Park Commission which has a

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conservation interest in this area because of their ownership and management of Schunne-munk Mountain State Park. The area identified as preserve open space (80% of the project site) and how the allowed units were identified is questionable and will be included in written comments, see attached. Areas counted toward open space is in the interior of the blocks just a sliver of trees between the houses, this will cause a fragmented landscape of very small forest patches and studies clearly show that patches of forest this small do not retain the open space and conservation values that the applicant is getting a density bonus in order to protect in this case. This open space design layout (forest patches) will actually create a public health hazard for the people that live in the neighborhood because of the prevalence of Lyme Disease. Therefore, these areas should not be counted as part of the 80% open space because they wouldn't be truly protected of the conservation values. In order to protect the values the protected land should be truly protected and these areas should be moved outside the areas of the project. The DEIS states that there are no municipal open space plans that identify this and has previously commented there are now some Town of Blooming Grove plans that address open space priorities in this area. The DEIS does not specifically address the open space priorities identified in the NYS Open Space Plan in 2016, specifically that plan has a priority project 2 to protect land in the Highlands and even more specifically, priority project #36 in the NYS Open Space Plan specifically identifies this area as important to protect. The Land Trusste is available to discuss their conservation efforts. See attached comments.

- Kate Ahmadi: in writing, see attached.
- Vanessa Romero, 18 Dallas Drive: opposed to project as it is discriminatory to create a community specifically for one group; NYS housing laws protect people from discrimination; concerned with how a new community will affect the village's water supply; development would have a negative impact on traffic.
- Gabriel Bernard, 1231 Route 208: Tables 312 and 313 of Section 3.1 they indicate the project would include a 10% density bonus for making 10% of the base lot count homes affordable and the 10% RC-1 zoning transfer would be allocated for affordable housing. Zoning Code, laws and even our constitution have been amended from time to time to address pressing needs. Likewise, we are having a Zoom public hearing. He feels this pandemic has shown the need for affordable housing since many individuals have been economically impacted. It would be prudent of the village to include additional allowances to encourage the inclusion of more affordable housing in this project. Such as allowing it to be swapped with the LEED or Open Space Bonuses shown in the same table. Additionally, section 9.2 of the DEIS addendum removed the KJ alternative. I believe it would be a good idea to include another alternative. He believes the analysis should include a senior housing floating zone alternative. Senior Housing is addressed in section 235-12-5 of the Zoning Code. Section 3.2 of the DEIS and detailed in appendix O-6, individuals in scenario 1 use private religious schools and would therefore greatly benefit the local school district in a manner similar to senior housing. Lastly, figure 324 shows scenario #1 consists of much younger population than scenario #2. It would be prudent to establish a zoning that would address younger individuals as has been done in countries such as South Korea that offers incentives for newly married couples to purchase their homes.
- Susan Shapiro Hito, Nanuet, NY, (land use attorney) – She believes this public hearing should stay open for at least two weeks until after all the documents that the public has asked for has been provided to the public and that they are available on the web site. She is concerned with SEQR issues: There is an inaccurate population projection, it the DEIS there seems to be multiple varieties

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of possible population; the traffic studies and water studies are inadequate; The gentlemen speaker prior discussed, the issue that many of the children attend private school is ignoring the fact that, that is a detriment to the public school system and actually costs quite a bit to the public school system that supports the private schools. The land is limited to what it can support and she is concerned about the issue that there is going to be a little less than 400 acres that is being considered for private open space. That becomes exclusionary use and that any open space that is being given in order to provide an increased density that they are asking for needs to be permanently dedicated as open space and if it is ever to be sold or used it would need to go through an alienation process not just go through whatever village board is at the time. It needs to be fully dedicated otherwise there really is no benefit given to the existing community. She does not see what the benefit is to the existing neighbors in Blooming Grove except for additional traffic, water problems additional costs and the community character is being changed dramatically. There has been litigation where a village will overwhelm a town. This destroys voting rights. Most importantly, this project is discriminatory. It will become an all white neighborhood. Kiryas Joel at this time is 99.9% white and in the United States you cannot build discriminatory housing. You cannot approve it as a Village. The DEIS makes it clear that it is going to be discriminatory housing. This Village does not have the right to approve discriminatory housing. It is a violation of the Fair Housing Act. Whatever is being build has to be made available in English speaking papers to every single person in the United States, in this community, it has to listed in the MLS in English speaking papers, it cannot be presold to only people within the existing neighboring Kiryas Joel Community of people from outside the region. This is a real serious Fair Housing violation and she asks the village that they do not violate it.

- John Anthony he is a construction worker, in his opinion and after looking at plans he feels this will work for the community. This project could produce business flourishing, personal flourishing and it will make a lot of work for people in the Town..
- Brian Mullan: in writing, see attached.
- John Salka, South Blooming Grove Fire Department Chief: in writing, see attached.
- Kristie Johnson, 11 Amy Road: the amount of houses is unnecessary and environmentally devastating; DEIS is outdated and incorrect; concerned with noise and light pollution.

➤ **Adjournment**

- Attorney Lynch advised that there is a ten (10) day period after the public hearing is closed for public comment to be submitted in writing and in addition assuming the public hearing is closed tonight, which is the boards direction which he would recommend, there will be a subsequent public hearing on the proposed final environmental impact statement (FEIS). Again, this is not a question of approving or not approving this particular project, it is a question of what issues have to be dealt with and he feels the public has given a great number of issues that need to be addressed and he feels it's a challenge to the applicant to address it. His recommendation is to close the public hearing for this particular phase of the process, allow a ten (10) day written comment period and then once those comments have been received and analyzed to have the public again look at the proposed FEIS with as many comments as much time as they need.
- Motion to close the public hearing and leave open until December 13, 2020 for written comment by January 15, 2021

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- Mayor Kalaj suggested to keep all written comments open until December 28, 2020. Mayor Kalaj made a motion to close the public hearing and leave open for written comment until December 28, 2020 at 8:37 p.m. Various zoom participants began and continued interrupting and verbally interjecting their opposition to closing the public hearing. Motion seconded by Trustee Feldman, 4 *Ayes Mayor Kalaj, Deputy Mayor Weiss, Trustee Feldman, Trustee Ross, 1 Absent Trustee Belfort.*
- Chairperson Douglas made a motion to keep the public hearing for the DEIS open, Member Raleem Broadhead Moses seconded. 5 *Ayes Members Donna Douglas, Manny Aleixo, Raleem Broadhead Moses, Eric Vogelsberg, John Giovagnoli, 1 No - Simon Schwartz and 1 Absent Michelle Rivera,*

Minutes respectfully submitted by
Kerry Dougherty, Village Clerk