

**VILLAGE OF SOUTH BLOOMING GROVE  
PLANNING BOARD  
Regular Meeting  
February 17, 2022**

Members Present:

Chairman Solomon Weiss  
Simon Schwartz  
Abraham Klepner  
Yoel Ungar

Members Absent:

None.

Also present: Melissa Foote, Secretary; Al Fusco, Village Engineer; Daniel Kraushaar, Village Counsel; Joel Stern and Isaac Ekstein, Assistants to the Mayor.

The meeting began with a pledge to the flag at 8:02 pm.

Simon Schwartz began by clarifying that he would be leading the meeting instead of Chairman Weiss. Melissa Foote then proceeded to do roll call.

**South Blooming Grove Business Park**

Mr. Schwartz made a motion to continue the public hearing for the South Blooming Grove Business Park. It was seconded by Chairman Weiss and carried unanimously.

Mr. Schwartz then welcomed comments from the public.

Dawn Salka expressed concern about the impact of the project on the community's existing water supply issues. She also claimed that the Village does not have enough building inspectors.

Member Schwartz clarified that if the project were to be approved, it would be on the condition it would be self-sufficient in terms of water supply.

Ronald Kossar, the attorney for the applicant, spoke on behalf of the project. He briefly described the project as two four-story buildings with 26,000 sq. ft. per floor and total floor coverage of approximately 260,000 sq. ft. It is proposed for mixed office and retail use, which he described as a permitted use in the ORI zoning. He also noted that the applicant has complied with all ordinances for the lot line and site plan approval and has been granted a variance for two four-story buildings by the ZBA.

Project Engineer Mike Morgante then briefly spoke and, in response to concerns about the project's potential impact on local water supply, claimed that the project is not and has never

requested any existing water from the Village and has drilled an individual well for the property that is expected to supply water to the project without impacting the Village's current water supply.

Sue Anne Vogelsberg conveyed concern regarding the impact of the project on the Village water supply.

Project Engineer Mike Morgante echoed his earlier comments regarding the project not taking water from the Village due to the drilled well on the property. He added that the well is subject to review and comments from the Orange County Department of Health and that the project only needs approximately 15 gallons per minute, a figure he noted was in no way excessive for an individual well.

Al Fusco agreed with Mike Morgante's comments.

Ari B asserted that the project is inconsistent with the residential character of the neighborhood.

Project Engineer Mike Morgante acknowledged Ari's claim that the neighborhood is residential, but noted that the purpose of this zoning is to encourage this sort of development that will bring further growth and tax income to allow improvements within the Village.

Ronald Kossar then reiterated his earlier comments that the project is a permitted use in the ORI zoning and claimed that the planning board must approve the project as long as the applicant complies with the requirements of the Zoning Board, the Planning Board, and the Orange County Department of Health.

Kristie Johnson expressed concerns regarding the project's impact on the Village water supply, traffic, and the environment, noting the potential impact on the long-eared bat and the project's lack of green considerations.

Project Engineer Mike Morgante acknowledged Kristie Johnson's concerns while noting that there are very strict and cumbersome requirements for their well drilling program in order to satisfy the Orange County Department of Health. He also stated that the DOT, which he described as an independent state agency with the well-being of the public in mind, was impressed by the traffic improvements of the project and asserted that the improvements will significantly improve the operation of the intersection. He also noted they have made an effort to have the lowest possible sighting elevation to limit the visual impact of the project and claimed that they are only able to cut trees during times approved by the DEC to minimize any potential impact on bats. Lastly, he stated that the project is preserving 75 percent of the project site as open, green space.

Bonnie Rum asserted that the size of the office park is excessive and questioned the ability of the Village building inspector to adequately track all ongoing projects.

Cheskel Schwimmer, the owner of the proposed business park, urged the Planning Board to approve the project and defended the park as filling a significant need for office space in the community and stated that the community and traffic will be improved as a result of the project. He also noted that the building will be visually appealing and claimed that there will be a reserve water tank to further alleviate water concerns.

John Daly asked how deep the project's well is and asked if there are remedial plans if the well has a negative impact on the surrounding area or neighboring wells.

Project Engineer Mike Morgante stated he believed that the well is 300-400 feet deep, but would need to confirm this estimate with the well driller. He asserted that the purpose of the well study and requirements set by the Orange County Department of Health is to determine that the well will not cause a negative impact on neighboring wells. He also again claimed that the water demands of the project are not excessive and that the well should easily satisfy such needs.

Mr. Schwartz made a motion to close the public hearing for the South Blooming Grove Business Park. It was seconded by Mr. Ungar and carried unanimously

### **31 Merriewold Lane South**

Kirk Rother, the engineer for 31 Merriewold Lane South, provided an overview of the project. He described it as a site plan that would allow for the construction of a 10,080 sq. ft. community building. He also stated that there is a lot line change included with the application to add land which would include approximately  $\frac{3}{4}$  of an acre of vacant land from the property to the rear of the proposed structure. Lastly, he noted that there are now 86 parking spaces proposed and that the parking plans were altered as per feedback provided by the Village, including the addition of an emergency access road around the entire perimeter of the building.

Mr. Schwartz made a motion to set a public hearing for 31 Merriewold Lane South for March 3<sup>rd</sup>, 2022. It was seconded by Mr. Ungar and carried unanimously.

Daniel Krasuaher asked for clarification from Al Fusco regarding the necessity of an NOI given the applicant believes the project is an unlisted action.

Al Fusco said an NOI may be necessary when the stormwater prevention plan is reviewed. He also noted that the new plan addressed the majority of his previous concerns and recommended that any approval be subject to comments by the engineering and building department.

Isaac Eckstein stated that he believes an NOI was previously declared by the Village Board.

Kirk Rother then clarified that the site is not within 500 ft of any county lands which would trigger a 239 county planning review. He also claimed that he does not believe any other outside

agencies will need to be involved, but that the area of disturbance will likely be large enough to require a stormwater pollution prevention plan, which would require an NOI subject to the Village being an MS4 community, but would not be a SEQRA issue.

Al Fusco confirmed that the Village board previously made an NOI to be the lead agency for the house of worship application for the project. Al Fusco advised moving forward, the Planning Board should consider declaring itself as the lead agency for site plan approval purposes.

Mr. Schwartz made a motion for the Planning Board to become the lead agency for the 31 Merriwold Lane South site plan and lot line change. It was seconded by Chairman Weiss and carried unanimously.

Dan Kraushaar then stated that it was his understanding that there are separate owners for the properties involved in the site plan and lot line change applications, and thus both owners would need to sign the application.

Kirk Rother confirmed that both owners were included on the application and that documents still need to be signed and notarized. He then asked for clarification regarding required notices in preparation for the March 3rd public hearing.

Isaac Eckstein advised consulting with the Village clerk to obtain a copy of the notice that needs to be published in a local newspaper. He also stated that the notice needs to be published no more than 10 days and no less than 5 days prior to the hearing and must be mailed to property owners 500 ft around the property

### **South Blooming Grove Business Park Continued**

Mr. Schwartz made a motion to issue a negative declaration under SEQRA for the South Blooming Grove Business Park. It was seconded by Mr. Klepner and carried unanimously.

Mr. Schwartz then made a motion to adopt a resolution issuing a conditional approval of the South Blooming Grove Business Park. It was seconded by Chairman Weiss and carried unanimously.

### **585 Clovewood Road**

Mr. Schwartz noted that the applicant withdrew the application.

At 8:54 pm, Mr. Schwartz made a motion to adjourn the meeting. It was seconded by Mr. Ungar and unanimously carried.