

**VILLAGE OF SOUTH BLOOMING GROVE  
PLANNING BOARD  
Regular Meeting  
March 24, 2022**

Members Present:

Simon Schwartz  
Abraham Klepner  
Yoel Ungar  
Dov Frankel  
Chairman Solomon Weiss

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 8:05 pm.

Chairman Weiss then proceeded to do roll call and introduced Dov Frankel as the newest board member.

**Adoption of February 17, 2022, Planning Board Meeting Minutes**

Chairman Weiss made a motion for the adoption of the minutes for the February 24th Planning Board meeting. Seconded by Mr. Ungar and carried unanimously

**31 Merriewold Lane South**

Chairman Weiss made a motion to open the Public hearing for the 31 Merriewold Lane South site plan and lot line change. It was seconded by Mr. Schwartz and carried unanimously.

Dawn Salka asked several questions regarding how the community center will be used. She also claimed that the address was listed incorrectly on the application and questioned whether the project was consistent with the character of the existing landscape. Lastly, she voiced concerns regarding the project's impact on traffic, the village water supply, and the project's potential environmental impact.

Sue Anne Vogelsberg expressed concern regarding the impact of the project on traffic and questioned whether there exists adequate public transportation or pedestrian accommodation for the project.

Kristie Johnson conveyed concerns regarding the project not being consistent with the character of the community and regarding the impact of the project on traffic and the village water supply.

Bonnie Rum expressed concerns about the project's environmental impact and potential flooding issues resulting from removing trees on the property.

Ari B praised Dawn Sulka's comments and claimed the Planning Board is broadly engaged in the destruction of the community.

Brana criticized the letter sent out by the Planning Board as not adequately explaining that the meeting would only be accessible via zoom and claimed several people showed up in person and were unable to comment.

Johanna Kiernan conveyed concerns regarding flooding.

Patty Morrice voiced concerns about the impact of the project on traffic and potential safety concerns for pedestrians as a result of increased traffic.

The engineer for the 31 Merriewold then gave a brief overview of the project. He described it as a house of worship situated on an existing tax parcel that was previously improved by a dwelling. He noted that there is a lot line change included with the application to add the land behind the property, which will convey an additional 6000 sq ft of property, and that there is an additional 1/2 acre easement area that will be used as a parking lot. He described the building as 3 stories in height with a basement, 4 groups of bathrooms, and extensive underwater stormwater management with a proposed 0-net runoff. Lastly, he noted that the project should not bring in significant outside traffic given it will be serving members of the community.

Daniel Kraushaar clarified that there will be a stormwater management agreement secured with money by the applicant so that in the hypothetical event of an uncorrected drainage system failure, the village will have the money to hire someone to repair it.

Al Fusco 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.

Chairman Weiss made a motion to close the Public hearing for the 31 Merriewold Lane South site plan and lot line change. It was seconded by Mr. Ungar and carried unanimously.

Chairman Weiss then made a motion to grant conditional approval for the 31 Merriewold Lane South site plan and lot line change conditioned on comments by the village engineer. It was seconded by Mr. Ungar and carried unanimously.

## **Cloewood Subdivision for Village Wells**

Chairman Weiss made a motion to open the Public hearing for the Cloewood subdivision for the village wells. It was seconded by Mr. Schwartz and carried unanimously.

Al Fusco spoke on behalf of the village. He claimed that the village has well-known water supply issues and spoke positively about gaining 7 viable wells. He noted there have been discussions with the NYSDOH, and they have advised it will be appropriate to add these wells under their jurisdiction and with their approval. He explained the NYSDOH requires that the village own 100 ft around each of the wells and have control of 200 ft around the wells to prevent seepage into the wells, and thus, this subdivision is for the purpose of deeding the wells to the village so that these requirements can be met. He also stated the village is in the process of designing treatment processes and distribution to get the wells into the water system.

Kirk Rother, the Cloewood project engineer, briefly spoke regarding the proposal and echoed Al Fusco's comments. He then welcomed comments from the public.

Susan Blakeney expressed concerns about the use of wells 7A and 7B due to the potential impact on neighboring wells.

Ryan Kitzrow voiced concern regarding the potential impact on the wells of neighboring residents.

Christie Foster, chief of staff for Senator James Skoufis, spoke on his behalf. She shared his concerns regarding the impact using these wells could potentially have on the existing water supply.

Kristie Johnson conveyed concerns regarding the lack of supporting evidence for the viability of the wells.

Esther Blum praised the subdivision as a positive first step towards addressing the village's water supply issues.

Laurel Scott raised concerns about the potential impact of wells 7A and 7B on neighboring wells and suggested there may be existing easements that conflict with the subdivision.

Dawn Salka asked for clarification regarding the resolution made on February 20<sup>th</sup>, 2022, authorizing the mayor to move forward with connecting to emergency wells located off of Arlington Rd. She asked for clarification on which wells will be used and when they will stop being used.

Johanna Kiernan said other commenters had already stated her concerns.

Sue Anne Vogelsberg asserted that the Clovewood DEIS and FEIS need to be redone if the wells in the subdivision will indefinitely be connected to the village.

Following public comments, Chairman Weiss made a motion to close the public hearing for the Clovewood subdivision for the village wells. It was seconded by Mr. Ungar and carried unanimously.

### **Clovewood Subdivision and Site Plan**

Chairman Weiss made a motion to open the Public hearing for the Clovewood subdivision and site plan. It was seconded by Mr. Klepner and carried unanimously.

Project engineer Kirk Rother spoke briefly on behalf of the project, outlining its history, and describing it as a subdivision and site plan for a 600-lot, single-family residential development on approximately 708 acres of land. He then welcomed comments from the public.

Joel Schwartz spoke in support of the project's proposed 94 affordable housing units, more than double the initially proposed 43 units, emphasizing adding affordable housing addresses a need for senior citizens and young couples in the community.

Max Wertz conveyed support for the new site plan's larger lots with more green space. He also questioned why open space is calculated as only 50 percent for the project when impervious surfaces are only 86 acres, which he noted means open space is about 90 percent, if not more, given some zoning codes consider space open to the sky to be open space and some of the impervious space meets this criterion. Lastly, he praised the applicant for preemptively restricting the development of a portion of their neighboring parcel.

Ryan Kitzrow expressed concerns that the site plan may be based on outdated studies, that the site plan and subdivision continue to encroach on rattlesnake habitat to a degree that the DEC may not find acceptable, and that the site plan will result in more water being withdrawn from the wells than the DEC finds acceptable.

Michael Killeen questioned the ability of the project to provide adequate water for 600 homes and voiced concern about the project's impact on traffic.

Dawn Salka claimed that the questions she brought up at the November 25<sup>th</sup>, 2019, public hearing were never addressed. She also expressed concern regarding the traffic impact of the project and asserted the 2016 traffic study needed to be redone. She also asserted well testing needs to be redone and questioned whether the wells would be able to provide adequate water supply to the development.

Moses Schnitzer expressed concern about it being potentially unsafe to have dump trucks and construction vehicles accessing the construction site via Arlington Dr.

Patty Morrice questioned why a road is being made on Arlington Dr connecting to Clovewood prior to the project being approved and conveyed concern regarding the impact of the project on traffic.

Kristie Johnson claimed that the submission is based on outdated reports. She also voiced concerns about the impact of the development on the village's water supply and about the project being inconsistent with the character of the village. Lastly, she claimed that work has improperly started prior to approval being issued.

Sue Anne Vogelsberg echoed other commenters and stated that the data in the submission is outdated. She questioned why 2020 census data was not used and questioned the ability of the village to support the water and sewer needs of the project. She also asked why Sunday construction is going to be permitted and stated that reviews by any outside agencies, such as Orange County, the New York Department of Transportation, and the DEC, should be completed before final approval is considered.

Brana raised concerns about the impact of the project on traffic, pedestrian safety, and noise levels on Arlington Dr.

Susan Blakeney conveyed concern that work on Arlington Dr and connecting to the wells started prior to a public hearing. She also expressed concern about the project not involving renewable energy and the noise impact of construction.

Sheila claimed that the notice for the public hearing was poorly worded and broadly complained that zoom hearings leave many members of the public unable to participate. She also claimed the well and traffic studies are outdated. Lastly, she expressed concerns about the impact of the project on steep slopes and the rattlesnake habitat, as well as the inconsistency of the project with the character of the community.

Esther Blum asked for the public hearing to be closed as she feels it has been open for too long and public comments have been repetitive and have unnecessarily delayed reviews from agencies employing experts in their fields that would be able to provide more substantive feedback, such as the DEC and DOT reviews. Regarding the subdivision, she stated that she appreciated the applicant applying for less dense housing than permitted as she feels it provides a balance for maintaining the area's rural character while still meeting housing needs, noting that if all 708 acres were included, the applicant would be able to propose 635 dwelling units and 635 accessory apartments, totaling 1270 total units, however, the site plan only shows 600 proposed units.

Daniel Kraushaar then interjected and noted that a few written letters were received from neighbors that will be added to the file and will be part of the public record.

Bonnie Rum asked that, given the FEIS sometimes provides insight into how the Village Board, the Planning Board, and the Zoning Board will hypothetically act in the future, if the planning board accepts the FEIS, does the Planning Board agree to the demands and expectations of the developer and could it be held legally liable they do not comply. She also conveyed concerns regarding potential water supply, sewer, and flooding concerns for the project.

Laurel Scott complained about the meeting being zoom only. She also asked if the plan is to activate all wells at the same time or stagger their usage. Lastly, she asked if the applicant proposes to supply water to both the Village of South Blooming Grove and the development.

Dan Ruzow, speaking on behalf of the applicant as their attorney, briefly thanked the public for their comments and urged for the Planning Board to close the public hearing so that the FEIS review can proceed.

Chairman Weiss made a motion to close the Public hearing for the Clovewood site plan and subdivision subject to the applicant's consent not to assert full approval. It was seconded by Mr. Ungar and carried unanimously.

### **577 Route 208 LLC**

Stuart Strow, the engineer for the applicant from Brooker engineering, spoke on behalf of the applicant. He described the conceptual layout plan that was submitted in order to receive preliminary feedback about the site plan. He described the proposal as a new 4-story office building of approximately 105,000 sq ft along with a proposed building including a parking lot with 315 spaces and a 17,000 sq ft warehouse located further into the property. He also noted there is an existing building on the property that is proposed to remain. He acknowledged that Al Fusco has requested a full set of site plans and noted they will be provided.

Chairman Weiss made a motion to issue notice to be the lead agency for the site plan application for 577 Route 208. It was seconded by Mr. Schwartz and carried unanimously.

Chairman Weiss then made a motion to refer the 577 Route 208 site plan application to the ZBA. It was seconded by Mr. Ungar and carried unanimously.

### **Rolling Hills Meadow**

Nick Caeser spoke on behalf of the site plan application for the Rolling Hills Condominium Association. He described the conceptual design site plan for some alterations of the Rolling Hills parking plan in the vicinity of buildings 8 and 9 on Peddler Hill Rd as attempting to address insufficient parking for residents, poor access for emergency vehicles, and issues with stormwater and snow management. Their plan is to install retaining walls and increase parking. He also noted that while the site plan was submitted to garner feedback before a more rigorous site plan was submitted, it was submitted 30 days ago and feedback has not yet been given.

Al Fusco commented that he had reviewed the plans and they looked reasonable, but that special attention needs to be given to the stormwater aspect of the proposed additional impervious area and to the design of the retaining wall. He advised that the Planning Board would be able to make a motion to be the lead agency for the application.

Chairman Weiss then made a motion to declare the Planning Board of the Village of South Blooming Grove the lead agency under SEQRA for the Rolling Hills Meadow site plan. It was seconded by Mr. Ungar and carried unanimously.

At 10:14 pm, Chairman Weiss made a motion to adjourn the meeting. It was seconded by Mr. Klepner and unanimously carried.