

**VILLAGE OF SOUTH BLOOMING GROVE
PLANNING BOARD
Regular Meeting
October 27, 2022**

Members Present:

Simon Schwartz
Abraham Klepner
Yoel Ungar
Dov Frankel (arrived late)

Members Absent:

Chairman Solomon Weiss

Also present: Todd Maurizzio for Al Fusco, Village Engineer; Daniel Kraushaar, Village Counsel
Tom Shepstone; Planner

The meeting began with a pledge to the flag.

Simon Schwartz introduced Tom Shepstone as the new planner hired by the Village Board and
Mr. Shepstone then took roll call.

With Chairman Weiss absent, Mr. Shepstone proposed designating an acting chair for the
meeting and in the event of any future absences by the Chair. Mr. Ungar moved to designate
planner Tom Shepstone as the acting chair for such instances. Seconded by Mr. Schwartz and
carried unanimously.

Mr. Shepstone then proposed the following policies:

1. All submissions to the Planning Board for new and existing projects shall be submitted in
digital form as well as hard copy.
2. Public comment during meetings shall be limited to public hearings. Oral comment shall
be limited to a maximum of three minutes and public hearings continuations shall be
limited to written comments.

Mr. Schwartz moved to affirm both policies. Seconded by Mr. Ungar and carried unanimously.

Approval of August 18, 2022 Minutes

Mr. Shepstone confirmed all board members received copies of the draft minutes for the August
18, 2022 Board meeting and asked if any members had comments or requests for revisions.
There were none.

Mr. Ungar then made a motion to approve the minutes. It was seconded by Mr. Schwartz and carried unanimously.

Bailie Lane Estates

Mr. Shepstone stated the Public Hearing had stayed open since the previous meeting in order to receive additional comments and asked if any members of the public had any comments.

Members of the public expressed concern with the late availability of the meeting agenda.

Mr. Schwartz motioned to close the Bailie Lane Estates public hearing. It was seconded by Mr. Ungar and carried unanimously

Mr. Shepstone then reviewed a draft EAF Part 2 with the Board and recommended a Negative Declaration under SEQRA. The motion was made by Mr. Schwartz. Mr. Ungar seconded the motion and it was carried unanimously.

(Note: Board Member Dov Frankel arrived for the meeting at this time).

Mr. Shepstone then recommended a Conditional Site Plan approval and offered the following resolution for consideration:

WHEREAS, the Village of South Blooming Grove Planning Board has received a Site Plan amendment for a 20,000 square feet retail project at Bailie Lane and Route 208, which project is more fully described on maps prepared by Arden Consulting Engineers, PLLC and dated June 28, 2022; and

WHEREAS, this project has been reviewed in detail by Fusco Engineering & Land Surveying, D.P.C. by letter of August 17, 2022; and

WHEREAS, a Full Environmental Assessment Form has been prepared for this project and the Planning Board has issued a Negative Declaration as to significant environmental impacts; and

WHEREAS, this Site Plan has been reviewed by Orange County under Section 239 of the New York State General Municipal Law and comments addressed,

BE IT THEREFORE RESOLVED, said project is hereby granted Conditional Site Plan Approval subject to the following conditions:

- 1. The Developer shall gratuitously dedicate 30 feet of additional right-of-way property along Route 208 to the Village of South Blooming Grove for purposes of future*

highway improvements, which right-of-way shall be later subdivided and conveyed, fee simple to the Village. This provision shall apply to all Developer parcels and those of affiliated and successor entities with frontage along Route 208.

- 2. The Developer shall pay 100% of all expenses for highway improvements, including but not limited to traffic signals and other appurtenances relating to the instant project and a fair share of any other highway improvements to Route 208 between Route 17 and Clove Road as may be undertaken by the New York State Department of Transportation for purposes of accommodating additional development in the vicinity.*
- 3. Notwithstanding any existing or proposed future arrangements for Payments In Lieu of Taxes (PILOT) related to the property being developed in this instance, no taxes due the Village of South Blooming Grove shall, under any circumstance, be abated in any fashion and the Village shall receive 100% of all real property or other taxes ordinarily due the municipality.*
- 4. All water wells, supporting infrastructure and property within 100 feet of such wells shall be dedicated by the Developer to the Village of South Blooming Grove or such other municipality entity as shall be designated by the Village Board. Access to an additional 100 feet shall be made available to the Village via a Village approved easement granted for purpose of protecting and accessing the well.*
- 5. The Developer shall authorize and instruct its engineering and hydrogeologist consultants to release, to the Village of South Blooming Grove, all investigations, research, testing planning, design and other intellectual property with respect to any and all current and previous water well development for the property and projects conducted thereon by the Developer, any affiliates in any capacity or other parties to which the Developer controls in any capacity.*
- 6. The Developer shall, as a pre-mitigation measure with respect to impacts on emergency services demands, provide to the Village of South Blooming Grove or such other agency or organization with whom the Village has emergency services cooperation agreements, the sum of \$500,000 to be utilized for the purposes of acquiring a fire truck and other related emergency services equipment.*
- 7. The Developer shall address all outstanding items articulated in the aforesaid Fusco Engineering & Land Surveying, D.P.C. project review of August 17, 2022.*
- 8. The Site Plan shall be revised to indicate applicable recommended construction restrictions for protecting threatened or endangered species, including Indiana and Northern Long Eared Bats.*

9. *The Developer, prior to Final Site Plan approval signature, shall pay all outstanding professional and other fees due the Village of South Blooming Grove.*
10. *All fees due in lieu of parkland reservation under Chapter 120 of the Village of South Blooming Grove Code shall be paid in full prior to Final Site Plan approval.*
11. *The Developer, prior to Final Site Plan approval, shall enter into a Developer Agreement with the Village of South Blooming Grove, which such agreement shall incorporate the above conditions of approval.*

Mr. Ungar moved to adopt the resolution granting Conditional Site Plan approval to the Bailie Lane estate project. It was seconded by Mr. Schwartz and carried unanimously.

379 Lake Shore Drive

Mr. Shepstone stated the Public Hearing had stayed open since the previous meeting in order to receive additional comments and asked if any members of the public had any comments.

Members of the public suggested there could be potential flood and parking issues with the project and complained about not having access to minutes in a timely fashion.

Village officials acknowledged there needed to be improvements in regard to minutes availability and indicated this was the reason for securing Mr. Shepstone's services. He indicated his firm would be working to bring things up to date on the website and improving the process.

Mr. Ungar moved to close the 379 Lake Shore Drive public hearing. It was seconded by Mr. Frankel and carried unanimously. Mr. Schwartz abstained from voting on this matter.

Mr. Shepstone then explained the matter was before the Zoning Board of Appeals and needed to be referred to the CDRC for a Determination as to what further action may or may not be required as this is a house of worship subject to Village Board action (noted by Isaac Eckstein).

Mr. Ungar motioned to refer the matter to the CDRC. It was seconded by Mr. Frankel and carried unanimously. Mr. Schwartz abstained from voting on this matter.

Divrei Chaim (f/k/a Clovewood)

Simon Gelb, representing the Developer, noted the project name change to Divrei Chaim, which means "Words of Life." He explained how the street names corresponded to words one should live by such as simcha, happiness; menicha, calmness; shalva, serenity; shulem, peace; menorah, the light being spread via the menorah; and the names of the Village Board members for the work they have exerted throughout the review of the project.

Mr. Shepstone specifically reviewed the names the Developer has proposed names for 11 streets within the development. These names will be utilized for 9-1-1 purposes and need to be approved by the Village. The streets are named Simcha Boulevard, Menorah Road, Menicha Lane, Shalva Lane, Shulem Way, Ugell Road, Kalaj Court, Rosner Road, Feldman Road, Guttman Drive, and Weiss Court.

Mr. Schwartz motioned to approve the 11 street names proposed for Divrei Chaim by the Developer. It was seconded by Mr. Frankel and carried unanimously.

Mr. Shepstone then stated the Divrei Chaim Developer has proposed an amendment of its subdivision plan and lot line change to help effectuate the previously proposed approved plan, which included dedication of the water system for the development to the Village of South Blooming Grove. A 7/15/22 map prepared by Kirk Rother, P.E. and titled “Conceptual Well Parcel Subdivision & lot Line Change Map” depicts these development plan modifications.

Because the dedication of the water system to the Village was approved on August 18, 2022, as part of the Preliminary Plan for Divrei Chaim as a whole, this project’s environmental and countywide impacts have already been reviewed and, therefore, a Final Conditional Approval of the subdivision plan amendment is warranted. Mr. Shepstone recommended such approval with specific conditions encapsulated in the following resolution he proposed:

WHEREAS, the Village of South Blooming Grove Planning Board approved a Preliminary Subdivision and Site Plan for the Divrei Chaim (f/k/a Clovewood) project on August 18, 2022; and

WHEREAS, this project included plans for dedication of the water system to the Village of South Blooming Grove; and

WHEREAS, effectuation of the approved Preliminary Subdivision and Site Plan requires a subdivision plan and lot change map for purposes of transferring the water system property;

BE IT THEREFORE RESOLVED, said project is hereby granted Final Conditional Subdivision Plan Approval subject to the following conditions:

- 1. The Developer shall depict the locations of the water treatment building, water tank(s) and any other major equipment or structures on the map.*
- 2. The Developer shall make any other revisions that may be required by the Planning Board’s engineer or agencies (suggested addition by Dan Kraushaar that was approved), including reflecting the new name of the project on all planning documents.*

3. *The Developer shall authorize and instruct its engineering and hydrogeologist consultants on the Divrei Chaim project to release, to the Village of South Blooming Grove, all investigations, research, testing planning, design and other intellectual property with respect to water well development for the property and projects conducted thereon.*
4. *The Developer, prior to Final Subdivision Plan approval signature, shall pay all outstanding professional and other fees due the Village of South Blooming Grove. (Suggested addition by Dan Kraushaar that was approved.)*

Mr. Ungar moved to adopt the resolution granting Final Conditional Subdivision approval to the Divrei Chaim water supply subdivision plan. It was seconded by Mr. Schwartz and carried unanimously.

Mr. Shepstone then confirmed there were no other matters to attend to and asked if someone would make a motion to adjourn the meeting. Mr. Ungar made a motion to adjourn the meeting. It was seconded by Mr. Klepner and carried unanimously.