

**VILLAGE OF SOUTH BLOOMING GROVE  
PLANNING BOARD  
Regular Meeting  
January 19, 2023**

Members Present:

Chairman Solomon Weiss  
Simon Schwartz  
Abraham Klepner  
Dov Frankel (arrived late)

Members Absent:

Yoel Ungar

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

The meeting was called to order by Chairman Weiss at 8:05 PM followed by a pledge to the flag.

**Approval of Previous Minutes**

Planner Shepstone distributed multiple sets of minutes that were not previously generated as well as minutes of the previous meeting and recommended all be approved. These included the following:

**January 20, 2022**

Shepstone asked if any members had comments or requests for revisions. There being none, a motion was made by Solomon Weiss, seconded by Abraham Klepner and unanimously carried to approve these minutes.

**February 17, 2022**

Shepstone asked if any members had comments or requests for revisions. There being none, a motion was made by Solomon Weiss seconded by Simon Schwarz and unanimously carried to approve these minutes.

**March 24, 2022**

Shepstone asked if any members had comments or requests for revisions. There being none, a motion was made by Simon Schwarz, seconded by Solomon Weiss and unanimously carried to approve these minutes.

### **July 21, 2022**

Shepstone asked if any members had comments or requests for revisions. There being none, a motion was made by Abraham Klepner, seconded by Solomon Weiss and unanimously carried to approve these minutes.

### **October 27, 2022**

Shepstone asked if any members had comments or requests for revisions. There being none, a motion was made by Simon Schwarz, seconded by Solomon Weiss and unanimously carried to approve these minutes.

Shepstone also noted there was one more set of minutes, for June 16, 2022, yet to be prepared and this would be addressed at the next meeting.

### **585 Clove Road**

Shepstone noted this matter was referred to the ZBA and passed out a copy of their decision, which was to approve a variance to allow a maximum building height of 46 feet including bulkheads and parapets. He indicated this project was ready for decision on the environmental assessment and the site plan.

He indicated the EAF was the same one provided to the ZBA and noted that board had made a negative declaration after looking at the 11 factors addressed in Part 2. He reviewed the EAF and proposed the Planning Board take the same action. A motion was then made by Solomon Weiss, seconded by Simon Schwarz and unanimously carried to declare this action would have no significant negative environmental impacts.

Shepstone also explained that the site plan for this project was previously reviewed by the board and the submitted for Orange County GML § 239 review. Because this project is located in a RC-1 District where the proposed commercial project is simply subject to site plan review and a public hearing had already been conducted by the ZBA, it was his recommendation that the Board waive the requirement of an additional public hearing as such are not mandatory for site plan review applications under the NYS Village Law. A motion was then made by Solomon Weiss, seconded by Abraham Klepner and unanimously carried to waive an additional public hearing.

Having reviewed this project and considered public input, Planner Shepstone recommended a Conditional Site Plan Approval of the 585 Clove Road project and offer the following resolution for consideration:

*WHEREAS, the Village of South Blooming Grove Planning Board has received a Site Plan for a 4-story commercial building with 13,435 square feet per floor, which project is more*

fully described on maps prepared by Arden Consulting Engineers, PLLC and dated June 28, 2022; and

*WHEREAS, an Environmental Assessment Form has been prepared for this project and, following a detailed review of the same the Planning Board has issued a Negative Declaration as to significant environmental impacts;*

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

- 1. 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.*
- 2. The Site Plan shall be revised to comply with the conditions of the Village of South Blooming Grove Zoning Board of Appeal in granting a building height variance.*
- 3. The Developer, prior to Final Site Plan approval signature, shall pay all outstanding professional and other fees due the Village of South Blooming Grove.*
- 4. 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.*
- 5. The Developer shall comply with all Village Engineer recommendations set forth in January 19, 2023 correspondence to Solomon Weiss, Planning Board Chairperson.*
- 6. The Developer shall gratuitously dedicate 30 feet of additional right-of-way property along the public highway to the Village of South Blooming Grove, free and clear of all liens and other encumbrances for purposes of future highway improvements, which right-of-way shall be later subdivided and conveyed, fee simple, to the Village.*
- 7. Should the developer opt to financially guarantee any required improvements for purposes of securing permits, such security shall be in the form of a cash deposit with the Village or a line of credit in such form as may be satisfactory to the Village Attorney.*

Simon Schwarz moved to adopt the resolution granting Conditional Site Plan approval to the 585 Clove Road project. This motion was seconded by Solomon Weiss and unanimously carried.

### **16 Galveston Road**

Shepstone explained that the applicant in this case proposed to add a dwelling unit to an existing

1,530 square feet footprint two-story dwelling in the RB Residence, which provides for the Planning Board to establish yards during the subdivision process, which is what is effectively occurring in this instance by the creation of a second dwelling unit. It was noted the CDRC had reviewed the project and recommended the following:

*“Because this is a corner lot with two large front yards of 40 feet there is plenty of open space on the lot. There is also an existing dwelling with a building line for the attached deck and patio that extends to approximately 25 feet of the rear lot line. It is standard zoning practice to allow non-conforming structures to be extended along existing building lines. Therefore, although CDRC recommends 40 feet minimum rear yards in most instances, the unique situation in this one indicates a 25 feet rear yard is adequate and this is recommended to the Planning Board.”*

Shepstone also reviewed comments from the Village Engineer who concurred with the CDRC recommendation, During discussion, this was clarified to state the rear yard should conform to the existing line of development (including deck/patio). Solomon Weiss moved to approve this rear yard determination, subject to the Village Engineer’s recommendations. This motion was seconded by Simon Schwarz and unanimously carried.

## **12 Old Town Road**

Planner Shepstone indicated the applicant in this instance proposes to subdivide the existing parcel into a four (4) lots. It is planned to utilize the existing residence for one (1) lot while creating three (3) new lots each of which would be occupied by a duplex. The duplexes would each be served by two driveways with parking attached. All lots will be serviced by municipal sewer and water systems. The CDRC reviewed the project and recommended the following:

*“The creation of six new driveways is unnecessary. A single driveway connecting to both parking areas on each lot will result in half the new driveways proposed and much improved safety. Therefore, CDRC recommends this plan modification to the Planning Board. It is further recommended the plans be reviewed by the Village Engineer and a public hearing be scheduled. It also appears the project requires § GML 239 review by Orange County so the Planning Board is advised to make such referral.”*

Shepstone noted the receipt of preliminary comments from the Village Engineer and stated both he and the Village Engineer concurred with the CDRC recommendation, noting sidewalks would be required prior to issuance of building permits. A motion was made by Abraham Klepner, seconded by Solomon Weiss and unanimously carried to endorse the CDRC recommendation and forward the application to Orange County for a GML § 239 review.

A motion was also made by Solomon Weiss, seconded by Simon Schwarz and unanimously carried to schedule a public hearing on the subdivision plan for 8:05 PM on Thursday, February 16, 2023.

### **Other Business/Adjournment**

Dov Frankel joined the meeting at this point.

A motion was made by Solomon Weiss, seconded by Abraham Klepner and unanimously establish the third Thursday of each month at 8:00 PM as the regular meeting time for the Planning Board unless otherwise noticed.

Shepstone then asked if there was any other business to come before the Planning Board at the meeting or rather someone cared to make a motion to adjourn. Dov Frankel moved to adjourn the meeting. This was seconded by Solomon Weiss and unanimously carried.