

**VILLAGE OF SOUTH BLOOMING GROVE
PLANNING BOARD
Regular Meeting
March 16, 2023**

Members Present:

Chairman Solomon Weiss
Simon Schwartz
Abraham Klepner

Members Absent:

Dov Frankel
Yoel Ungar

Also Present:

Daniel Kraushaar, Village Planning Board Counsel
Al Fusco, Village Engineer
Tom Shepstone, Village Planner

The meeting was called to order by Chairman Weiss at 8:00 PM followed by a pledge to the flag.

Approval of Previous Minutes

Tom Shepstone distributed minutes of the March 16, 2023 meeting and asked if any members had comments or requests for revisions. There being no comments or requested revisions, a motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to approve these minutes.

OLD BUSINESS

1 Treza Lane

Planner Shepstone noted the public hearing on this 17-lot subdivision in the RB District had been closed during the previous meeting.

Kirk Rother, project engineer, reviewed additional information pertaining to the subdivision along with various minor modifications.

Shepstone indicated no objections from other agencies were received regarding the Planning Board serving as the SEQRA Lead Agency and proceeded to review Part 2 of the EAF with his recommendations in detail, which included a Negative Declaration regarding significant environmental impacts. Thereupon, Solomon Weiss made a motion, seconded by Abraham

Klepner to adopt the recommended Parts 2 and 3 of the EAF and to issue a Negative Declaration, which motion was unanimously carried.

The planner recommended and, on a motion by Simon Schwartz, seconded by Solomon Weiss and unanimously carried, the Planning Board granted Conditional Final Approval of the 1 Treza Lane Subdivision, subject to certain conditions incorporated into the following resolution:

**VILLAGE OF SOUTH BLOOMING GROVE PLANNING BOARD
RESOLUTION - APRIL 20, 2023**

NAME OF APPLICANT: ARON RAUCH A/K/A POSITIVE DEVELOPERS, 7 TIMOTHY LLC & SDYV LLC
SITE ADDRESS: 1 TREZA LANE
ZONING DISTRICT: RB RESIDENCE B DISTRICT
SECTION-BLOCK-LOT: 220-1-3, 28 AND 34
ACTION: CONDITIONAL FINAL SUBDIVISION APPROVAL

WHEREAS, the Village of South Blooming Grove Planning Board has received a Subdivision Plan for a 17-lot subdivision off Treza Lane, which project is known as the “Treza Subdivision” and is more fully described on a map prepared by Kirk Rother, P.E. and dated April 18, 2023; 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 Final Subdivision Plan Approval subject to the following conditions:

1. The Applicant shall address all outstanding items articulated by Fusco Engineering & Land Surveying, D.P.C., Village Engineer, in his project reviews.
2. Fees in lieu of parkland reservation under Chapter 120 of the Village of South Blooming Grove Code in the amount of \$93,500 (17 lots at \$5,500) shall be paid in full prior to Final Site Plan approval. Assuming each lot will accommodate a minimum of one dwelling unit, additional fees at the rate \$5,500 per dwelling unit shall be paid for any additional dwelling units later created on any lot, which amount shall be paid prior to the issuance of any building permit for any such additional dwelling unit.
3. All street and other proposed improvements shall be installed and inspected by the Village Engineer prior to issuance of any building permits or sale of lots unless a financial guarantee consistent with Village requirements and approved by both the Village Engineer and the Village Attorney has been filed.
4. The fire department shall be supplied with a copy of the plans and any issues raised therefrom having to do with emergency vehicle accessibility and the like shall be addressed to the satisfaction of the Village Engineer.

5. The Applicant, prior to Final Subdivision Plan Approval signature, shall pay all outstanding professional and other fees due the Village.
6. The Applicant shall be responsible to secure at its expense all approvals required by state, county, federal, municipal, or other agencies having jurisdiction over the project.

NOW, THEREFORE, BE IT FURTHER RESOLVED,

On a motion by Member Schwartz, seconded by Member Weiss and carried by a vote of 3 Ayes, 0 Naes, with 2 member(s) being absent for the vote, that the Planning Board makes the foregoing determinations, and it hereby grants the above-stated Conditional Final Subdivision Approval, subject to any conditions stated herein, and the within does not relieve the Applicant from obtaining any other permit, approval, and/or license required in connection with the proposed use of the site.

NEW BUSINESS

Prospect Gardens

Kirk Rother, project engineer, described it for the Planning Board. The applicant proposes a 51 lot fee simple subdivision and four 18 unit multifamily structures with accessory uses including two community centers and a playground. The single-family units will be clustered and the multifamily units will be developed to R-M District standards.

Density was calculated using the total project acreage of 73.4 acres which consists of six existing tax parcels lying in the Village's RR Zoning District. The fee simple lots were computed at a rate 1.33 acres per lot and the density for the multifamily units was based on density of 3,000 SF per dwelling unit.

The applicant is in the process of securing SEQRA related studies including traffic, plant and animal species and archeology. This application needs both Village Engineer and Orange County GML § 239 review.

Shepstone indicated the Village Engineer's initial comments had been received and that a public hearing had been scheduled. Solomon Weiss proceeded to make a motion to open the hearing. It was seconded by Abraham Klepner and unanimously carried. Kirk Rother offered some additional details and the following general public comments were made:

- The proposed 174 dwelling units will generate considerable traffic that will be an issue.
- The wrong s/b/l is cited in the applicant's cover letter.
- New water wells will be drilled to supply the project.

- Is Keen Equities part of the project?
- The location and size of the project indicate light pollution will need to be addressed.
- The site experiences flooding at times.
- There seems to be clear-cutting taking place (discussion).
- There are drought and flushing issues that need to be considered.
- GML §239 review will be important.
- Satterly Creek and water well impacts need to be considered.
- The EAF seems to minimize traffic impacts that are potentially large.
- The project will negatively impact quality of life in the Village.
- Dark skies impacts are likely to be negative without light height restrictions.
- Could the Orange County Land Trust manage open space easements?
- Trees that were cut and not removed constitute a fire hazard.
- The development plan jams too much development next to single-family houses.
- Construction impacts (infrastructure and homes) must be considered.
- Will bus service be provided?

Sue Anne Vogelsburg also read written comments subsequently submitted for the record as specifically provided below:

- The only documents for "PG" were initially presented to the public at the 3-16-23 Planning Board meeting. As there are no updated documents, it's challenging to make comments when we don't have all the info, ie NO report from DEC on stormwater mgt pond, NO report from Town of Blooming Grove as project borders on it, NO report from the County GML review, NO report from County Health Dept.
- Cover letter has tax ID # for "Sleepy Hollow" NOT "PG"..i expect that will be corrected.
- NO approval was rec'd for this project yet clear cutting took place on 3-17-23 less than 24 hours after initial presentation to public. Will trees be replaced if project does NOT get approved?

- Prospect Road continues to crumble at the edges making it less wide to allow for two-way traffic. With more construction vehicles with increased weight, Prospect Road will be stressed even more. How will that road damage be addressed? I saw no no plan for that in these documents. Will Prospect Road be realigned for safety?
- What's the estimated population for the proposed housing units? That would impact both
- Will the proposed playgrounds be open to all VSBG residents?
- Where's the testing data that supports the claim of 59,670 gals/day of water usage?
- Where's the testing data that supports sewage output of 59,670 gal/day?
- Maximum pumping capacity: TBD?????? I would think a definitive number is needed!
- Will storm water mgt. pond be fenced off for safety?
- Excess run-off water will go to on site storm water pond then to Satterly Creek...they'll be NO run-off to adjacent properties or Prospect Road? This section of Prospect floods at intervals.
- The 'schools'/Houses of Worship at 206, 212, 216 Prospect look to be within 1500 ft. of this project and yet they were not mentioned. NO mention of the effect of this project on Lake Hildegarde-also within 1500 ft of this project.
- Who are the members of the Community Design Review Committee? They are NOT identified on their report. Are they trained professionals? Are they volunteers with opinions?
- This project can't be looked at in isolation especially since various subdivisions are also simultaneously before the PB, eg. Treza Lane...also with a stated connection to municipal water and sewer. If current residents are continuing to have water/sewer complaints and if the VSBG website continues to post "mandatory water restrictions" how can new development proceed when VSBG can't meet current needs? I suggest more info is required from various government agencies, so an informed decision can be made for this project's viability.

Following the delivery of these comments, a motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to continue the public hearing through at least May 18, 2023.

Planner Shepstone also indicated that, as the Board had directed at the last meeting, a Notice of Intent to serve as SEQRA Lead Agency was issued. Some agencies responded to state they have no objection. The Town of Blooming Grove, which was not listed as an involved agency and was not issued a NOI, responded to object and requested to be co-lead agency. The basis for this was Prospect Road. This road, though, according to a survey of the Village done at the time it

was created, by Joseph Haller, L.S., indicates no part of Prospect Road which this project would adjoin is located outside the Village of South Blooming Grove. Therefore, any actions to be taken with respect to accessing this road would be taken by the Village and not the Town. Given this, the Town cannot be an involved agency but it can be recognized as an interested agency under SEQRA which is what Shepstone proposed. He distributed a draft letter to that effect for the Planning Board's approval.

Simon Schwartz noted he serves on the Town of Blooming Grove Town Board and needed to recuse himself from such a vote. A quorum thereby being absent, no action could be taken.

4 Heights Trail

The Planner noted the applicant proposes a 3-lot subdivision of a 0.85 acre parcel fronting on Mountain road, Delano Grove and Heights Trail. Two parcels will be 0.25 acre in size and the third will be 0.358 acre. Each of the lots fronts on a different street and all three comply with recommended RB District setbacks. Mountain Road is County Road No. 44 and 239 review has been requested from the county. He also noted a hearing was scheduled.

Solomon Weiss made a motion to open the public hearing. It was seconded by Abraham Klepner and unanimously carried. One neighbor testified that he thought the subdivision would be a "very good thing." There were no other public comments. A motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to continue the hearing until May 18 for written comments.

35-37 Virginia

The Planner noted the applicant proposes a 3-lot subdivision of a parcel fronting on Virginia Avenue. Two parcels will be 12,740 square feet in size and the third will be 14,514 square feet. The location is within the RB District and meets setbacks, but the plat lacks metes and bounds as yet. Because there are fewer than 5 lots no GML § 239 referral is required but Village Engineer review is required. He also noted a hearing was scheduled.

Simon Schwartz made a motion to open the public hearing. It was seconded by Solomon Weiss and unanimously carried. There were no public comments. A motion was made by Simon Schwartz, seconded by Abraham Klepner and unanimously carried to continue the hearing until May 18 for written comments.

30 Merriewold Lane South

The Planner noted the applicant proposes a 2-lot subdivision of a parcel fronting on Merriewold Lane South with a property line running between and a proposed addition to create a 2-family dwelling. The location is within the RB District and meets setbacks, but the plat lacks metes and bounds as yet. Because there are fewer than 5 lots no GML § 239 referral is required. A full application was provided. Village Engineer comments were received. Shepstone also noted a hearing was scheduled.

Solomon Weiss made a motion to open the public hearing. It was seconded by Simon Schwartz and unanimously carried. Public comment consisted of questions regarding the lack a side yard between the dwellings, which were answered by explaining zero lot line development common with duplexes and townhouses). A motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to close the hearing.

Shepstone proceeded to recommend Conditional Final Approval at this time, subject to complying with Village Engineer recommendations, payment of all professional and recreation fees due and restricting the use of the existing building previously intended to be a shul to use as a single-family home with no additional dwelling units permitted now or in the future. He also noted this was a Type II SEQRA Action as there was no new construction involved.

Solomon Weiss made a motion to grant Conditional Final Approval, subject to complying with Village Engineer recommendations and payment of all professional and recreation fees due (\$5,500 less any previous fees paid for the shul). This motion was seconded by Simon Schwartz and unanimously carried.

Other Business/Adjournment

Planner 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. Solomon Weiss moved to adjourn the meeting. This was seconded by Abraham Klepner and unanimously carried.