

**VILLAGE OF SOUTH BLOOMING GROVE  
PLANNING BOARD  
Regular Meeting  
June 15, 2023**

**Members Present:**

Dov Frankel  
Abraham Klepner  
Eli Hiller - Alternate Member

**Members Absent:**

Chairman Solomon Weiss  
Simon Schwartz  
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 Acting Chair Tom Shepstone at 8:05 PM followed by a pledge to the flag.

**Approval of Previous Minutes**

Tom Shepstone distributed minutes of the May 18, 2023 meeting and asked if any members had comments or requests for revisions. A motion was made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to approve these minutes.

**OLD BUSINESS**

**Prospect Gardens**

Planner Shepstone briefly reviewed written comments received to date at that point, which follow:

**Comment #1**

*To the Members of the Village of South Blooming Grove Planning Board:*

*According to the NYS Department of State Division of Local Government Services, a Planning Board is “meant to serve as the foundation for all zoning regulations; a document or culmination of materials that provide an outline for orderly growth; and a land use plan.”*

*I am focused on “orderly growth.” Orderly growth would imply, by definition of the very words “orderly” and “growth,” that those areas that will grow or expand will do so in a fashion that aligns with a plan for a village that serves ALL its residents well.*

*Under Tips for completing Part 2 of the Full Environment Assessment Form there are twelve bulleted guidelines to assist the lead agency in providing complete and accurate information regarding critical components of the proposed plan. As I review your answers to these questions, I see no less than thirteen sections with questionable or vague responses and no additional information in the sections designated as “other.” Assuming there was adherence to such tips, I question why it was not deemed integral to the process that a more comprehensive, thoughtful response be provided.*

*In the interest of brevity, please direct your attention to Section 18 of the EAF Part2. I have inserted a link from the New York State Department of Environmental Conservation Workbook Section for illustrative purposes but prudent practice would assume this workbook was utilized and consulted for a full understanding of items for consideration before responses were provided.*

*Section 18 asks for a response to the following statement:*

*The proposed project is inconsistent with the existing community character and the response was “YES.” In item “e,” we read The proposed action is inconsistent with the predominant architectural scale and character and the box checked is “No, or small impact may occur.” This is a gross and egregious misrepresentation.*

*In the NYS-DEC workbook referenced above, guidance to formulating an accurate response reads:*

*Predominant architectural scale and character need to be defined locally: they are determined through understanding the size, height, dimensions, and intensity of uses as they already exist in the neighborhood or community.*

*Actions inconsistent with the predominant architectural scale and character of the area could include those that results in a structure or landscape that is in sharp contrast to that which currently exists. A new structure(s) that is larger, taller, or of different architectural style, could be inconsistent with the existing character. Changes in color scheme, window and door configuration, roof style, setback from the street, or style of signs and accessory structures can all result in adverse impacts to community character. Streets that are widened, intersections that are changed, streets where trees have been removed, and placement of parking lots are other actions that can change community character. Introduction of noises, lighting and traffic are others.*

*This is precisely what has taken place or is proposed to take place on Prospect Road  
Let me highlight the obvious affronts*

- 1) A new structure(s) that is larger, taller, or of different architectural style*
- 2) Setback from the street*
- 3) Style of signs and accessory structures*
- 4) Streets that are widened*
- 5) Streets where trees have been removed*
- 6) Placement of parking lots*
- 7) Introduction of noises, lighting and traffic*

None of this is my area of professional expertise but if it is yours, how could a response of "No or small impact" have even been considered? The Orange County Department of Planning has issued a reply to you, stating:

*"This development proposes a minimum of two dwelling units per acre on a road with very low density, which will put the new development at odds with the existing residential development along Prospect Road. The impacts on community character must be thoroughly assessed and mitigated to the fullest extent possible."*

*This reply does not even address the 3 story school with 20,000 sq ft on each floor, 35 parking spaces for cars and 17 parking spaces for buses or the temporary trailers you will use until the new building is ready.*

*You are responsible to the residents of Prospect Road, who have built their lives in a bucolic, peaceful setting to revise if not discard your plans. Decades of investment in a lifestyle they chose is being upended by a flagrant disregard for their needs.*

*I look forward to a thoughtful response that includes utilizing the guidelines in place which go far beyond what is exhibited in the preparation of your EAF Part 2.*

*Sincerely,*

*Valerie Robinson*

## **Comment #2**

*To the Village of South Blooming Grove Planning Board,*

*I have several comments on the revised Plat for this project that I hope you will take into consideration during your review.*

### Road Widening

*This plan proposes to widen Prospect Rd in between the two entrances/exits of the site. The widening would require paving over an existing drainage ditch and removing a line of mature trees. I encourage the Planning Board to look at alternatives to widening the road. The existing tree line significantly screens the property from the road, providing privacy for both the project site, and for neighboring homeowners. Removing this line of trees to widen the road will eliminate this privacy barrier that both the applicant and neighbors will benefit from. Additionally, paving over the existing drainage ditch may negatively influence drainage in the area and make maintenance of the drainage more difficult.*

### Sidewalk

*This plan proposes a sidewalk in between the two entrances/exits of the site. Given the low volume of traffic on Prospect Rd and the set back of the school from the road, I do not see any need for a concrete sidewalk. Addition of a sidewalk will be a cost to the applicant, will add impermeable surfaces to the project site, and will reduce the area for screening vegetation and trees.*

### Impermeable Surfaces

*Between the school and surrounding parking lot, this plan significantly increases impermeable surfaces on the proposed site over what is pre-existing. This property is near the top of a hill and water that flows off this property will flow down Prospect Rd, all the way to Satterly Creek. Impermeable surfaces increase the speed of runoff and will exacerbate already bad flood conditions below the project site. I strongly encourage the*

*Planning Board to reduce impermeable surfaces in the parking areas, either by using unpaved surfaces or by using permeable pavement.*

### Lighting

*Low light pollution and dark skies are defining features of Prospect Rd. In developing a lighting plan for this school, I encourage the Planning Board to strictly limit lighting after dark. This includes ensuring that there are no flood lights, that there are minimal parking lot lights, that any planned parking lot lights project light directly down to minimize light pollution, and that lights in the school (which is projected to have large windows), are put on a timer or motion sensors so that they will turn off at night or once students are no longer in the building. Overall, making these modifications to the lighting plan will be a win-win for both the applicant, who will save money on electric costs, and for the community, who will continue to benefit from low light pollution.*

### Sewage

*This project currently proposes using an Eljen sewage system, which would be located in the front of the school. To the best of my knowledge this is not a common sewage system in the Village. In order to better provide public comment on this, I would ask if the engineer can provide more detail on what this will look like and how it operates. I would anticipate that both students of the school and neighbors of the property would want to ensure that the sewage system is not visible and that it does not give off unpleasant odors.*

*Regards,*

*Ryne Kitzrow  
120 Round Hill Rd, Washingtonville, NY 10992*

### **Comment #3**

*To the Village of South Blooming Grove Planning Board,*

*In reviewing the EAF Part 2 and the maps of the project, I found a couple of things that I have questions about.*

*Starting with the lot layout map, I see 5 large buildings labeled as proposed multifamily residence buildings. I was under the impression that there were to be 4. Is that other large building a community center? If so, why is it not labeled as such? Or will there indeed be 5 multifamily units?*

*Also, in comparing the lot layout map with the site analysis map, it appears that approximately 3 or 4 of the single-family houses are placed within a conservation area labeled "scenic viewshed, significant biological overlay." I believe these houses should be removed from the plan and that area left as it is.*

*In reviewing the EAF Part 2, I see that in section 1e, the box for "moderate to large impact" has been checked. Regarding multiple phases, are all phases for the completed project included in this review or will there be more than the 51 two-family houses, 4 multifamily buildings and 2 community centers? If so, they must be included in this review.*

*Thank you for your time and consideration.*

*Allison McBee  
Blooming Grove*

Dan Brown also presented written comments at the meeting, those comments being as follows:

#### **Comment #4**

*Unfortunately I only became aware of the new information concerning Prospect Gardens yesterday. Therefore I have comments on two areas of concern at this time.*

#### *Traffic Survey:*

*While it appears to adequately describe the road as it exists today and makes some recommendations for traffic safety at the intersections and road markings, it does not discuss the limits of both the condition of the road and the natural hazards presented by its topography, both visual and steepness exacerbated by the road's narrowness. There are a number of areas that have severe curves and steep declines that have resulted in several accidents during the many years I have lived on the road. I'm concerned that the proposed increase in families living on the road, an increase of 300% and the proposed new school, will result in an unsafe condition for all of us. I hope that the Planning Board will retain their own Traffic Consultant who will provide guidance on keeping us safe.*

*I would like the following questions addressed in regards to the Traffic Survey*

- 1. Why wasn't an analysis of Prospect Road done which would evaluate its present condition and provide a determination of its ability to handle the significant increase in volume and type of traffic this project and others that are proposed, such as the new school. will generate?*
- 2. Why wasn't the option of an alternative access, such as providing direct access to NYS Route 208. instead of Prospect Road, analyzed as part of this Traffic Study?*
- 3. All of the information I have been able to review indicates that the portion of Prospect Road, in front of this project, is a Town of Blooming Grove road. Why hasn't the Village been able to demonstrate that, as it believes, it is a Village road.*

#### *Zoning:*

*The Site Analysis Map provided indicates under the title "Conservation Analysis" that after the "wetlands" are removed from the overall 73 acres of the site, 64 acres are buildable. Under the current zoning laws. "Base Lot Calculations" only 36 dwelling units may be constructed. It also indicates that under Sec. 235-14.1.A(3) after analysis of both water supply and wastewater treatment the number of dwelling unit maybe adjusted to a maximum of 54 units. Using these calculations. the current VSBG Zoning Law does not provide for the construction of 174 dwelling units, on this size property, in RR zoning. Nor does it provide for a community center or multiple family dwellings as described in this plan. It is my hope that the Planning Board, after its review of this plan and the aforementioned applicable law, in its required written response, according to Sec. 235-14.1.A(2), reject this plan until it is revised and comes into compliance. I also request that the Public Comments concerning this application be left open until these issues and the many others I have requested information on are resolved.*

*Also I would like to have the following addressed in regards to the Zoning*

- 1. The applications analysis has determined that the maximum number of dwelling units allowed in accordance with the Village's RR zoning is 36. There have been no studies, in regards to the Village's Water Supply or Sanitary Sewer Systems, presented by the applicant to support any increase to that*

*number. Why then is the proposal to develop this property into 174 dwelling units being proposed by the applicant or considered by the Planning Board?*

- 2. The RR Zone does not appear to allow any type of land use other than single family detached homes, How then can the applicant propose uses such as multi family, multi story housing and community centers as part of this application?*
- 3. No information is provided as to what is the status of the undeveloped property. How will it be owned? Future use as undeveloped open space? Also the size of the developed and the conserved areas should be clearly indicated on the plan.*
- 4. It should also be noted that I believe that this plan, with its grid-like road pattern and cookie-cutter lots is also not in compliance with the intent of the RR zone, which requires the development plan to be creative in the setting of the homes and roads to mitigate the disturbance to the site and the sensitive environmental areas.*

*Thank you for your attention.*

*Dan Brown  
178 Prospect Rd.  
Blooming Grove, NY*

Following the review of comments, a motion was made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to continue the public hearing for purposes of written comments through June 30, 2023.

### **35 Virginia Subdivision**

A motion was made by Dov Frankel, seconded by Abraham Klepner and unanimously carried to open the public hearing on this project, it having been briefly explained at a previous meeting. There being no public comments, a motion was made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to close the public hearing.

### **277-279 Prospect School**

Kirk Rother, P.E. made a brief presentation of the project concept, which involves combining two residential properties, demolishing the existing dwelling units and creating a new private school for up to 450 students in grades pre-school to eighth grade.

A motion was then made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to open the scheduled public hearing. Public comments received included the following:

- Traffic impacts need to be studied in-depth due to the cumulative impact in combination with Prospect Gardens and the unique impacts of buses on traffic levels of service.
- A water study will also be critical given the Village's lack of additional capacity at this time.

- Orange County 239 review will be important given impacts on adjoining areas.
- There seems to be discrepancies with respect to meeting parking needs.
- Department of Health approval will be necessary and important.
- The project scale and character is out of step with the single-family character of the area.
- Street lighting and widening of Prospect Road will be issues that need to be addressed in any conditions.
- The relationship of the school with Prospect Gardens needs clarification.

A motion was made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to continue the public hearing on the project for purposes of receiving written comments until July 20, 2023.

## **2 Michael Court Subdivision and Site Plan**

A motion was made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to open the scheduled public hearing on this project. It was noted there will be one home on each lot and that the application was missing certain contact information. A motion was then made by Eli Hiller, seconded by Dov Frankel and unanimously carried to continue the public hearing on the project for purposes of receiving written comments until July 20, 2023

## **2 & 4 Pennsylvania Subdivision**

A motion was made by Abraham Klepner, seconded by Dov Frankel and unanimously carried to open the scheduled public hearing on this project. There being no public comment, a motion was then made by Abraham Klepner, seconded by Eli Hiller and unanimously carried to continue the public hearing on the project for purposes of receiving written comments until July 20, 2023

## **25 Lark Avenue**

A brief discussion was conducted regarding this proposed subdivision of 16 lots from a 38.5 acre parcel, which will require a sewer district extension. It appears GML §239 review may not be required. This was followed by a motion made by Dov Frankel, seconded by Abraham Klepner and unanimously carried to conduct a public hearing on this project at 8:05 PM on July 20, 2023.

## **19-21-23 Mangin**

Michael Morgante presented a proposed subdivision of 5 lots from a 1.4 acre parcel. It appears GML §239 review will be required. This was followed by a motion made by Abraham Klepner, seconded by Dov Frankel and unanimously carried to conduct a public hearing on this project at 8:10 PM on July 20, 2023.

### **3-5 San Marcos**

A brief discussion was conducted regarding this proposed 3-lot subdivision which will require a sewer district extension. It appears GML §239 review will not be required. This was followed by a motion made by Abraham Klepner, seconded by Dov Frankel and unanimously carried to conduct a public hearing on this project at 8:15 PM on July 20, 2023.

### **Submission Deadline**

Planner Shepstone recommended and a motion was made by Eli Hiller, seconded by Dov Frankel and unanimously carried to adopt the following policy:

"Any applicant material for any new or pending application under the Village of South Blooming Grove Subdivision and/or Zoning Laws shall be submitted no later than the Friday immediately preceding the Planning Board meeting at which it is intended for Planning Board consideration. Any material submitted after this deadline will not be considered at such meeting."

### **Training**

Planner Shepstone announced there would be a training session, conducted by Tom Shepstone and Al Fusco and focused on SEQRA and stormwater management, for Planning Board and Zoning Board of Appeals members on June 29, 2023.

### **Other Business/Adjournment**

There being no other business to come before the Planning Board, Abraham Klepner moved to adjourn the meeting. This was seconded by Eli Hiller and unanimously carried.