

**VILLAGE OF SOUTH BLOOMING GROVE
PLANNING BOARD
Regular Meeting
August 17, 2023**

Members Present:

Chairman Solomon Weiss
Dov Frankel
Abraham Klepner
Simon Schwartz
Eli Hiller - Alternate Member

Members Absent:

Yoel Ungar

Also Present:

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

A quorum being present (Alternate Member Eli Hiller also subsequently arrived), the meeting was called to order by Chairman Solomon Weiss at 8:08 PM followed by a pledge to the flag.

Approval of Previous Minutes

Tom Shepstone distributed minutes of the July 20, 2023 meeting and asked if any members had comments or requests for revisions. A motion was made by Simon Schwartz, seconded by Abraham Klepner and unanimously carried to approve the full version of the minutes posted on the Village website.

OLD BUSINESS

Sleep Inn Site Plan Amendment

A public hearing being scheduled for 8:05 PM, a motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to open the hearing for public comment. There being no such comment, a motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to continue the hearing for written comments until August 31, 2023. Al Fusco also offered engineering comments.

[Note: Alternate Member Eli Hiller joined the meeting at this point.]

4 Heights Trail Subdivision

Planner Shepstone noted this was a modification of an earlier conditionally approved subdivision. A public hearing being scheduled for 8:10 PM, a motion was made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to open the hearing for public comment. Three parties commented.

Maria Buckley expressed concerns regarding water supply, sewage disposal plans, mountain runoff and possible impact on water ponds.

Bonnie Rum was concerned about cumulative development impact and water supply impacts.

Simon Gelb indicated that groundwater geology suggests the Village has far more water than needed and it is only a matter of finding and developing it, noting 700,000 gpd would be added soon. Al Fusco further noted the Village has a large grant to upgrade its water system.

Shepstone also noted receipt of a written comment from Vivian J. Oleen, which is attached hereto.

There being no further comment, a motion was made by Eli Hiller, seconded by Simon Schwartz and unanimously carried to continue the hearing for written comments until August 31, 2023.

Prospect Gardens

Kirk Rother, P.E. provided a brief update on this project, noting the completion of wetlands evaluation, SWPPP completion and road improvement plans.

Divrei Chaim (Clovewood)

Simon Gelb and Kirk Rother, on behalf of the applicant, appeared to request approval of the following resolution granting Conditional Final Approval of the subdivision. A motion was made by Simon Schwartz, seconded by Dov Frankel and unanimously approved to enact such resolution:

**RESOLUTION
APPROVING A CONDITIONAL FINAL SUBDIVISION
AND SITE PLAN FOR THE CLOVEWOOD PROJECT**

***WHEREAS**, the Village of South Blooming Grove, New York (“Village”) from time to time considers certain land use projects in the Village, including a Project submitted by Simon Gelb, CPC on behalf of Keen Equities, LLC (“Project Sponsor”) and known as the Clovewood Project and also known as Divrei Chaim (the “Project”) located on the East side of NYS Route 208 and County Route 27 (a/k/a Clove Road), and designated on the tax map of the Village as Section 208, Block 1, Lot 2 and 3 and having an address of 1100 NYS Route 208, and 505 Clove Road, Monroe, NY 10950 consisting of approximately 708 acres of land (the “Project Site”); and*

WHEREAS, the Project Sponsor is seeking approval to construct 600 single family homes with four associated community facilities, appurtenant roads and other utilities to service the “Project;” and reserve 22 acres of land; and

WHEREAS, the Project Site is located within the Rural Residential (RR) Zoning District with a portion of the project within the Rural Crossroads 1 (RC1) Zoning District; and

WHEREAS, the proposed site plan with subdivision of single family homes constitutes an allowed use subject to compliance with the Village Code which authorizes the Planning Board of the Village of South Blooming Grove (“Planning Board”) to approve Subdivisions (Chapter 163) and Site Plans (Chapter 235) in relation to land use projects in the Village; and

WHEREAS, the Project Sponsor submitted an application and supporting materials including but not limited to a Full Environmental Assessment Form, Final Environmental Impact Statement (FEIS) with associated studies, Stormwater Pollution Prevention Plan (SWPPP), a subdivision and site plan titled “Clovewood,” dated April 10, 2014 with last revision May 19, 2023 prepared by Kirk Rother PE, and additional documentation and studies as addenda to the submittals (the “Application”); and

WHEREAS, the Board of Trustees of the Village (“Trustees”) and the Planning Board assumed co-lead agency status for SEQR purposes, issuing a Positive Declaration for the Project, requiring the preparation of a Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, the co-lead agencies, after conducting public hearings with respect to a proposed Scoping Outline for the DEIS, adopted a Scoping Outline on June 2, 2016; and

WHEREAS, a proposed DEIS was prepared by the Project Sponsor and was accepted as being sufficient for public comment by the co-lead agency the Planning Board on March 5, 2020 and by the co-lead agency the Trustees on March 16, 2020; and

WHEREAS, public hearings with respect to the DEIS was commenced on August 10, 2020, and continued and completed on January 5, 2021; and

WHEREAS, thereafter, the co-lead agencies caused a FEIS responding to all comments on the DEIS to be prepared, and on behalf of the Project Sponsor, Simon Gelb, CPC prepared and submitted the FEIS on February 8, 2022, stamped by the Village on March 3, 2022; and

WHEREAS, The Trustees and the Planning board accepted the FEIS and determined that it was complete on July 29, 2022 and thereafter the notice of acceptance of FEIS and the FEIS was filed, posted, and published as required by SEQRA; and

WHEREAS, the Trustees and the Planning Board adopted the SEQR findings on August 9, 2022 by Resolution filed with the Village Clerk on August 10, 2022; and

WHEREAS, the Project was referred to the Orange County Planning Department for review in compliance with General Municipal Law 239-m on March 10, 2022 and the County Planning Department deferred to local approvals and provided comments in a letter dated March 23, 2022 that the Project Sponsor responded to, and the Village Planning Board agreed with the response and expressly overrode the comments offered by the County Planning as indicated therein; and

WHEREAS, a public hearing with respect to the preliminary subdivision and site plan was held on March 24, 2022 as required by the Village laws pertaining to subdivision and to site plan approval for the Project and the subject of the public hearing was the Project as set forth in the applications and as more fully described in the EIS involving 600 lots for residential development and ancillary infrastructure and other facilities, and also the subdivision of land containing twelve wells, with access to such wells, which is proposed to be the subject of a license agreement with the Village by the Applicant; and

WHEREAS, subsequent to the public hearing certain changes were made in the site plan and subdivision plat to address comments received from NYSDEC and others; and the Planning Board found that these changes to the site plan and the subdivision plat all served to further less environmental impacts as discussed in the SEQRA statement of findings; and

WHEREAS, the Planning Board verified that the proposed Project complies with the current Village Zoning Codes and subdivision regulations and has made lot count, bulk requirements, and roadway classification determinations; and

WHEREAS, the Applicant proposed to dedicate to the Village: approximately 60 acres of parkland or a portion thereof in accordance with paying the parkland fee referenced in the Village Code, the privately constructed sewer and water system for the Project; the roadways privately constructed per the Village's specifications and all privately constructed stormwater facilities necessary for the continued operation of the Project; and

WHEREAS, the Planning Board granted the Project the Approval for Preliminary Subdivision and Site Plan on August 18, 2022; and

WHEREAS, the final plat is substantially the same as the preliminary plat;

NOW THEREFORE, BE IT RESOLVED:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. The Planning Board hereby grants approval for a conditional final subdivision plat and site plan for the Project attached to and incorporated into this resolution, to be developed in sections as may be appropriate to ensure orderly development and to include the Full Application and prior approvals conditioned on the following requirements:

1. *Submission of New York State Department of Environmental Conservation approval of the proposed water and sewer systems to the Village;*
2. *Submission of Orange County Department of Health approval of the proposed water and sewer systems to the Village;*
3. *Obtaining of Village Trustees approval of the dedication of lands set-aside on the final plat for public purposes to the Village;*
4. *Retaining, subject to acceptance by the Village, of a qualified Certified Professional in Erosion and Sediment Control to conduct weekly SWPPP Inspections and submit the reports to the Village Engineer;*
5. *Providing to the Village of a detailed estimate of the costs associated with all public improvements that are part of the Village approved preliminary subdivision plan for the Project, for purposes of Village Engineer review and acceptance; and*
6. *Posting of a bond or other satisfactory financial guarantee authorized by Village law in the approved amounts in a form acceptable to the Village Attorney and to be approved by the Village Trustees; and*
7. *Providing of funds for an escrow account for site inspections as shall be acceptable to the Village Engineer.*

Section 3. The Planning Board hereby directs the Clerk to the Planning Board to file the Resolution with the Village Clerk within five (5) days of adoption. A copy of the filed resolution shall be issued to the Project Sponsor.

Section 4. This Resolution shall take effect immediately.

Southgrove

Simon Gelb and Kirk Rother, on behalf of the applicant, appeared to request approval of the a resolution granting Conditional Final Approval of the first phase four-lot subdivision, which had been approved initially in August, 2022. A motion was made by Dov Frankel, seconded by Abraham Klepner and unanimously approved to enact such resolution, which follows:

RESOLUTION APPROVING A CONDITIONAL FINAL SUBDIVISION PLAN FOR THE SOUTHGROVE PROJECT

WHEREAS, *the Village of South Blooming Grove Planning Board, on August 18, 2022, after conducting an environmental review and making a negative declaration as to the same, conditionally approved a 24-lot subdivision project known as Southgrove (a/k/a “South Grove”)* subject to addressing Village Engineer comments, and

WHEREAS, four lots with access from a planned private drive off Route 208 have been platted on a survey map prepared by Edward T. Gannon, P.L.S. dated April 11, 2019 showing a subdivision of Tax Map Parcel 207-1-1.23, which represents the parent parcel for the Southgrove project as a whole, and

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Planning Board hereby specifically grants final conditional approval of the aforementioned four-lot subdivision plat to facilitate development of the Southgrove project in sections as may be appropriate to ensure orderly development, conditioned on the following requirements:

1. Submission to the Village of New York State Department of Environmental Conservation approval of the proposed water and sewer systems;
2. Submission of Orange County Department of Health approval of the proposed water and sewer systems to the Village;
3. Obtaining of Village Trustees approval of the dedication of lands set-aside on the final plat for public purposes to the Village;
4. Submission to the Village of New York State Department of Transportation approval of the access to Route 208;
5. Providing to the Village of a detailed estimate of the costs associated with all public improvements that are part of the subdivision plan (including the construction of the proposed access drive that will serve the four lots), for purposes of Village Engineer review and acceptance; and
6. Posting of a bond or other satisfactory financial guarantee authorized by Village law in the approved amounts in a form acceptable to the Village Attorney and to be approved by the Village Trustees; and
7. Providing of funds for an escrow account for site inspections as shall be acceptable to the Village Engineer; and
8. Dedication to the Village of additional right-of-way for Route 208 widening as may be necessary as determined by the Village Engineer; and
9. Payment of all fees for Village Engineer and consultant services connected with the subdivision as well as parkland dedication fees in the amount of \$5,500 per new lot.

Section 3. The Planning Board hereby directs the Clerk to the Planning Board to file the Resolution with the Village Clerk within five (5) days of adoption. A copy of the filed resolution shall be issued to the Project Sponsor.

Section 4. This Resolution shall take effect immediately.

Gelb and Rother also requested approval of the a resolution granting an extension the time for approval of the subsequent phase 24-lot subdivision until August 18, 2023. A motion was made by Simon Schwartz, seconded by Abraham Klepner and unanimously approved to enact such resolution, which follows:

**RESOLUTION
EXTENDING REVIEW OF A CONDITIONAL
SITE PLAN AND SUBDIVISION PLAN SUBMISSION
GIVEN FOR THE SOUTHGROVE PROJECT**

WHEREAS, *the Village of South Blooming Grove Planning Board, on August 18, 2022, after conducting an environmental review and making a negative declaration as to the same, conditionally approved a 24-lot subdivision project known as Southgrove (a/k/a “South Grove”) subject to addressing Village Engineer comments, and*

WHEREAS, *a submission made and conditionally approved for a site plan and proposed future resubdivision of four new lots to be created from Tax Map Parcel 207-1-1.23 and given conditional final approval this same date expires on August 18, 2023, and*

WHEREAS, *the August 18, 2022 conditional approval can legally be extended and such extension is necessary to ensure orderly development in this instance,*

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Planning Board hereby specifically extends conditional approval of the aforementioned 24-lot subdivision project known as Southgrove to February 18, 2024 to facilitate its development in sections as may be appropriate to ensure orderly development, conditioned on the following requirements:

- 1. Submission to the Village of New York State Department of Environmental Conservation approval of the proposed water and sewer systems;*
- 2. Submission of Orange County Department of Health approval of the proposed water and sewer systems to the Village;*
- 3. Obtaining of Village Trustees approval of the dedication of lands set-aside on the final plat for public purposes to the Village;*

4. *Submission to the Village of New York State Department of Transportation approval of the access to Route 208;*
5. *Providing to the Village of a detailed estimate of the costs associated with all public improvements that are part of the subdivision plan (including the construction of the proposed access drive that will serve the four lots), for purposes of Village Engineer review and acceptance; and*
6. *Posting of a bond or other satisfactory financial guarantee authorized by Village law in the approved amounts in a form acceptable to the Village Attorney and to be approved by the Village Trustees; and*
7. *Providing of funds for an escrow account for site inspections as shall be acceptable to the Village Engineer; and*
8. *Dedication to the Village of additional right-of-way for Route 208 widening as may be necessary as determined by the Village Engineer; and*
9. *Payment of all fees for Village Engineer and consultant services connected with the subdivision as well as parkland dedication fees in the amount of \$5,500 per new dwelling unit..*

Section 3. The Planning Board hereby directs the Clerk to the Planning Board to file the Resolution with the Village Clerk within five (5) days of adoption. A copy of the filed resolution shall be issued to the Project Sponsor.

Section 4. This Resolution shall take effect immediately.

35 Virginia

A motion was made by Simon Schwartz, seconded by Eli Hiller and unanimously carried to table action on this application until a subsequent meeting.

277-279 Prospect School

Kirk Rother updated the Planning Board as to progress in planning this project, noting completion of a traffic analysis, biological report and SWPPP. Planner Shepstone noted no written comments had been received since the last meeting. A motion was then made by Dov Frankel, seconded by Solomon Weiss and unanimously carried to keep the public hearing open for written comments until August 31, 2023.

2 Michael Court

A motion was made by Simon Schwartz, seconded by Eli Hiller and unanimously carried to table action on this application until a subsequent meeting.

25 Lark Subdivision

It was noted that no additional comments had been received regarding this project since the temporary adjourning of the public hearing at the previous meeting. Al Fusco also reviewed a lengthy list of items still needed to make any decision on the application. A motion was then made by Solomon Weiss, seconded by Simon Schwartz and unanimously carried to keep the public hearing open for written comments until August 31, 2023.

19-21-23 Mangin

A motion was made by Eli Hiller, seconded by Abraham Klepner and unanimously carried to table action on this application until a subsequent meeting.

3-5 San Marcos

A motion was made by Simon Schwartz, seconded by Eli Hiller and unanimously carried to table action on this application until a subsequent meeting.

NEW BUSINESS

4 Briar Way

This proposed three-lot subdivision was briefly reviewed and a motion was made by Simon Schwartz, seconded by Eli Hiller and unanimously carried to set a public on the application for 8:05 PM on October 20, 2023.

Other Business/Adjournment

Due to conflicts with religious holidays, a motion was made by Eli Hiller, seconded by Simon Schwartz and unanimously carried to move the regular September meeting of the Planning Board to 8:00 PM on August 31, 2023 at the Village Hall.

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

August 16, 2023

I live directly across the road from the proposed project and therefore have a direct interest in the applicant's proposal.

I received notice of the August 17th public hearing regarding 4 Heights Trail Subdivision on August 16th.. Although the meeting notice is dated July 20, 2023, and the meeting is scheduled for August 17th, the notice was not mailed to me until August 11th; the US Postal Service estimated the delivery date to be August 14th—only three days before the hearing. Because I was at my home at 50 Mountain Road on that date I was not able to obtain the notice (which was mailed to my address of record) until August 16th—one day prior to the hearing.. Applicant had one month to send the meeting notice to me; therefore, I consider this failure to provide notice in a timely manner as evidence of bad faith on the part of the applicant because the notice is dated July 20th and the mailing was deliberately delayed until August 11th. To add insult to injury, the applicant, Joel Mizrahi, called me on August 15th asking me to sell my home to him.

Because I have had insufficient notice to research his project, I have many unanswered questions. I also note that the applicant's deliberate delay in notifying me means that I have not been able to submit my questions/objections by mail in order to reach the Village Hall by noon on August 17th as is required by the Village. Thus, I may have to make a 106- mile round trip in order to deliver my questions and objections.

This project is in a RR (rural residential) zone. According to the Village code, "The purpose of this district is to promote the Village's rural character; protect open space and environmentally sensitive resources and to guide residential development in a manner that is consistent with the Village's Comprehensive Plan."

Frankly, I fail to understand how jamming multiple houses onto .858 acres will "protect open space" on land that many years ago was a cow pasture. What is the minimum permissible lot size for a house? If I remember correctly, it used to be one acre. Is that still the case or has the zoning been changed to cram even more houses into this de jure RR zone? So, is the applicant proposing multi-family homes, single-family homes, homes with accessory apartments, or what?

Second, part of "the Village's rural character" is biodiversity. Additional construction drives wildlife from its habitat. Thus, as the RR district becomes more crowded and the RR zoning designation is constantly subject to "exceptions", my neighbors and I have witnessed more deer, bears, and coyotes on our properties in the past five years. These incursions are dangerous to humans as well. For example, my car was struck by a deer six years ago—a dangerous situation which will only increase as unchecked development proceeds.

My family has owned our house directly across the road from the proposed development for the past eighty-two years. I remember that residents of what was the Delano Heights bungalow colony where the applicant wants to build very often complained to my family of the lack of sufficient water for their needs as well as problems with their private sewage system.. Yet, the applicant proposes to draw water from existing wells. What are the results of the perc tests? Where are the leach fields and where is proof of demonstrated capacity to accommodate even more construction? Can the applicant demonstrate that there is enough surplus water to allow for successful firefighting? How does extracting even more water from a meager supply impact his neighbors?

Applicant states that his project will not impact traffic flow. We do not need any more sources of residential and construction traffic on Mountain Road—we have exceeded the saturation point!! The Board should note that in the past few years there has been a noticeable increase in traffic on Mountain Road; it has become so congested that it took me five minutes to exit my property last Saturday. I have from time to time found evidence of car crashes on my property such as pieces of vehicles involved in crashes; in fact, I no longer have a mailbox because my boxes have been destroyed three times in the past ten years or so by crashing vehicles. Last Sunday morning, at 3:45 A.M., two cars came to a screeching halt directly in front of my house and remained there for about twenty minutes.. During the week, heavy construction vehicles and many, many cars go up and down the road. Mountain Road not too many years ago was a sparsely trafficked road; now we have a traffic light at the intersection of Mountain Road and Route 208 and drivers incessantly speeding up and down from early morning until well into the night. No peace and quiet anymore. Rural Residential—hah!

From August 2015 until 2022, the house next door to mine was operated as a commercial enterprise and was allegedly converted to a two-family house without a proper C of O. It took five years of complaints by my neighbors and me for the situation to be rectified and for the illegal activities to end.

Therefore, in questioning the proposed development, I point out all of the above deterioration in our quality of life in addition to the lack of information provided by the applicant. I still don't know exactly what he intends to do with the property and how he intends to solve the longstanding water and sewage problems on the property given that he has no access to the municipal water system which is itself insufficient to meet the Village's needs. He also gives the proposed development's address on the application but another (2 Galveston Drive) on the letter that he sent to me. So, does he intend to build a house on the property in which he intends to live? Is he building for rental or sale? Is anything constructed on the property to be used for any purpose other than housing? Furthermore, upon glancing at his application, I can't tell if Abraham Mizrahi or Joel Mizrahi is the property owner or if they jointly own the property.

Bottom line: There are too many unanswered questions which, if unsatisfactorily resolved, could negatively impact our RR district. Therefore, if and until they are satisfactorily answered I am opposed to granting a permit and/or a variance; the intent of the RR designation must be respected and the character of our RR district must remain unchanged; our RR neighborhood has already begun to deteriorate.

Vivian J. Oleen