

**Village of South Blooming Grove
Zoning Board of Appeals
March 14, 2024**

Members Present:

Chairman Yehoshua Bittman
Chaim Goldstein
Sholem Lieberman

Members Absent:

Shmaya Spitzer

Also present:

Tad Barone, ZBA Attorney
Al Fusco, Village Engineer
Tom Shepstone, Village Planner

A quorum being present, the meeting was called to order by Chairman Bittman at 8:00 PM and followed by a pledge to the flag.

Approval of Previous Minutes

Planner Shepstone distributed copies of the minutes for the February 8, 2024 meeting. Bittman moved and Lieberman seconded a motion to approve the minutes. The motion was unanimously carried.

Variances Application of IYH Estate LLC d/b/a Mint Leaf for 5 Mangin

Engineer Mike Morgante again reviewed the application made by IYH Estate LLC d/b/a Mint Leaf for three variances:

1. Section 235-31: Reduction of entrance/exit distance from the intersection of Mangin & NYS Route 208 from 75' to 39.6'.
2. Section 110-58: Reduction from 20' to 9.9' is requested. Privacy slat fencing within this area shall be removed to prevent negative impacts on sight distance,
3. Section 235-17.c. (1): increase in fence height from 4' to 10' except for 6.5 feet closest to the intersection where the lower height will be utilized to preserve clear sight.

Michael Morgante, P.E. briefly presented and discussed the requested variances with the Board, following which a motion was made by Bittman, seconded by Goldstein and unanimously carried to open a public hearing at 8:20 PM on the application.

Comments received included the following:

- The applicant should have known about the 75 feet clear-sight-triangle before building.
- Supermarket traffic may go down due to new competition and eliminate driveway need.
- K-turns near the corner are dangerous and block the public road.
- The variance requests exceed or nearly exceed 50% and are excessive.
- There is no need to use the driveway near Route 208.
- Approval of variances could impact emergency services.
- These requests could be considered a Type I action.
- New York State should be involved as safety concerns must be a priority.
- Any size truck could end up using the driveway.
- The store was built twice with securing variances.
- There is no apparent authority to grant these variances.

A letter from Drew Gress addressing similar concerns was also read to the Board.

Additional general discussion addressed the following:

- Ongoing code enforcement issues.
- Whether truck size could be limited via a condition of variances granted.
- The fact Orange County Planning had done a 239 review of the project in 2022 and had noted no issues of countywide impact.

A motion was then made by Bittman, seconded by Goldstein and unanimously carried to close the public hearing at 8:36 PM.

Planner Shepstone reminded the Board that it had previously classified fence height variances as Type II actions under SEQRA. He further noted the other variances should be classified as Unlisted Actions. A motion was then made by Bittman, seconded by Lieberman and unanimously carried to so classify the actions proposed.

It was also suggested that if the fence were simply moved back 6.5 feet no variance would be necessarily be required for the height of the fence.

Following this discussion, a motion was made by Lieberman, seconded by Bittman and unanimously carried to refer the application to Orange County for 239 review.

Adjournment

There being no further business to come before the Board, a motion was made by Bittman, seconded by Goldstein and unanimously carried to adjourn the meeting at 8:45 PM.