

**Village of South Blooming Grove
Planning Board
Meeting Minutes
July 18, 2019
7:00 P.M.**

➤ **Call to order:**

- Chairperson Douglas called to order the Planning Board Regular Meeting at 7:10 p.m. on July 18, 2019, at the South Blooming Grove Village Hall located at 811 State Route 208, within the Village of South Blooming Grove, and having a mailing address of Monroe, New York. Chairperson Douglas opened the Board Meeting with the Pledge of Allegiance.

➤ **Roll call:**

- Chairperson Douglas conducted a roll call. The following persons were present
 - Manny Aleixo – Member
 - Eric Vogelsberg –Member
 - John Giovagnoli – Member
 - Michelle Rivera – Member
 - Raleem Brodhead Moses -- Alternate Member
- Also Present
 - Alyse Terhune, Esq. – Special Counsel
 - Bonnie Franson – Planner
 - Michael Weeks – Engineer

➤ **Adoption of Minutes:**

- Motion to adopt meeting minutes from June 20, 2019 by Chairperson Douglas, seconded by Member Vogelsberg. *2 Ayes, 0 Nays, 3 Abstain.*

➤ **Escrow Review:**

- Reviewed vouchers and escrow statements.

➤ **Correspondence:**

- a. *Letter from NYS DEC received July 3, 2019 in response to Metro Assets Phase II Lead Agency Designation.*
- b. *Technical comments received July 8, 2019 from South Blooming Grove Fire Department Chief John Salka for 815 Route 208 proposed structure*
- c. *Letter from Philip Straub received July 12, 2019 regarding soil delivery at 17 Sleepy Hollow Road*
- d. *Technical review comments received July 16, 2019 from MHE engineer Michael Weeks for 17 Sleepy Hollow*
- e. *Technical review comments received July 16, 2019 from MHE engineer Michael Weeks for 815 Route 208*
- f. *Technical review comments received July 17, 2019 from Planner Franson for 815 Route 208*
- g. *Technical review comments received July 17, 2019 from Planner Franson for Stonegate Drive*
- h. *Technical review comments received July 16, 2019 from MHE engineer Michael Weeks for 31 Merriewold Lane South*

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- i. *Technical review comments received July 17, 2019 from Planner Franson for 31 Merriewold Lane South*
- j. *Technical Review Comments received July 18, 2019 from MHE engineer Michael Weeks for Stonegate Dr.*

➤ **Discussion:**

17 Sleepy Hollow

- Attorney Allison Sloto provided background of the applications and offered to update the site plan to address the scenic view shed overlay.
- Engineer Michael Weeks reviewed his technical comments.
- Member Broadhead-Moses asked the applicant if the unapproved framing and heating system had been removed. Ms. Sloto offered that prior to next inspection, the framing and heating will be removed.
- Member Giovagnoli requested that the unapproved section of the hydronic heating system be completely removed.
- Engineer Michael Sandor suggested a conditional approval be given in good faith regarding the heating system. Member Broadhead-Moses explained the site plan was not followed in good faith upon first approval, therefore cannot accept the heating system will be updated in such a way. All heating elements will need to be removed from the space.
- Applicant to remove framing and heating system from the space located above the garage in order to obtain the Certificate of Occupancy.
- Planner Franson explained her opinion about the soil mounds located at the property and offered that the soil is not top soil. Recommended a Landscape Architect is hired to evaluate the property and make suggestions how to address the re-establishment of trees.
- Ms. Sloto offered that there are piles of fill as well as top soil and explained a letter from Philip Straub of Straub & Sons II Excavating, Inc. describing where the soil is from has been submitted to the Planning Board.
- A maintenance bond to be considered regarding the required landscaping, legal counsel to research how such bond would be established.
- Chairperson Douglas requested that the applicant have the soil tested for contaminants.
- Planner Franson explained the filling and grading process.
- Member Aleixo explained all conditions be addressed prior to next submission.
- Ms. Sloto requested to be placed on August 15 meeting in order to provide plans from a landscape architect and update site plan with all required conditions.

13 Dallas Drive

- Planning Board is asking for an interpretation of the code from the ZBA.
- Planner Franson reviewed her July 9, 2019 technical comments regarding the 13 Dallas application and the request from the Planning Board to the ZBA.
- ZBA has re-scheduled a Public Hearing regarding 13 Dallas for Wednesday August 21, 2019 at 7:30 pm. pending the determination of the mailings by the Planning Board.

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- Member Aleixo discussed the term natural grade in measurement and if the ZBA had considered a site visit.

Metro Assets Phase II

- Dave Higgins submitted copies of a subdivision application for Metro Assets Phase II.
- Dave Higgins of Lanc & Tully offered that the revised site plan, traffic scope, archeological and biodiversity reports are forthcoming Friday July 19. Additionally, a visual assessment plan will be included in the July 19 submission.
- The applicant is requesting a ZBA referral for a variances regarding the Bull family cemetery distance, the required 35 foot buffer, a subdivision variance on lot width and residential use in the ORI district.
- Mr. Higgins additionally offered a landscaping plan, reviewed the amount of trees and shrubs in the plan.
- Upon establishment of Lead Agency, the Planning Board can refer to ZBA. SEQRA must be closed before the applicant can go to the ZBA. Applicant to attend the Planning Board work session on August 1 to seek referral.
- Applicant has applied to the Village Board for permission to enter into the water and sewer district. Engineer Weeks offered that the application will be reviewed by the Village Board of Trustees.
- Phil Greely of Maser Consulting P. A. provided details of traffic study that encompassed all intersections on Route 208 from Route 17 to Clove Road. Included in the study was Metro Assets.
- Member Aleixo expressed interest in the Department of Transportation conduct a study of the Route 208 corridor. Further discussion ensued about traffic concerns at Route 208 and Mountain Road.
- Dave Higgins mentioned that the DOT has reviewed the application and has approved the access.
- Review of the code requirements in regards to the Bull Family cemetery, variance will be required.

815 Route 208

- David Niemotko, P.C. reviewed the application for 815 Route 208.
- Planner Franson reviewed her comments.
- Planning Board expresses concern over parking allocation for the proposed building size.
- Mr. Niemotko offered that the applicant has reduced the amount of square footage of the third floor by 1400 square feet. Mr. Niemotko further said that the application conforms to the zoning code and in fact has an extra 3 parking spaces required by the code.
- Member Moses-Broadhead responded that the applicant has made no adjustments to comply with adjustments the Planning Board has requested.
- Member Giovagnoli offered that the Planning Board has final architectural review.
- Chairwoman Douglas read the comments provided by Fire Chief John Salka. Mr. Niemotko will respond to Mr. Salka's comments in a timely manner.
- Mr. Niemotko suggested the village consider widening the road if there are concerns for access to the Fire Department.

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- Member Giovagnoli expressed disdain about a three story building so close to a residential neighborhood. Mr. Giovagnoli said the design is appealing, the concern is about the height.
- Phil Greeley of Maser Consultants reviewed the traffic study details in regards to the 815 Route 208 application.
- Member Vogelsberg asked when the study was done, this portion of the study took place May 2019.
- John Salka, Fire Department Chief offered concern regarding emergency conditions and site line issues. Mr. Greeley said further study will be taken into consideration.
- The Planning Board recommends period style lighting, truck size regulations to be enforced, no mirrored glass. Details are all to be included in the application. Façade materials will include stucco and stone. No tenant signage is proposed at the time of application.
- Wetland study completed by Peter Torgensen and has been submitted to the board.
- Member Vogelsberg inquired about fencing surrounding the site, Mr. Niemotko offered the fence is not part of the plan and will be removed in future renderings.
- Mr. Niemotko expressed his opinion that the Planning Board does not have discretion to have architectural review. Alyse Terhune, Esq. advised that the board does have architectural review discretion and can require the applicant to revise the site plan to a two story building.
- Engineer Michael Weeks reviewed his technical comments. Further discussion ensued regarding the traffic study.
- Storm water calculation is required, SWPPE is needed.
- Mr. Niemotko asked if the board would like a compilation of all studies. The board expressed that it would like a full set of renderings for review.
- A Biodiversity Analysis was submitted February 20, 2019. Determined that there is an existing building located at the property therefore an additional Biodiversity Report is not required and the report submitted in February is suffice.
- Resolution (05) Motion to accept the submitted Biodiversity Analysis by Chairperson Douglas, seconded by Member Vogelsberg, *5 ayes, 0 Nays*.
- Application remains incomplete.

Stonegate Drive

- Michael Morgante, P.E. for Stonegate Drive applicant unable to attend this meeting.
- Member Aleixo reviewed the comments provided for the Stonegate Drive traffic study.
- Phil Greeley of Maser Consultants reviewed details of the traffic study done for Stonegate Drive. Mr. Greeley offered that any traffic light requests should be submitted to the Department of Transportation by the village.
- Engineer Michael Weeks reviewed technical comments.
- Water main is located at this location and will need to be relocated prior to building. Consideration of a developer's agreement required for maintenance of the water main.
- Planner Bonnie Franson reviewed technical comments.
- SEQRA review needed, 239 GML will be required. Variance may be required for parking in front of structure and may require review by the ZBA.
- Limits of disturbance to be addressed. No basement will be permitted. Landscaping design requires details and plan to maintain landscaping. Details of façade and lighting to be reviewed.

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- Note to be added to the map stating that undeveloped area is to remain undeveloped in the future.
- Unlisted action for SEQRA.
- Member Aleixo offered the opinion that traffic lights will be needed.
- Application remains incomplete.
- Comments to be forwarded to Mr. Morgante.

31 Merriewold Lane South

- John Petrocione, P.E provided a short description of the updated site plan application. Renderings of the proposed structure will be forthcoming.
- Planner Bonnie Franson reviewed her technical comments. Offered that applicant will need to declare lead agency and will require a public hearing. 239-GML will not be required.
- Mr. Petrocione requested a waiving of the Biodiversity Analysis since there was an existing structure. Mr. Weeks said a partial analysis had already been submitted.
Resolution (06) Chairwoman Douglas made a motion to accept what has been submitted for the Biodiversity Analysis, seconded by Member Aleixo, *5 Ayes, 0 Nays*.
- Tree survey to be completed.
- Building height requirement to be tabled until interpretation from the ZBA is determined for a separate application.
- Conditional use narrative requires additional information regarding what type of membership club is proposed, Mr. Petrocione offered that the narrative will be developed further and submitted in a timely manner.
- The application is an Unlisted Action of SEQRA.
- Dennis Lynch, Esq. to provide a letter to the applicant requesting specific details for the proposed membership club.
- Applicant requests a waiver of loading facilities.
- Engineer Michael Weeks reviewed his technical comments.
- Planning Board requests proposal of limit for parking describing what the club is requesting in detail.
- Request for waiving of loading facilities is not permitted by the Planning Board. A variance will be required.
- Revised site plan to be submitted with all requested changes.
- Application remains incomplete.

➤ **Public Comments:**

- Israel Zigelman – owner of 13 Dallas Drive, expressed frustration at the application process to get a building permit. Explained he cannot afford the costs that have been incurred. Currently has a mortgage on an empty home and has not been able to get a building permit. Mr. Zigelman asks the board for mercy and grant a permit. The Planning Board cannot issue a permit in this manner. Mr. Zigelman offered to submit a revised site plan with a lower building height in order to obtain a building permit.

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Alyse Terhune, Esq. offered that modification to the plan that would, notwithstanding what the ZBA determines, show the project with an elevation that comply with the requirements.

The applicant will need to submit new plans that comply with the height requirement and show exactly what will be built. New plans can be approved without the interpretation from the ZBA if they meet the requirements and then sent to the building inspector. Mr. Zigelman was offered that he could submit plans at the August 1 work session.

- Simon Gelb - offered opinion about how building height is determined in the Village of South Blooming Grove. Mr. Gelb submitted a letter to the ZBA and offered copies to the Planning Board. Member Aleixo thanked Mr. Gelb for his insight.

➤ **Next Meeting Date:**

- Work session scheduled for August 1, 2019.

➤ **Close Meeting:**

- Motion to close the meeting by Chairperson Douglas at 10:52 p.m., seconded by Member Aleixo. *4 Ayes, 0 Nays, 1 Absent.*

Minutes respectfully submitted by:
Christine Bodeker – Deputy Clerk