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County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Village of South Blooming Grove PB

Applicant: BGNY Development LLC c/o Hersch Rosenberg

Referral ID #: SBG 04-23N

Tax Map #: 201-4-5, 6, and 7; 202-1-3, 4, and 5

Project Name: Prospect Gardens Subdivision

Local File #: none provided

Proposed Action: Major Subdivision creating 51 single-family residential lots and four lots for multi-family development for a total of 72 multifamily units

Reason for County Review: Within 500 feet of the Town of Blooming Grove/Village of South Blooming Grove boundary

Date of Full Statement: March 24, 2023

Comments:

The Department has received the above-referenced major subdivision and has determined that the intended land use has the potential to cause inter-municipal and countywide impacts. Therefore, the following binding comments should be addressed and may not be acted contrary upon except by a majority plus one vote of the members of the Village of South Blooming Grove Planning Board or by disapproving the action.

1. Required Environmental Review: The proposed project does not meet the criteria set forth in §617.4 of Title 6 of the New York State Codes Rules and Regulations governing Type 1 Actions under the New York State Environmental Quality Review Act, nor does it meet the criteria for Type 2 Actions set forth in §617.5. Thus it is considered to be an Unlisted Action. **Orange County does not intend or wish to act as Lead Agency in this matter; we support the Town of Blooming Grove request to act as co-Lead Agency with the Village, as the entirety of the traffic-related impacts of this project will occur on Prospect Road, owned and maintained by the Town of Blooming Grove.** Orange County will need additional information beyond the Full Environmental Assessment Form that has been provided in order to make a determination regarding the potential environmental impacts of this project. The Village should therefore furnish the following additional studies:

- a. At minimum, the Full Environmental Assessment Form (EAF) Part I should be used by the Village as a basis to complete the Full EAF Part II to assess the potentially large environmental impacts which are likely to occur as a result of this project, including but not limited to land, surface water, groundwater, plants and animals, agricultural resources, aesthetic resources, transportation, energy, light, and community character. Mitigation for these impacts will need to be determined, but could include measures such as reducing the number of dwelling units.
- b. A Traffic Impact Analysis studying the effects of the proposed project on Route 208 as well as other local, County, and State roads, and acceptance of that study by the Orange County Department of Public Works and the New York State Department of Transportation. This analysis should at minimum include Prospect Road, Road Hill Road, and the intersections of Prospect Road at Round Hill Road, Prospect Road at Peddler Hill Road, and Round Hill Road

at NYS Route 208. Both Prospect Road and Round Hill Road are owned and maintained by the Town of Blooming Grove and should be evaluated for condition and capacity.

- c. An analysis or audit completed within the last three months of the capacity existing in the Village drinking water supply system and the Village wastewater treatment system, including the Village's share of capacity in the Harriman Wastewater Treatment Plant.
 - d. A full Stormwater Pollution Prevention Plan and an Erosion and Sediment Control Plan. These plans should reflect current conditions on the project site, which has been clearcut to minimize takings of endangered species. The Village Planning Board should work with the applicant to incorporate Green Infrastructure/Runoff Reduction techniques in the plans to minimize soil erosion.
 - e. A wetlands survey, including field flagging and conducted by a wetlands biologist, reflecting impacts to NYS Wetland MB-60 and any other onsite wetlands from the clearcutting on the onsite tree cover.
 - f. A Habitat Assessment for the project site; although the only endangered species noted as likely to be onsite are the Indiana Bat and the Northern Long-Eared Bat, which due to the clearcutting of the site are no longer likely to be present in summer roosting habitats, other impacts are possible and habitat may remain for these or other species.
 - g. An updated survey of the property; correspondence from the Town of Blooming Grove indicates that the boundary line between the Village and the Town is misplaced.
2. Development Size: Please clarify the number of proposed units for this project. The building footprints shown on the smaller individual lots are 3,000 square feet in size, which could indicate a duplex structure. If that is the case, then the proposed unit count for this project would be 184 residential units. The environmental impacts of this application related to water, sewer, traffic, recreation, and schools, among others, are based on the number of dwelling units, and will naturally be more significant with a larger number of units. Therefore, the Village may want to consider requiring a note to be added to the recorded plat limiting the number of dwelling units to one per fee-simple lot, or to the number determined in the application.
 3. Water Capacity: The Village of South Blooming Grove, as well as much of Southeastern Orange County, is known to have problems providing sufficient potable water to their residents, particularly in times of drought. The Village notes that this is an issue; a Notice of Intent has been issued to make substantive improvements to the Village's drinking water supply and water delivery infrastructure. The Village must ensure that water supply is sufficient to serve the proposed number of units. This should be determined by the drinking water system audit requested in Comment 1b, as well as any other measures showing that the existing system will be able to serve the project without significant negative impact to surrounding properties.
 4. Sewer Capacity: The Harriman Wastewater Treatment Plant, serving the Village of South Blooming Grove as well as the other communities located in Orange County Sewer District No. 1, operates continually at or near capacity due to development pressures in these communities. The Village must ensure that capacity exists in the wastewater treatment system to adequately treat the proposed wastewater resulting from this development without exacerbating water quality issues downstream.

The capacity audit requested in Comment 1b, a statement from the Orange County Department of Public Works, or other similar assurances should be obtained by the Village before this project is allowed to proceed.

5. Emergency Stormwater Measures: The applicant took measures to clearcut the property prior to April 1 of this year in order to minimize the potential taking of roosting Indiana Bats. In doing so, however, the project site is now left without ground cover or other plant material stabilizing the soil, leaving it vulnerable to soil erosion. The applicant and the Village should put soil stabilization measures in place immediately to ensure that the project site does not experience significant soil erosion, causing problems both downstream and immediately in the neighborhood of the project site.
6. Emergency Access: The roads as proposed are sufficient according to the standards set forth in Chapter 110 of the Village of South Blooming Grove Code. We are concerned, however, about access for fire safety equipment to the south end of the southernmost multifamily building, as the edge of pavement for the proposed onsite road stops approximately 60 feet north of the proposed building. The Village should ensure that the proposed onsite road is extended to allow firefighting equipment to reach every unit in the proposed multifamily buildings, and a Fire Apparatus Plan should be prepared to that effect.
7. Plan Document: The sketch plan submitted to this office does not show the parcel boundaries on the plan. The Village should not accept the sketch plan until those boundaries are included on a new sketch plan document, since at this time it is unclear what the property boundaries are and whether this is a conservation subdivision or Phase I of a larger development. Any additional development planned to occur on the project site must be acknowledged and included in the environmental review for this project, to avoid segmentation under SEQR. The proposed action also requires lot consolidation, which should be cited in the Full EAF, included on the sketch plan, and included in the application narrative, which is missing.
8. Road Conditions: We note that in the vicinity of the project site, Prospect Road has an average pavement width of approximately 19 feet, no center striping, and crumbling pavement on the road edges; additionally the proposed onsite road encroachments onto Prospect Road are located at curves with poor sight distance. Prospect Road, while able to handle the current very low density residential and agricultural development existing along it, is not designed to accommodate the volume of traffic that will result from full development of this site. The Town of Blooming Grove Highway Department and the Town Fire Department should be consulted regarding the necessary road improvements to safely accommodate the proposed action. Additionally, the Village of South Blooming Grove Planning Board should require a permanent easement along the project frontage of Prospect Road, 25' wide from centerline at minimum, to be granted to the Town and recorded on the Final Plat for highway purposes.
9. Community Character: 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.

Additionally, this Department offers the following **advisory comments** for your consideration.

Access: We advise the Village that in order to maximize safety for the residents of this project, the following measures should be incorporated into the site plan: driveways should be located only on internal roads, not

on Prospect Road; roads should be extended to allow access for emergency vehicles to all portions of the property as well as to allow for future road connectivity offsite; and sidewalks should be provided along Prospect Road as well as on the internal roads where they are already shown.

Remaining Lands: The application is proposed for only a portion of the six parcels listed, which are shown in the Orange County Real Property Database to be under several different ownerships. Please include a listing of all the contiguous property under the control of the applicant and provide affidavits from the owners allowing the applicant to act on their behalf. Additionally, the applicant notes that the proposed density is based on the entirety of the project site acreage, making this a cluster development. Therefore, the portion of the property not currently proposed for development by this application should be placed in a conservation easement held by a qualified land conservation organization such as the Orange County Land Trust.

Parkland: The Village of South Blooming Grove code §120-2 requires that 8.5% of the land area of a project should be set aside for a park that is open to the public, with a minimum size of five acres, or that a payment shall be made of \$5,500 per dwelling unit to the Village to be deposited in the Neighborhood Park and Recreation District Improvement Fund for purposes of developing future recreational uses.

Agricultural Impacts: The project is substantially contiguous to property located in Orange County Agricultural District No. 1, although no portion of the project is noted to be within the district. Please evaluate the project, using the required studies listed in Comment #1, for their impact to the agricultural operation immediately north of the project.

Other Infrastructure: The existing cable, telephone, and electric services existing in the vicinity of the site may be insufficient to serve the project. Any necessary upgrades should be determined in collaboration with the service providers in the area and should be evaluated in the environmental review conducted for this project.


Cover Sheet: Please use the County Planning referral form when referring projects to the Department, available on our website at <https://www.orangecountygov.com/DocumentCenter/View/27169/Referral-Form-Feb-22-2023docx>. We have also attached a copy to this review.

Future Submittals: We note that the project is at the sketch phase, and we appreciate that the Village has submitted this to us early in the process. The Preliminary and Final site plans for this project must also be referred to our office for review under New York State General Municipal Law §239.

County Recommendation: Required modifications as per comments # 1a, 1b, 1c, 1d, 1e, 1f, 1g, 2, 3, 4, 5, 6, 7, 8 and 9; Sketch Plan is insufficient to determine impacts of development as submitted

Date: April 19, 2023

Prepared by: Megan Tennermann, AICP
Senior Planner



Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.