

**Village of South Blooming Grove  
Planning Board -Minutes  
7/28/2010  
7:00 P.M.**

➤ **Call to order**

- Chairman Julius Sas called to order the Planning Board Meeting at 7:06 pm on July 28, 2010 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.

➤ **Roll call**

- Julius Sas conducted a roll call. The following persons were present:
  - Julius Sas- Chairman
  - Manny Aleixo- Member
  - James Campbell- Member
  - Ronald Torpey- Member
  - Robert Corrado- Member
  - Patricia Adamchek- Planning Board Clerk
  - Joe McKay- Planning Board Attorney
  - Robert Geneslaw- Planner
  - Jim Farr-Village Engineer

➤ **Adoption of Minutes:**

- None

➤ **Public Comments on Agenda:**

- No Public Comment

➤ **New business:**

- Chairman Sas explained the steps of the planning board process to Melanie Lebedowicz, Jim McIver and Jerry Lebedowicz. He also explained that the next step would be a preliminary pre-submission conference and that there are still things the board needs to know and that the Board is not going to be making any decisions at this time. He stated that a few of the board members have come up with some questions.
- Jim Farr stated that comments had been submitted to the clients prior to the meeting so that they could prepare their responses.

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- Jim McIver advises that he has handed in a new plan based on a conversation he has had with Chairman Sas. He also advises that some of the comments submitted by Jim Farr he has not addressed because they still need to be discussed.
- Jim McIver informs the board that the reason the plans look different is because Orange & Rockland has insisted that the development does not have any structures in O&R's right of way. In the previous plans there was a subsurface disposal system inside of the easement. The applicants stated that they were hoping to use that easement area as some sort of waste water treatment. The applicants have now come up with a subsurface disposal system located up close to the road and the homes are pushed back. The size of the subsurface disposal systems has not been formally determined. They have used the soils map to find out what the possible design criteria might be and that box is theoretically large enough to handle the waste disposable but they have not done any testing. Jim McIver states that the sketch plan is fairly close to what they propose to do.
- Mr. McIver then begins to address the technical review comments given to them by Mr. Farr. There was an error stating that nine lots are being proposed. The plans being reviewed at the moment only show eight.
- There was a question asked about connecting roads and Jim McIver states that 60ft right away was done on the roads. It was presumed that the Village would want the road to be 30ft wide with a typical 15ft easement on either side of it. It was stated that they tried to lay out the plans to meet the residential zoning and Orange & Rockland's criteria.
- Mr. McIver stated that there are 15.6 acres of land in the Village property of which 7 are primary or secondary conservation areas leaving 8 acres. If the applicant gets credits for affordable housing and Energy Star compliance the applicants could get an additional 2 lots if the Leads process is taken advantage of.
- Mr. McIver states that Lot 8 includes some of the Orange and Rockland easement. The issue of Palamar Drive is brought up. It is presently a privately owned road. Jim Farr advises that details can be worked out as the process goes along.
- Jim McIver then addresses another comment made by Jim Farr that the triangle on the map over lot 8 is the Scenic Ridgeway overlay and the conservation areas are identified by the pink lines along Peddler Hill Road

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and the applicants obtained that information from the Village maps. The applicants assumed that they can put a well there without impacting it at all since it would never be seen.

- Mr. McIver then addresses comment number 7. The applicants plan to provide a Melanie Way extension to serve lot number 8. They are contemplating a lot 9 to hold possibly 2 homes. Jim Farr advises that for the Village to maintain 200ft of road to serve one home is rather expensive. The other lot they would like to contemplate is by lot 1. They may need to use as another lot. Planner Geneslaw looking at maps advises Mr. McIver that they would have to move the well and Mr. McIver responds they have ample room and that they have more than 100ft of separation between well and subsurface disposal system. They would have to see where to put septic system. If they were able to take advantage of the credits they could possibly put a smaller home there and help them meet the affordable housing criteria.
- Regarding comment # 8, Jim Farr mentions questions regarding the Melanie Way right of way and states that it should be wide enough to allow for future construction of a Route 208 bypass road and Mr. McIver reply's that the right of way should be wide enough to allow for future construction has 60 plus feet that meets the code.
- Mr. McIver addresses comment #9 and they don't see any way around having Melanie Way connect to Palamar Drive because if they moved Melanie Way to Peddler Hill Road, Palamar Drive is still there and that could cause traffic problems with two entrances onto Peddler Hill Rd too close together. We can maybe make some improvements to the entrance of Palamar Drive and it should "T" into Melanie Way. Jim Farr agrees.
- Planner Geneslaw asks if Palamar Drive is a surface road, Jim Farr says this is a gravel road. Member Geneslaw says that would have to be improved. Jim Farr agrees. Jim McIver says there is a host of problems with Palamar Drive. It is on some else's property and nothing in any records states that the owners were given permission to lay that road there. Jim Farr says it's been there for a long time.
- Planner Genslaw asks if they have established the legal right to use any part of Palamar Drive as part of the access. Jim McIver responds that it's been in use for a number of years and no one has tried to stop it and that to his understanding it is an access road that cannot be shut off. Should the owners wish to, they could prevent anyone from coming onto their property, but Mr. McIver feels that it is the intention of the owners to

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improve their entrance way to make their development look more attractive?

- Jim McIver now responds to comment #10 and advises board that he has handed them a site analysis and the only thing that is not addressed are the flood planes.
- Regarding comment # 11, Jim McIver says that they are in full agreement with the recommendations to sample the well for full water quality analysis. They are not anticipating any problems because of the topography and position of the Mayer landfill. It's not likely to contaminate the wells here. Mr. McIver acknowledges that upon pumping water from these wells it is possible to draw contaminants from the landfill but that it's unlikely based on their preliminary hydro-geological analysis.
- Comment #12 addresses the power lines and the utility easements. The applicants had a meeting with Orange & Rockland. Mr. McIver states that as long as O&R can review preliminary and final subdivision plans and comment on them, then they are conditionally in agreement that this plan is acceptable to them. The only concern O&R have is the extension of Palamar Drive to lot # 8. O&R is concerned about the sag in the line and want 25ft of separation, so when they go to preliminary engineering the applicants will have to provide a cross section that will show the separation between the proposed road elevation and the sag of the power line.
- To address comment #13 Mr. McIver's reply is that the open space and conservation areas are no longer on the plans and the applicants have decided that all the properties should be owned by the landowners. They think it is better for the Village for a tax purposes. This plan is consistent with our goal to preserve open space. The applicants are trying to preserve as much of the vegetation in this area as they can. Chairman Sas asks about the dam in that area and Jim Farr asks a question about lot # 4 and who owns the dam. Jim McIver responds that it is his understanding that the dam is owned either by the state or Town at the time and now the Village. Jim Farr says it is not the Village's dam. According to the existing deeds it is not the applicants. This is something that will have to be clarified.
- Joe McKay asks if Peddler Hill is privately owned and Jim Farr says no it belongs to the Village. There is also a big concrete box that is probably 10x10 and not sure who owns that.

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- Regarding comment#14, Jim McIver believes that preservation of 50% of the open space is not applicable based on Village Code and the process the applicants have gone through. More than 50% is open space and not dedicated to the community unless the Village would like it.
- Planner Geneslaw says this is the first time he is seeing this map and the last map. Planner Geneslaw asks if the O&R easement there could be considered open space under the code. Jim McIver says they have shown an easement along the waterway for use by the home owners only so that the owners would have access to the waterfront. The original layout did not put all the homeowners in contact with that water but the new plan does put the homeowners in contact with the exception of a couple of lots. That was the intent of the previous plan. The applicants have taken that off the plan because they do not feel that the lake is not fully owned by the applicants.
- Jim McIver says they did not add the existing well onsite because it would be abandoned and sealed off. Mr. McIver states that the well will be added to the drawing so that the Board can see it. Mr. McIver states that this concludes their response to the comments.
- Member Corrado asks how large the average lots are in size. Jim McIver says this map is for concept not for commitment and that all the setbacks are to be determined by the Planning Board.
- Jim Farr is explaining to the board the difference between gross acres and billable acres and that the applicants can not go more than 1 lot per 2 gross acres and that they have 16 acres, so 8 is the max.
- Jim McIver says it is his interpretation of the code that if they did a public water supply they can get credits for more lots. If they did public sewage they could also get credits for more lots. There is a limiting factor in the code that ties the building count of 1 lot per acre.
- Planner Geneslaw questions the scaling of the map and Jim McIver advises board they digitized our map so they scaling may be off. There were some scaling issues.
- Planner Geneslaw asks how far the flood planes extend west of the edge of the pond. Jim McIver responds it stops short of the wells.
- Joe McKay wants to know if Alpine Drive is located within this property and is it a private or public road and Jim McIver responds it is a private

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road. They are treating it as if is owned by someone else. Joe McKay then asked if there were any record of easements pertaining to the private road. Jim McIver responded that no deeds or easements were found.

- Jim McIver explains there is no indication anywhere that Palamar Drive even exists and that maybe one small piece at a time was sub-divided out.
- Member Aleixo asks if the yellow line indicated on the map are two taxable parcels that come across the property and Jim McIver responds that according to the Orange County tax maps and GIS database these are taxable lots that already exist and that Gagliardi owns either side of that. He also asks about the road owned by Blooming Grove Town that butts against the potential lot #9 where would the entrance be. Jim McIver says they would extend Melanie Way or however the members feel about it. He also states that the area very steep and the likelihood of dense development is slim to none. He also asks about how Orange & Rockland feel about the road going thru O&R easement and Jim McIver explains they do not have a problem with the flat road, they are concerned about the power lines and a potential truck with a bucket hitting there power lines.
- Member Aleixo also questions the potential Lot #9 and O&R power lines. Jim McIver explains that there is room to put a house there because there is 150ft of easement and a house would be no where near O&R easement.
- Jim McIver is now discussing some of the details of the meeting and discussions he had with O&R.
- Joe McKay asks about making improvements to the entrance of Peddler Hill and Jim McIver says they have not gotten to that part of engineering yet.
- Joe McKay asks about drainage impact and Jim McIver is explaining about the slopes and the applicant's construction is not to build on slopes and says Jim Farr will get a detailed analysis.
- Jim Farr says at this time the board has 1 or 2 options and that the applicants are still looking to add another 2 lots and could give us another concept plan or move on to the preliminary engineering.
- Chairman Sas asks if the members have any other questions.

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- Planner Geneslaw asks about the water in this area and Jim McIver responds that by the applicants calculations, the area would use approximately 14,000 gallons per day and that the water shed there puts out about 15,000 gallons per day so they would have a sufficient amount.
- Joe McKay advises applicant that the village has been on a water restriction for over 30 years and Jim McIver advises the board that if the applicants found other wells they would be willing to make that available to the village.
- Member Aleixo asks if the people on Palamar are aware of this and Jim McIver responds they will be notified as soon as the board says.
- Planner Geneslaw advises applicants that he would like a chance to look over everything.
- Chairman Sas advises applicants that the board is going to give Planner Geneslaw time to review the information and to give the applicants some time to submit the answers to any questions the board has for them.
- Jim McIver asks the board to please cc: Orange & Rockland Georgette Campbell so that they have all information also so that when the applicants meet with them they are prepared.

The members are now discussing the ZBA approval and the next steps to be taken for The Barojutian application.

They are speaking about the site plans and water plans and any fees that may be involved.

Joe McKay advises board that he needs to look into a couple of things prior to giving any information yet.

➤ **Chairperson & Member comments:**

- None

➤ **Adjournment:**

- Motion to close meeting by Chairman Sas at 8:55
- Minutes Respectfully submitted by Patricia Adamchek Planning Board Clerk