

**VILLAGE OF SOUTH BLOOMING
GROVE
REGULAR MEETING
Monday
December 13, 2021
8:00 P.M.**

➤ **Call to order**

- Mayor Kalaj called to order the Village Board Meeting at 8:06 p.m. on December 13, 2021, via Zoom Meeting #885 8580 1977 for 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**

The following persons were present:

- George Kalaj – Mayor
- Abraham Weiss- Deputy Mayor
- Asher Guttman - Trustee
- Zalmon Rosner - Trustee
- Scott B. Ugell, Esq. – Village Attorney
- Al Fusco- Village Engineer
- Isaac Ekstein- Legislative Aide to Mayor
- Joel Stern – Confidential Assistant to Mayor
- Kerry Dougherty- Village Clerk

➤ **Absent**

- Yitzchok Feldman – Trustee

➤ **Correspondence**

- November 16,2021 Memorandum from Village Treasurer notifying transfer of funds (\$40,000) from general fund to water operating account.
- Application for House of Worship (small)- 12 Old Town Rd

➤ **Mayor's Comments**

- Pine Hill Road is finished being paved, it looks beautiful, thank you Mr. Fusco, you did a great job with your skills and the crew.
- There was a water main break on Merriewold Lane South which was corrected. We lost some water but nothing to be concerned and we didn't have to truck any water.
- Congratulations to Mr. Simon Schwartz on his election as a councilman in our ward. He will be representing us in the Town of Blooming Grove. I look forward to working with him on many, many projects.
- Congratulations to my favorite Judge on your re-election and best of luck to you. Attorney Ugell thanked the Mayor.

➤ **Public Comment**

- **Sue Anne Vogelsberg** – The list of the street lights, she noticed that there is nothing by her, there is nothing on Emily Lane and Prospect. There is only one actually on Prospect. She is wondering if the whole village is going to be taken care of. She is not sure what an IFO means. She has been complaining a long time about the Airbnb at 185 Prospect Road and one of the reasons for not having

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short term rentals is because you don't know who you will be getting as a tenant and over Thanksgiving Weekend, whoever had rented the house had went out around midnight and was shooting a gun in the dark in the backyard. That is not safe and so the police were called, but this is a reason you don't want to have short term rentals. Somebody could have gotten heard. A couple of rumors from a Realtor that the homes on Peddler and Prospect (makes like a square) are going to be demolished and what is going to be built is multi-story, multi-family housing come January once the Village changes all the zoning codes. She doesn't know how that will happen because all the homes are on wells and septic. Another rumor is that 5 homes where Merriewold Lane North and Route 208 meet are going to be demolished and a shopping center will be there. That is a residential area, she doesn't know how that's going to happen. Again, if part of the rumor is changing the zoning codes, she guesses anything is up for grabs. In the agenda it says we are going to have a new law firm for the Zoning Board of Appeals and she is wondering whatever happened to Mr. Emanuel? He was appointed at some point, so we are not going to be using him and what about Mr. Kraushaar, I thought he was here? So is that new law firm in addition to them? A sixty foot pole was mentioned at Pine Hill and Green Road. She is assuming that is a cell tower and not just a pole in the air. It says for the new ambulance building, she guesses you need that for cell phone service. Is the village going to be getting rent from any of the cell phone providers, just like the tower that is behind village hall, we get income from that, are we going to get an income from that new structure. Also, what is a developers agreement for Stonegate Drive, don't know what that is and a lease agreement with 2 Duelk. I really need to question that, 2 Duelk is going to be a synagogue, house of worship or whatever, what in heaven's name is a municipality doing leasing a building that is going to be for religious use. She doesn't get that, we have a separation of church and state and she is not sure why? Lastly, when are that dates for the village election, because she thinks that petitions have to start in January and when are the dates for that going to be published. **The Mayor** responded that as far as demolishing and building generally, he believes it is only rumor as far as he knows. **Mr. Ekstein** advised that rumors are rumors and there will always be rumors, it is a part of life. It is publicity to them and he guess if you want to verify a rumor you have to ask whoever brought it to you. The zoning is not changing and houses are not being demolished and things are moving on as it is right now. Regarding 2 Duelk, you are 100% right there is separation between government and religion and that is why there is a lease. It is not being donated. We are leasing 2 Duelk some property in the front of their house, so in front of 2 Duelk there is vacant land that the synagogue wants to lease from the village, which has no use for it at this time. They want to lease it from the village to be able to utilize it for parking. The tower at Pine Hill and Green, that is for emergency services, the village has a lot of plans they are trying to work on to enhance emergency services in the village and we would like to install that pole on the vacant land on Pine Hill and Green Road. As far as cell towers at this point there are no talks with any cell towers, if we will ever get any proposals from a cell company to add a cell tower, then we will definitely get rent from them as you mentioned the pole in the back of the village hall. It will be no different from that. As far as the Airbnb, you are 100% right, it is not safe to have short term rentals and I would urge you to reach out to the code enforcement officer Jeanne and she should take action. The village election information was published and is on March 15, 2021. The developers agreement, there is a project coming up on Stonegate Drive. The Planning Board has approved with a condition that a developers agreement, Stonegate Drive is to donate 30 feet of land by Route 208 so there will be additional lands on Route 208 for whenever the comprehensive plan is done. We are trying to work with all the developers along 208 to donate land to mitigate traffic. **Trustee Guttman** advised that they are finalizing the traffic lights and she should email her suggestions of traffic lights.

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- **Simon Schwartz** – Thanked the Mayor for the congratulations here and online. He became very popular overnight. Thank you so much. He is delighted by the surprise write-in, so many people wrote in my name. It is truly an honor and a privilege. He would like to thank everyone for that and he looks forward to representing the village in the Town and being able to serve all the residents. He is looking forward to work directly with the Village Board and everyone else who needs any assistance in the Town. Bridge the gap between the village and the town. He does not have his Town contact yet and will share with the Village Board and anyone who wants to know as soon as he receives it. He is looking forward.
- **Kristie Johnson** – She does not like the meetings being done on Zoom, sometimes things cut out, sometimes we are muted when we are still talking. Once again at the planning board meeting where they made that decision for the project that is on for the developers agreement, once again the public was denied an opportunity to comment. This is two board meetings with the planning board where no one could speak and things are being voted on. It feels like a transparency issue. On the agenda for tonight there is an executive/attorney client session, I wanted to know who is the client and who is the attorney and what the executive session is for. She sees a note about \$40,000 being transferred into the water fund from the general fund, I don't remember seeing the resolution or the board voting on this. What exactly is the \$40,000 for, why does the water fund need it. Same as Sue Anne, this resolution to retain a new law firm for the Zoning Board of Appeals, she was under the impression that the village already had someone as well. She is curious about that and what happened? There is an application pending for 55 Mangin Road property to be added into the sewer of the village and she really hopes that that will be researched thoroughly because the last time she was in the village, it smelled like sewage, so she doesn't know if that is a problem but in front of Village Hall it smells like sewage. It the upgrade for the local law on property maintenance, Chapter 201 going to made available on the website or is this just another thing that we are going to have to FOIL. The piece of land that we are looking to lease to 2 Duellk Avenue, I missed what it will be used for – someone answered, “paved parking”. She asked if the land was surveyed and that the land will not bump into anything that that village needs? **Issac Ekstein** replied that Ira Emanuel, Esq. is retained for village special counsel, he is not the ZBA attorney. He is a zoning attorney but he is retained for special counsel. Mr. Kraushaar is the Planning Board Attorney. This new firm are located in Goshen and they are being retained for the ZBA specifically. The executive session is on every agenda as a line in the event it is required and it would be the village attorney and village board. The \$40,000 is not a resolution it is a memo notifying the board that she has to transfer funds. This is not a permanent thing this is just for now because there is a lot of money that the people have outstanding bills for water department and after January when the County pays the releived monies, in the time being the Treasurer has to borrow from one fund to the other. 55 Mangin has applied for sewer. Normally an entire village is in the sewer district. For some reason it was not doesn't here and there is a separate map for a sewer district. In order to join a sewer district, one has to petition the village board if they would like to join the sewer district and everything will be done according to code. As far as the odor, unfortunately, the offload plant is behind village hall and we try our best and Mr. Fusco is working with the County and with special consultants to mitigate the smell to make sure that the smell is the least.
- **Ryne Kitzrow** – He noticed there is a public hearing scheduled for the opt out of the cannabis law scheduled for the week of December 27, 2022. Given how close that is to the end of the year sandwiched between a couple of holidays, his concern is that the public isn't going to have a great opportunity to attend and participate that meeting. It may not provide the level of dialogue and conversation that it probably deserves. Additionally for the board to consider has to do with the

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potential for commerce, especially with the number of business which are being proposed and which are in the process of being built. Blooming Grove has opted out but Monroe has opted in and Newburgh is likely to opt in. There is a potential for revenue for the village if the village was to not opt out as well to utilize some of that space that may be built as well as to utilize farm land in the village that may not be great for crops or produce that have been attempted in the past. **Attorney Ugell** that is a very good and common question. The issue of having it on December 27, 2022 is not unusual given that this law is new and the state has been providing us with new rules and promulgating new considerations, so most of the villages as you notice are doing it later in the schedule to give us time to learn more about what the new rules would entail and some of the consideration that we have to weigh. It is important to remember is that it simply a temporary process to opt out as we do as a prophylactic preventative measure. We can always opt in whenever we want to. That will give us time to figure out what is best for us. If you don't opt out, technically as soon as the rules are written and the licensing is provided you wouldn't be able to stop someone from having a smoking lounge (for example) right down town here in our village because it is a legal business and you couldn't then prevent one legal business vs. another. There is a lot of considerations. A village or town cannot opt out of all of the licensing. For example, a village or town can't opt out of cultivation or growing, and cannot opt out for delivery. You are right that in other villages have opted in. They are in a better position, given they have existing store fronts and a design like downtown. We have to protect the quality of the village while we learn more. The state has not completed all their rules, they just barley appointed the CMA Commission in the last few weeks. There is a lot to learn and we need to be careful and cautious given that that's a serious use of a drug and we have to be careful about people driving through our village intoxicated and so many other considerations. We will always be able to opt back in. Most people will be off that week, relaxing at home with their families so getting on Zoom like tonight will be easy and we invite everyone to participate and give their opinion as you just did.

- **Issac Ekstein** wanted to reply to a previous comment about Zoom and what Mr. Ugell just mentioned she can end up here on Zoom again. Unfortunately, what Covid has brought up is uncomfotabilites, people are not comfortable with a lot of things that are happening, a lot of parties are being cancelled, he himself had to get vaccinate, the Mayor was vaccinated, so many have gotten vaccinate, they didn't even want it but did it because we have to protect ourselves, so doing Zoom meetings is part of that practice to protect ourselves. It gives more people, it don't think ever in the village has there been such big participation in meetings as it is right now with Zoom. More people can participate and the village hall capacity is about 30-50 people, the capacity on Zoom is 500 people. The people can much better communicate with their elective officials, they can get much more informed on everything. You mentioned about the planning board and it is upsetting and he doesn't remember it getting a lot of pubic comment. If you do have questions on a particular planning board meeting you can email the Chairman, or the clerk. We are here to answer all your questions that you have and before every resolution. He is sorry that has happened and make sure it doesn't happen in the future.
- **Bonnie Rum** – The code enforcer is not Jeanne, it is Mr. Fusco. I checked with Jeanne and what her parameters are and this isn't in her category which is why she has done nothing. When you read the job description of code enforcer you know it is part of his job. The \$40,000 dollars that went in from the general fund, it is great that it is available for the temporary time that you need it, however, there is a lot of money that has been coming out of the reserve fund and I am sure that the accountant or treasurer could mention how much has been lost and how much remains. I have a FOIL on that too. I want to remind everybody, first of all with all the house of worship which you are in your right to do whatever you want in that area but you do loose revenue and to make up for it by taking money out of the reserve

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fund so that you can actually say that you don't need to raise the cap is kind of disingenuous plus the fact that if the reserve fund goes down too low, what happened with Hurricane Sandy may not be able to happen again. Hurricane Sandy there was a lot of destruction, the reserve fund was able to pay for the repairs until FEMA repaid the village. If you don't have enough money in the reserve fund you will not even be able to get a bond or a BAN because the Moody Rating will be so low that the village is going to have a problem. You would have to wait for repairs from FEMA and as good as they can get they are pulled in a lot of different places and you may be waiting a long time. Since Mr. Stern said that there will be many more houses of worship you are looking at a decreased amount of revenue by as many as you allow and of course the houses of worship can be of any denomination, we all know that. There are about 40,000 different Christian religions, there could be quite a few houses of worship. The decrease in the revenue stream needs to be something that you consider when you do or do not do a tax cap. I will tell you at the last planning board meeting, no comments were allowed at all. I am sure everybody on the planning and zoning board got the training they are supposed to be having and if they haven't gotten it yet, I hope they will soon and understand how to conduct the meetings for public hearing and public consumption. Mr. Stern RLUPA talks about unreasonable limits and the question is how much is unreasonable, when you are talking about 3 square miles of the village. As your permitting all of these houses of worship, please consider the size of the village and what you can handle in terms of everything. While you are trying to serve everyone, you need to consider that everyone in the population needs to be served. **Mr. Ekstein** coming from someone who doesn't live in the village to protect the village residents from not going above the tax cap is.. he doesn't know why someone who doesn't live in the village would care that people that live in the village taxes are not being raised. He believes the village residents are very happy with that. The village is a little over 5 square miles, not 3 square miles. Unfortunately, this is not about RLUPA going above and beyond. What you mentioned about RLUPA is when the zoning doesn't allow certain things. For example, if the zoning only allows 20 feet height and a synagogue applies for 30 or 35 feet, that is one thing. If that synagogue applies for 50-60 feet that is excessive, you are right, at that point that is asking for too much and you would not be in violation of RLUPA. Right now the zoning is allowing houses of worship and RLUPA, actually the constitution doesn't allow the village board to say, you can do a house of worship and that person can't do a house of worship. As much as people want to have a house of worship, a mosque, a church or whatever then they are entitled to apply for one. If there are going to be a lot of people applying then we will have to go up with the tax cap, we will have no choice, but that is not for us to decide if we can or cannot have a house of worship, that the constitution that protects that. **Mr. Ugell** there is a misinformation on her behalf, Jeanne is and has been responsible for things like Prospect and just so that everyone is clear, I am not putting her down, but I have begging her for months, literally, months to follow up with 185 Propsect because I heard rumors that there had been another possible Airbnb stays. He is disappointed that the code enforcement officer Jeanne didn't more fully, aggressively pursue that property, that is one of the concerns we've had for a while now. **Mr. Ekstein** advised that Bonnie is right that Al Fusco is a code enforcement officer, but not for that property. Al Fusco has been specifically hired to be code enforcement officer for religious use, for commercial use and for new construction. Jeanne has not been relieved of her duties as code enforcement officer for residential. As a matter of fact all of the public hearings that we have here for property maintenance is all being requested by Jeanne, the code enforcement officer. Mr. Fusco has not requested any public hearings for property maintenance and the same thing goes for Airbnbs. She is definitely code enforcement officer for residential houses as Mr. Ugell just said. **Bonnie Rum** thanked for the correction and will speak with Jeanne. There has been a lot of discussion and concerns about chain link fences, she is guessing

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they are Eruvs and maybe you can explain the purpose of those, it that's what it is that might be helpful. **Isaac Ekstein** there is a lot to Eruv, it is for religious purposes of the Jewish Community as they are not allowed to carry anything in their hands or pocket on the street during Shabbat. The only when they are allowed is if they have some kind of fencing around the area that they are carrying that item. Since they are a big population of Jewish Community, there is an organization that took upon themselves to install such Eruv to help their Jewish Community so they are able to carry on Shabbat, stuff in their hand, a stroller, a baby. It make life easier and he appreciates that congregation that is doing it, it is a big community service for the Jewish Community.

- **Scott Morrice** – all the houses of worship that are going in, are they privately owned houses of worship or are they part of a bigger sect or whatever? **Isaac Ekstein** every synagogue is a separate congregation. A congregation can't be privately owned, every congregation has a board by federal/state law. A congregation can be donated by people, the rabbi, it could be one doner or 50 doners. Each is run indepently.
- **Sue Anne Vogelsberg** – with the fences running from Seven Springs Route along 208 to Duellk. A few years back Peanut Holdings had owned that property and were going to put storage units in it and then at some point the Town of Palm bought that property and were going to make for DPW. Now that it is fenced in and near Sleepy Hollow and she believes there is a school and housing there. Is the Town of Palm Tree still going to use it for their DPW. **Isaac Ekstein** there are no plans in front of the village board for DPW for the Town of Palm Tree.

➤ **Business**

- **Resolution No. (157)** – Resolution of the Village Board of the Village of South Blooming Grove retaining Blustein, Shapiro, Frank & Barone LLP as counsel to the Village Zoning Board of Appeals by Trustee Rosner, seconded by Mayor Kalaj. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (158)** – Resolution of the Village Board of the Village of South Blooming Grove setting the dates of the village holiday schedule for 2022 by Trustee Guttman, seconded by Deputy Mayor Weiss. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (159)** - Resolution of the Village Board of the Village of South Blooming Grove setting a meeting schedule for the Village Board Meetings and Village Board Work Sessions for 2022 by Trustee Guttman, seconded by Trustee Rosner. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (160)** - Resolution of the Village Board of the Village of South Blooming Grove approving installation of 60' pole at the intersection of Pine Hill and Green Road Emergency services and communications by Trustee Rosner, seconded by Deputy Mayor Weiss. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman. .*
- **Resolution No. (161)** - Resolution of the Village Board of the Village of South Blooming Grove setting a Public Hearing for December 27, 2021at 8:01 for application of 55 Mangin Road to enter into the Village Sewer District by Mayor Kalaj, seconded by Trustee Rosner. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*

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- **Resolution No. (162)** - Resolution of the Village Board of the Village of South Blooming Grove declaring lead agency for the proposed Local Law of 2022 upgrading chapter 102 of the Village Code entitled Property Maintenance by Trustee Guttman, seconded by Mayor Kalaj. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.* .
- **Resolution No. (163)** - Resolution of the Village Board of the Village of South Blooming Grove setting a public hearing for January 24,2022 regarding proposed local law 1 of 2022 upgrading chapter 102 entitled Property Maintenance by Mayor Kalaj, seconded by Trustee Guttman. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.* .
- **Resolution No. (164)** - Resolution of the Village Board of the Village of South Blooming Grove declaring lead agency and setting a public hearing for December 27,2021 regarding a proposed local law pursuant to Cannabis Law 131 opting out of licensing and establishing retail cannabis dispensaries and /or on-site cannabis consumption establishments within the Village of South Blooming Grove by Trustee Rosner, seconded by Mayor Kalaj. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (165)** - Resolution of the Village Board of the Village of South Blooming Grove authorizing the Mayor to enter into a Developers Agreement with Stonegate Dive LLC by Trustee Guttman, seconded by Mayor Kalaj. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (166)** - Resolution of the Village Board of the Village of South Blooming Grove authorizing the Mayor to enter into ab lease agreement with 2 Duelk Avenue by Trustee Rosner, seconded by Deputy Mayor Weiss. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (167)** - Resolution of the Village Board of the Village of South Blooming Grove approving three additional bedrock test wells for South Blooming Grove Business Park Well Drilling Permit- 3 additional bedrock test wells (3A, 3B, and 4.) by Trustee Rosner, seconded by Deputy Mayor Weiss. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (168)** - Resolution of the Village Board of the Village of South Blooming Grove authorizing a sewer connection to an EMS Building located at 29 Merriewold Lane South by Trustee Rosner, seconded by Mayor Kalaj. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- **Resolution No. (169)** - Resolution of the Village Board of the Village of South Blooming Grove authorizing Engineer, Al Fusco, to sign the SWPPP Acceptance for Stonegate Drive LLC. by Mayor Kalaj, seconded by Trustee Guttman. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*
- Motion to correct the properties at 85 Duelk Avenue, 104 Duelk Avenue and 67 Duelk Avenue by Trustee Rosner, seconded by Mayor Kalaj. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*

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Abstract

- Motion to adopt the abstract by Mayor Kalaj, seconded by Trustee Rosner. *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*

➤ **Trustee Comments**

- Trustee Guttman wants to set up a schedule for Jetting the sewer system.
- Mayor Kalaj wished everybody and their families a very Merry Christmas.
- Trustee Rosner added Happy Holidays and stay safe.

➤ **Adjournment**

- Motion to close the meeting at 8:59 p.m. by Mayor Kalaj, seconded by Trustee Rosner, *4 Ayes - Mayor Kalaj, Deputy Mayor Weiss, Trustee Guttman and Trustee Rosner; 1 Absent- Trustee Feldman.*

Minutes respectfully submitted by
Kerry Dougherty, Clerk